

Restorative Justice and Political Forgiveness:
A Comparative Study of Truth and Reconciliation Commissions

by

Gloria Yayra Ayorkor Ayee

Department of Political Science
Duke University

Date: _____

Approved:

Paula D. McClain, Supervisor

John H. Aldrich

William A. Darity, Jr.

Kerry L. Haynie

Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor of Philosophy
in the Department of Political Science
in the Graduate School
of Duke University

2016

ABSTRACT

Restorative Justice and Political Forgiveness:
A Comparative Study of Truth and Reconciliation Commissions

by

Gloria Yayra Ayorkor Ayee

Department of Political Science
Duke University

Date: _____

Approved:

Paula D. McClain, Supervisor

John H. Aldrich

William A. Darity, Jr.

Kerry L. Haynie

An abstract of dissertation submitted in partial fulfillment
of the requirements for the degree of Doctor of Philosophy
in the Department of Political Science
in the Graduate School of
Duke University

2016

Copyright by
Gloria Yayra Ayorkor Ayee
2016

ABSTRACT

This research project involves a comparative, cross-national study of truth and reconciliation commissions (TRCs) in countries around the world that have used these extra-judicial institutions to pursue justice and promote national reconciliation during periods of democratic transition or following a civil conflict marked by intense violence and severe human rights abuses. An important objective of truth and reconciliation commissions involves instituting measures to address serious human rights abuses that have occurred as a result of discrimination, ethnocentrism and racism. In recent years, rather than solely utilizing traditional methods of conflict resolution and criminal prosecution, transitional governments have established truth and reconciliation commissions as part of efforts to foster psychological, social and political healing.

The primary objective of this research project is to determine why there has been a proliferation of truth and reconciliation commissions around the world in recent decades, and assess whether the perceived effectiveness of these commissions is real and substantial. In this work, using a multi-method approach that involves quantitative and qualitative analysis, I consider the institutional design and structural composition of truth and reconciliation commissions, as well as the roles that these commissions play in the democratic transformation of nations with a history of civil conflict and human rights violations.

In addition to a focus on institutional design of truth and reconciliation commissions, I use a group identity framework that is grounded in social identity theory to examine the historical background and sociopolitical context in which truth commissions have been adopted in countries around the world. This group identity framework serves as an invaluable lens through which questions related to truth and reconciliation commissions and other transitional justice mechanisms can be explored. I also present a unique theoretical framework, the *reconciliatory democratization paradigm*, that is especially useful for examining the complex interactions between the various political elements that directly affect the processes of democratic consolidation and reconciliation in countries in which truth and reconciliation commissions have been established. Lastly, I tackle the question of whether successor regimes that institute truth and reconciliation commissions can effectively address the human rights violations that occurred in the past, and prevent the recurrence of these abuses.

To my parents, my sister, and my brothers.

TABLE OF CONTENTS

Abstract.....	iv
List of Tables	xi
List of Figures.....	xiv
Acknowledgements.....	xvi
PART I.....	1
CHAPTER 1. INTRODUCTION	1
1.1 Background.....	1
1.2 Research Agenda	5
1.3 Methodology.....	29
1.4 Chapter Outlines	34
CHAPTER 2. THEORETICAL FRAMEWORKS	38
2.1 Understanding the Concept of Truth and Reconciliation	38
2.2 Restorative Justice	49
2.3 Political Forgiveness.....	56
2.4 Reconciliatory Politics	60
2.5 Group Identity Framework.....	63
2.6 Democratization in Ethnically Heterogeneous Societies.....	66
2.7 Reconciliatory Democratization Paradigm.....	69
2.8 Summary.....	85
CHAPTER 3. TRUTH AND RECONCILIATION COMMISSIONS: AN OVERVIEW	87
3.1 Transitional Justice Mechanisms.....	87

3.2 History of Truth and Reconciliation Commissions.....	89
3.3 Functions of Truth and Reconciliation Commissions.....	92
3.4 The Truth Commission Report.....	97
3.5 Restorative Justice versus Retributive Justice.....	100
3.6 Human Rights Issues	119
3.7 Names and Locations of Truth and Reconciliation Commissions.....	122
3.8 Summary.....	125
PART II	131
CHAPTER 4. METHODOLOGICAL APPROACHES FOR COMPARATIVE TRUTH COMMISSION RESEARCH	131
4.1 Comparative Analysis of Truth and Reconciliation Commissions.....	131
4.2 Hypotheses and Expectations.....	136
4.3 Measures.....	156
4.4 Data and Methods	158
4.5 Resources.....	165
CHAPTER 5. STATISTICAL TESTS OF EFFECTIVENESS MEASURES	166
5.1 Introduction.....	166
5.2 Evaluating Factors that Affect Effectiveness of Truth Commissions	170
5.3 Effects of Truth Commissions on Democratization.....	179
5.4 Truth Commissions and Support for Human Rights.....	184
5.5 Discussion.....	186
CHAPTER 6. CROSS-NATIONAL COMPARISONS	187

6.1 History of Conflicts: Country Profiles.....	187
6.2 Mapping Ethnic Diversity and Truth Commission Establishment.....	239
6.3 Time Frame of Conflicts: Period of Investigation.....	241
6.4 Mandates.....	244
6.5 Amnesty.....	263
6.6 National and International Responses to Truth Commissions.....	272
6.7 Strengths and Weaknesses of Truth and Reconciliation Commissions.....	274
6.8 Summary.....	277
PART III.....	282
CHAPTER 7. TOWARDS A NEW CONCEPT OF JUSTICE AND RECONCILIATION	
.....	282
7.1 Review of Quantitative Analysis.....	282
7.2 Discussion of Qualitative Analysis.....	284
7.3 Reconciliatory Democratization Paradigm in Comparative Perspective.....	292
7.4 Focusing on Race and Racism: Comparing the South African Truth and Reconciliation Commission and the Greensboro Truth and Reconciliation Commission.....	297
7.5 Summary.....	315
CHAPTER 8. CONCLUSION	317
8.1 Major Findings.....	317
8.2 Making the Case for a National Truth Commission in the United States	319
8.3 Policy Implications	326

8.4 Avenues for Future Research.....	329
8.5 Conclusion	332
Appendices.....	335
Appendix A. Democratic Transitions Around the World.....	335
Appendix B. Description of TJRC Dataset and Variables	338
Appendix C. Compilation of Truth Commission Cases in Extant Scholarship ...	346
Appendix D. Description of CIRI Dataset and Variables	350
Appendix E. Description of Polity IV Dataset and Variables	355
Appendix F. Description of Freedom in the World Comparative and Historical Data.....	359
Bibliography.....	365
Biography	395

LIST OF TABLES

Table 1.1. Summary of Truth Commissions, 1974-2004.....	27
Table 2.1. Connecting Reconciliation and Democratic Consolidation	42
Table 2.2. Stakeholder Roles in the Restorative Justice Process.....	56
Table 2.3. Cases of Democratic Transition, 1950-2008	75
Table 3.1. Differences in Approaches to Restorative Justice and Retributive Justice	106
Table 3.2. Selected Transitions	108
Table 3.3. List of Truth Commissions Around the World.....	128
Table 4.1. Transitional Justice Mechanisms, 1970-2007 (All Cases)	133
Table 4.2. Distribution and Variation in Transitional Justice Mechanisms, 1970-2007	135
Table 5.1. Descriptive Statistics of Dependent and Independent Variables	168
Table 5.2. Tests for Statistical Models	169
Table 5.3. Testimonies: Regression of Truth Commission Effectiveness Scores on Hypothesized Determinants	174
Table 5.4. Truth Commission Staff: Regression of Truth Commission Effectiveness Scores on Hypothesized Determinants	176
Table 5.5. Commission Type: Regression of Truth Commission Effectiveness Scores on Hypothesized Determinants.....	177
Table 5.6. Encouraging Participation: Regression of Truth Commission Effectiveness Scores on Hypothesized Determinants	178

Table 5.7. Support for Prosecution: Regression of Truth Commission Effectiveness Scores on Hypothesized Determinants	180
Table 5.8. Truth Commission Report: Regression of Change in Polity IV Scores on Hypothesized Determinants	182
Table 5.9. Truth Commission Location: Regression of Change in Polity IV Scores on Hypothesized Determinants	182
Table 5.10. Transition Timeframe: Regression of Change in Polity IV Scores on Hypothesized Determinants	182
Table 5.11. Scope of Mandate: Regression of Change in Polity IV Scores on Hypothesized Determinants	183
Table 5.12. Human Rights Improvements: Regression of Change in Human Rights Index Scores on Hypothesized Determinants	185
Table 5.13. Human Rights Improvements: Regression of Change in Human Rights Index Scores on Hypothesized Determinants	185
Table 6.1. Functions Outlined in Truth Commission Mandates	246
Table 6.2. Investigative Powers Outlined in Truth Commission Mandates	251
Table 6.3. Key Features of Truth Commission Mandates.....	253
Table 6.4. Comparing the Truth Commissions of El Salvador and South Africa	256
Table 6.5. Comparison of Fifteen Truth Commission Mandates, 1974-1994**	260
Table 6.6. Cross-National Comparison of Amnesties, 1977-2008**	268
Table 6.7. Truth Commissions Created After a Transition, Since 1983	279
Table 7.1. Comparative Summary of Truth Commissions	291

Table 8.1. Americans' Views on Racial Equality323

Table 8.2. Americans' Views on National Dialogue on Race324

LIST OF FIGURES

Figure 2.1. Processes by Which Truth Leads to Attitudinal Change	48
Figure 2.2. Trauma in Victim and Offender Experiences	53
Figure 2.3. Group Identity in Transitional Justice Contexts	66
Figure 2.4. Reconciliatory Democratization Model.....	71
Figure 2.5. Reformulated Contact Theory	81
Figure 2.6. Processes in Intergroup Contact	81
Figure 3.1. Presenting the Truth Commission Final Report	99
Figure 3.2. Process Chart Comparing Truth and Reconciliation Commissions	105
Figure 3.3. Transitional Justice Strategies	107
Figure 3.4. Organizational Structure of South African Truth and Reconciliation Commission	114
Figure 3.5. Organizational Structure of Peru Truth and Reconciliation Commission	117
Figure 3.6. Map of Truth Commissions Around the World, 1974-2010	123
Figure 3.7. Global Distribution of Truth Commissions, 1974-2015	124
Figure 4.1. Number and Strength of Truth Commissions, 1970-2010	132
Figure 4.2. Regional Patterns of Truth Commission Adoption, 1970-2010	133
Figure 6.1. Map of the World’s Most and Least Ethnically Diverse Countries	240
Figure 6.2. Map of the World’s Most and Least Ethnically Diverse Countries Indicating Locations of Truth Commissions	241
Figure 6.3. Number of Years Investigated by Truth Commissions	244

Figure 6.4. Means of Establishing a Truth Commission, By Decade	281
Figure 7.1. Reconciliatory Democratization Model -- Explained	292
Figure 8.1. Views on Race Relations in the United States	324

ACKNOWLEDGEMENTS

I would like to acknowledge a number of people who played significant roles during my doctoral studies, and during this dissertation process. First, I wish to express my deepest gratitude to my dissertation committee members: Professors Paula McClain, Kerry Haynie, John Aldrich, and William Darity. Thank you all for your mentorship over the years, and for supporting me through the different stages of the doctoral program, but especially for your encouragement and input as I worked on this dissertation project. I have learned so much from each of you.

A very special thank you to my advisor, Professor Paula McClain, who served as my Masters thesis supervisor and chaired my doctoral dissertation committee. I decided to pursue a Ph.D. in political science after taking Professor McClain's "Race and American Politics" course when I was a student in the Graduate Liberal Studies program at Duke University. Her support over the years has enabled me to successfully complete my doctorate. Professor McClain provided important feedback on this dissertation, from its inception to its completion.

I would also like to thank the scholars and individuals who have worked directly with truth commissions that I have had the opportunity to meet and discuss my research with. I have deep admiration and respect for the people who work tirelessly in the field of transitional justice, doing research, and working to institute policies that help to make our world a better place. Thank you also to my colleagues, and the friends that I have made at Duke University over the past few years. You have all helped to make this journey worthwhile. There are so many individuals that

I have not named, who were supportive and encouraging. I am especially grateful for the colleagues who I now count as dear friends.

I am most thankful for my family, who have been with me every step of the way on my academic journey. I am so blessed to have a family who loves and supports me unconditionally. My most heartfelt thanks to my father Dr. Emmanuel Ayee, my mother Dr. Alberta Ayee, my sister Dr. Manuela Ayee, and my brothers Joel Ayee and Jonathan Ayee. Your collective commitment to academic excellence has been a mainspring that has guided me over the years. You inspire me to always do, and be, my best.

Soli Deo Gloria.

PART I

“Reconciliation means that those who have been on the underside of history must see that there is a qualitative difference between repression and freedom.”

*– Archbishop Desmond M. Tutu, Chairperson,
South African Truth and Reconciliation Commission*

“The extension of forgiveness, repentance, and reconciliation to whole nations is one of the great innovations in statecraft of our time.”

– Walter Wink, American Author and Theologian

CHAPTER 1. INTRODUCTION

1.1 Background

“I was arrested the night round about ten – ten o’clock – June 16, 1988. Apparently the police were chasing a group of comrades that wanted to set up a barricade and then I was arrested and I was arrested at Ms. Barnes [sic] house in Bonteheuwel and during the time of arrest I didn’t want to be arrested so there were [sic] like a fight for more than a half an hour between me and the constable that wanted to arrest me in that house. Apparently he did get some assistance of other policeman that did come assist him [sic]. They beat me up, took me to the scene where they found like tires and petrol bombs, they handcuffed me to a [sic] electric pole - light pole where they beat me unconscious” (de Souza 1996). The preceding is a first hand account provided by Colin de Souza as testimony before the South African Truth and Reconciliation Commission (TRC) on August 5, 1996. De Souza’s statement was one of thousands of testimonies that highlighted the severity of human rights abuses that occurred under South Africa’s apartheid regime.

Apartheid was a system of state-sanctioned racial segregation in South Africa that was enforced through legislation by the ruling National Party (NP) over a 46-year period, until the country's first democratic elections in 1994.

The South African Truth and Reconciliation Commission is one of the most widely recognized restorative justice initiatives. The South African commission was instituted to investigate serious human rights violations that were politically motivated, between 1960 and 1994. All political forces that were involved in gross human rights violations throughout the civil conflict during the apartheid era – including the National Party of the White minority government, and the African National Congress (ANC) – were examined. The truth and reconciliation model had been recommended during a series of long and intense negotiations that eventually led to the first democratic elections in South Africa on April 27, 1994. The establishment of a truth and reconciliation commission shortly thereafter was one of many compromises that had to be agreed upon in order to secure a peaceful transition to democratic governance by a Black-majority led political party.

How does a society confront and deal with atrocious human rights violations? How should individual countries and the international community respond to serious human rights violations? Historically, the response to this complex question has been criminal prosecution of perpetrators of human rights abuses. The Nuremberg trials are one of the best examples of the use of traditional prosecution measures to confront human rights violations. The Nuremberg trials, which were a series of military tribunals, took place after the fall of Adolf Hitler's Reich, and were

charged with prosecuting prominent members of the political and military leadership who committed crimes and serious human rights abuses in Nazi Germany (Landsman 1996: 81). The Nuremberg trials were also tasked with memorializing and documenting the crimes that had occurred under the Nazi regime (Landsman 1996: 81).

In recent decades, there has been a significant movement in countries around the world to establish constitutional democracies (Mandela 1995: xxi). The process of democratic transition is often difficult, and the move from authoritarian regimes to more democratic forms of governance has been fraught with violence and political tension. Political regimes refer to the set of “rules and basic political resource allocations according to which actors exercise authority by imposing and enforcing collective decisions on a bounded constituency” (Kitschelt 1992: 1028). Most political regimes have both authoritarian and democratic features, thus regime type is best considered and defined along a broad continuum rather than in terms of binary distinctions (Gasiorowski 1996: 470-471). Gasiorowski (1996) lays out a typology for categorizing political regimes as follows. In an *authoritarian regime* there is no meaningful political competition and very little freedom. A *semi-democratic regime* is one in which there is a substantial degree of political freedom and competition, but the scope of authority of elected officials is limited and political competition is restricted. Political and civil liberties are also limited in semi-democratic political contexts. In a *democratic regime*, however, there is meaningful and extensive competition among social and political groups. Individual political

participation is greatly encouraged and “[a] sufficient level of civil and political liberties exists to ensure the integrity of political competition and participation” (Gasiorowski 1996: 471).

In recent years, establishing truth and reconciliation commissions and other commissions of inquiry have become something of an automatic response for dealing with human rights abuses in transitional democratic situations. The international human rights community has recommended truth and reconciliation commissions as important instruments for restoring peace and justice in new democracies that have to deal with serious human rights violations and “a legacy of state-sponsored terror and armed insurgency” (Brahm 2004). Truth and reconciliation commissions have also been recommended as important instruments for therapeutic interventions for survivors of human rights violations (Kaminer et al. 2001: 373). These commissions are tasked with “broadly indicating the involvement of perpetrators and supports, but their main concern is to establish an official recognition of those individually victimized” (Stanley 2005: 588). In some cases, truth and reconciliation commissions can even serve as avenues for prosecution of perpetrators of human rights abuses or crimes against humanity.

While non-judicial means can play a meaningful role in examining and addressing human rights violations, the process of creating truth commissions, as well as efforts to promote justice, can be very messy. Moreover, the work of truth commissions deals directly with investigating and documenting facts related to historical events. Consequently, establishing the truth requires a collective effort

and collective remembrance, which means that the community as a whole should be open to participating in the kind of restorative justice endeavor that is being encouraged by the truth commission. The primary goal of truth and reconciliation commissions is to uncover the past, document history, and create a comprehensive, publicly accepted account of events that occurred in the past, in order to move a society forward into a new era of democracy.

Thus, for burgeoning democracies, confronting history is like looking into a rearview mirror. Members of the community that has been affected by violence have to band together in order to reflect on the society's difficult past as it advances towards democratic ideals and makes steps to prevent the recurrence of past abuses and political repression. Can truth and reconciliation commissions "satisfy national and international expectations" that human rights violations will be effectively confronted by successor regimes as nations transition to democracy (Landsman 1996: 83)? This is clearly a daunting challenge, and I tackle this complex question throughout this study.

1.2 Research Agenda

The main objective of this research project is to explore trends in transitional justice efforts around the world, specifically by examining the contextual reasons behind the proliferation of truth and reconciliation commissions (TRCs)¹ around the

¹ A definitional note on the use of the term *truth and reconciliation commission* used throughout this work: *Truth commission* and *truth and reconciliation commission* is used interchangeably to refer to a type of quasi-judicial investigative body. In cases where the term *truth and reconciliation commission*,

world in recent decades. I focus on three broad, but interrelated questions in this work: *What structural factors make truth commissions more likely to effectively carry out the goals outlined in their mandates? Under what conditions are truth commissions more likely to have a positive effect on the process of democratization? How does the adoption of a truth commission affect government and public support for promoting human rights issues in a country?* Centering the discussions and analyses in this work principally on these three questions allows for a more focused exploration of the role that truth and reconciliation commissions play in transitional justice contexts.

Transitional justice – a conception which is built around a central pillar of “the rule of law” – emerged primarily as a concrete response to dealing with crimes that occurred under past political regimes (McEvoy 2007: 433, 439). Transitional justice refers to an approach to achieving democratic consolidation after a period of protracted conflict or state repression. “Transitional justice can be defined as the conception of justice associated with political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes” (Teitel 2003: 69). Truth and reconciliation commissions have become almost synonymous with the concept of transitional justice. Truth and reconciliation commissions have been established in many countries around the world as part of their individual processes of nation building and democratization. In this research project, I examine

and the abbreviation *TRC*, is used, rather than *truth commission*, this does not necessarily imply that the commission specifically includes measures to promote reconciliation as part of its mandate.

the structural composition of truth and reconciliation commissions, as well as the contextual and historical narratives surrounding their establishment. I also explore the complex relationship between truth and reconciliation commissions and political issues like justice and democratization. This study makes a unique contribution to the extant literature because of its combined focus on institutional design of truth commissions and the use of a group identity framework as it relates to political behavior in the particular contexts in which truth commissions are established. This is a more comprehensive approach to studying truth and reconciliation commissions, and my hope is that this study will help to address the lacunae in current scholarship on transitional justice mechanisms.

In this study, I employ the definition of democracy that is outlined by Gasiorowski and Power (1998), who present three critical factors that constitute a democracy. A democracy, or democratic government, refers to a political regime in which the following essential attributes or features are present:

(a) meaningful and extensive competition exists among individuals and organized groups for all effective positions of government, at regular intervals and excluding the use of force; (b) a highly inclusive level of political participation exists in the selection of leaders and policies, such that no major (adult) social group is excluded; and (c) a sufficient level of civil and political liberties exists to ensure the integrity of political competition and participation (Gasiorowski and Power 1998: 742).

The concept of transitional justice, which is explored throughout this work, examines the factors at play in nation states that are working towards achieving democratic consolidation, or are in the process of becoming democracies. Before

engaging in a more thorough discussion of the history of transitional justice movements and mechanisms like truth commissions, I first present a brief overview of the concept of rule of law. Many of the arguments made throughout this work are connected to an overarching schema that asserts that the rule of law is foundational to the creation of every democratic nation; furthermore, in every society, the rule of law is essential for maintaining the social order. Without the rule of law, the political stability of a society can easily be compromised. Western political tradition suggests that its defining characteristic is “freedom under the rule of law,” and state-centered legal pluralism is viewed as the ideal system of state governance.

Many historians and legal theorists regard the rule of law as the foundation of Western civilization. Western civilization’s commitment to the rule of law rests on the premise that law is sovereign and can be applied to people everywhere at any point in time. To put the concept of the rule of law in historical context, the centrality of law to the notion of a civilized existence is one that has existed since the formation of the Roman Empire. The rule of law is, therefore, generally accepted and understood to lie at the heart of democratic values. The rule of law is a complicated theory that embodies the interaction of language, politics, culture, and social structure. All references made to the “rule of law” throughout this work, are based on the definition of the rule of law as “government bound by fixed rules applicable to all” people within the state (Hussain 2003).

Law is not an autonomous domain. As the British legal philosopher H.L.A. Hart suggests in *The Concept of Law*, the essence of law cannot be appreciated

without first understanding the social aspect of law, as well as the notion that law is unable to exist without the establishment of institutions and officials (Hart 1961). Here, a brief discussion of the nature of the law is critical for understanding why the social aspect of the law is an important part of the rule of law functioning effectively in a nation-state or a democratic government. In *The Concept of Law*, Hart (1961) attempts to refashion legal positivism, moving it away from a preoccupation with sovereignty and more toward a theory of rules. Legal positivism refers to a philosophical understanding of law that emphasizes the fact that law is socially constructed. In Hart's schema, sovereignty is reduced to a framework of rules. Hart (1961) contends that these rules are not simply descriptive of the sovereign and those who are obedient to the authority of that sovereign, but are also fundamental and constitutive. *The Concept of Law* proposes a theory of law that focuses on a variety and combination of rules that constitute the structure of a legal system, as opposed to considering a theory of law as a sovereign command. As Hart (1961) explains, the crucial source of law is that there is a mental attitude toward rules, an internal aspect that differentiates rules from habits, which essentially gives rules their normative force and sanctioning ability. Consequently, there is a difference between why people comply with the law, and if there is a legal obligation for them to obey the law. People comply with the law because of sanctions, which stems from the desire to protect their self-interests. They also comply with law because of obligation, or principled, non-self interest.

Hart's theory of law is a reframed version of the ancient conception of the "rule of law, and not of men" that provides a fascinating framework for rationalizing legal authority in a pluralistic world (Lacey 2007). Hart was convinced that resistance to tyranny would be encouraged by "a positivist disposition to maintain a clear separation between law and morality" (Lacey 2007: 9). This implies that individuals have the right and responsibility to assess the legitimacy of laws, and to disobey laws that lack legitimate authority. Legal positivism emphasizes that morality and the law must be separated and the sovereign – that is, the government or the leader of the nation state – administers and enforces the law, but also that the law is the creation of sovereign will (Anghie 1999: 9). Dworkin (1986) also suggests, "a state is legitimate if its constitutional structure and practices are such that its citizens have a general obligation to obey political decisions that purport to impose duties on them" (191). To summarize the points made above, in every society, the law claims allegiance and obedience by the people. Furthermore, legality and legitimacy of the law is important because once it has been established that state power is lawful and legitimate, citizens are obligated to obey the law. In burgeoning democracies, both the government and citizenry must have full confidence that the nation is anchored to a system that is governed by the rule of law, so that the state's legitimacy, as well as the state's responsibility to promote the interests of the people, cannot be brought into question.

Transitional justice involves the judicial and non-judicial measures that countries with histories of significant human rights abuse implement in order to

establish the rule of law, promote development goals, prevent future violence and abuses, and guarantee security for all citizens. Arthur (2009) explains that the term “transitional justice” was coined in an effort to “signal a new sort of human rights activity and as a response to concrete political dilemmas human rights activists faced in what they understood to be ‘transitional’ contexts” (326). As authoritarian governments, military dictatorships, and totalitarian regimes were replaced with governments that made claims of holding steadfast to the ideals of democracy and rule of law, questions arose about how to deal with countries’ violent and repressive pasts, and who should be responsible for meting out punishment and restoring order and security. Moreover, during periods of political transition to democratic rule, the legitimacy of a new regime is often called into question. This skepticism also holds true for the nature and role of the transitional judiciary (Teitel 2000). The field of transitional justice emerged as a response to these dilemmas.

By providing an in-depth genealogical analysis, scholars interested in these types of issues have discussed the emergence of transitional justice into a distinctive field by considering the invention and widespread acceptance of the term “transitional justice.” These scholars have also explored the concept of transitional justice as a normative lens through which political change can be examined.² As a field of inquiry, transitional justice has dominated discussions about human rights, security, democratization, nation-building, and state reconstruction after periods of

² For a comprehensive account of the history of transitional justice see Paige Arthur, “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice” (2009); and Ruti G. Teitel, “Transitional Justice Genealogy” (2003).

conflict (McEvoy 2007: 412). Modern transitional justice emerged around the time of World War I. Three distinct phases of transitional justice are evident in the modern era: the first phase of transitional justice – characterized by the Nuremberg Trials – occurred during the postwar period after 1945. In the first phase, international justice largely displaced notions of national justice. The Cold War brought this first “international” phase of transitional justice to an end. The second phase of transitional justice is linked to the wave of accelerated democratic transitions that ensued after 1989 around the world. The third phase, which is also known as the steady-phase of transitional justice, represents the period of contemporary and persistent conflict, political instability and violence that have marred the political landscape globally in recent years (Teitel 2003: 70).

In the late 1980s, human rights activists in countries like Argentina, Chile, and Uruguay became primarily concerned with encouraging accountability for past abuse when democratic regimes replaced authoritarian governments. The focus of political change, which was consequently also taken up at the international level, involved putting in place measures that would strengthen the process of transitioning to democracy. Instead of simply “naming and shaming” perpetrators of human rights abuses, the emphasis on holding perpetrators accountable and encouraging a climate of truth and transparency helped to legitimize new governments and ensure claims of justice would be genuine (Arthur 2009: 321-322). In the second phase of transitional justice, while it was important to keep past political regimes accountable for human rights abuses, there was a move beyond

retributive justice to an accountability model that included values such as peace, forgiveness and reconciliation, which in turn became the framework for nation-building (Teitel 2003: 77). During this second phase of transitional justice, the restorative justice model came to the forefront and a new institutional mechanism, known as the truth commission, became the favored approach (over traditional trials) by successor governments.

Truth and reconciliation commissions have been recommended as suitable mechanisms for promoting and upholding democratic ideals and the rule of law, and these commissions have been established in many countries around the world as part of the second phase transitional justice model. These commissions have often been touted as “the best known alternative to prosecution” in transitional justice contexts (Aukerman 2002: 43). Truth and reconciliation commissions are particularly appealing institutions for bolstering the rule of law in new democracies. Teitel (2003) contends that for societies undergoing political transition, the primary benefit of the truth and reconciliation model is “its ability to offer a broader historical perspective, rather than mere judgments in isolated cases” (79). In the second phase of transitional justice, the normative discourse, specifically as it relates to the establishment of truth and reconciliation commissions, revolves around issues connected to ethics, medicine and theology (Teitel 2003: 82).

Dealing with transitional political situations, or “transition to democracy,” has raised many complex legal, practical, and ethical questions for human rights commentators. These commentators include policymakers, scholars, journalists,

financial donors, and human rights activists. There has been an ongoing debate between the various actors who have some vested interest in how best to deal with serious crimes and human rights violations that occurred under previous political regimes. On one hand, some commentators have argued that transitional governments have a responsibility to prosecute their predecessors for past crimes and human rights abuses, in order to facilitate the country's transition to democratic rule (Orentlicher 1991: 2543). While not the only way to exact retribution, the primary value of prosecution is that it provides a legitimate way to impose severe punishment on perpetrators of human rights violations; "prosecution is better suited to retribution than other forms of transitional justice" (Aukerman 2002: 56, 57). The underlying rationale for this argument is that "by demonstrating that no sector is above the law, prosecutions of state crimes can foster respect for democratic institutions and thereby deepen a society's democratic culture," which would essentially strengthen the rule of law within a fragile democracy (Orentlicher 1991: 2543).

On the other hand, critics of the "duty to prosecute" argument suggest that proponents are misguided in their analysis of post-conflict situations because securing amnesty for perpetrators of human rights abuses is often a precondition during negotiations in a period of political transition. Furthermore, many fragile democracies do not have the authority, popular support, or judicial mechanisms in place to carry out prosecutions effectively (Aukerman 2002: 39). Nonetheless, even advocates of non-prosecution do acknowledge that prosecution is necessary in some

cases and must be considered together with non-prosecution alternatives (Aukerman 2002: 40). While prosecution can satisfy a society's need for retribution for past crimes and human rights violations, a more nuanced approach is necessary when the goal of a new democracy leans more towards restorative justice, rehabilitation, and deterrence (Aukerman 2002: 45). For a number of reasons, many of which are political, new democracies that have emerged after periods of intense conflict and systematic human rights violations are often unable to prosecute the majority of individuals responsible for the abuses (van Zyl 1999: 647). The transitional justice process, therefore, involves a delicate balance of negotiations to determine the situations under which prosecutions must occur, versus the cases in which alternative non-prosecutorial avenues can be considered.

According to the International Center for Transitional Justice (ICTJ)³ a comprehensive transitional justice approach is comprised of four interrelated, core elements: criminal prosecutions, institutional reform, reparations (or restitution) and truth commissions. The investigation and prosecution of crimes – including genocide, war crimes, crimes against humanity, and other human rights violations – help to bolster and secure the rule of law in a transitional society. Institutional reform of state institutions, such as the police force, the military, and the courts, is critical for preventing the recurrence of political violence and human rights

³ The International Center for Transitional Justice (ICTJ) is an international non-profit, non-governmental organization that helps societies that are transitioning to democracy address legacies of severe human rights violations and “build civic trust in state institutions as protectors of human rights.” (ICTJ 2015). The organization is headquartered in New York, and assists both state institutions and civil society groups.

violations. Additionally, with reparations, new governments can publicly acknowledge the country's past of wrongdoing and address the harms suffered by the victims through financial compensation, providing education, healthcare and other social services, or other symbolic gestures. Lastly, truth-seeking initiatives, such as the establishment of a truth and reconciliation commission, allows transitional governments to acknowledge and document human rights violations (ICTJ 2015). All four transitional justice approaches may be implemented at various stages in post-conflict situations or democratic transitions. Alternatively, transitional governments can decide to focus on whatever approach is best suited for the particular political context.

This research project involves a comparative, cross-national study of truth and reconciliation commissions in countries that have used these extra-judicial institutions to pursue justice and promote national reconciliation following a period of civil unrest marked by severe human rights abuses. This study is driven by two fundamental questions: Why has there been a proliferation of truth and reconciliation commissions around the world in recent years? Is the perceived effectiveness of these commissions real and substantial? As I present some answers to these questions, I consider the institutional design and composition of truth and reconciliation commissions, as well as the roles that the commissions play in the democratic transformation of nations with a history of civil conflict and human rights abuses.

In recent years, the concept of reconciliatory politics has emerged alongside truth and reconciliation projects as an important phenomenon in cross-national politics as countries plagued by protracted conflict and violence attempt to find peaceful and constructive ways to transition to democratic rule (Maclean 2011). Many nations around the world have long histories of exclusion, marginalization, and discrimination that were directed against ethnic, racial, religious, or ideological groups, whose populations are often in the minority in terms of population size relative to the rest of the population. Legacies of exclusion have momentous implications for a wide range of social attitudes, cultural practices, economic and demographic patterns, and institutional rules that obstruct efforts to build genuinely inclusive societies of equal citizens. Thus, it is important for governments that purport to hold to democratic values to find ways to overcome the problems of the past and ensure that marginalized groups are afforded adequate protection by the government (Kymlicka and Bashir 2008). Additionally, after the First World War, as international law played a greater role in transitional justice, the international community became more concerned with establishing measures that would effectively address and eliminate human rights violations around the globe (Allan and Allan 2000: 460).

Reconciliation refers to a relatively new concept in conflict resolution scholarship. Reconciliation, which is sometimes used synonymously with the concept of conflict resolution, is a somewhat ambiguous term, and is often associated with “therapeutic models” or “religious overtones.” (Rouhana 2004: 34).

Reconciliation emerged in political discourse after the end of the Cold War in societies that were divided by a history of political violence and human rights abuses.⁴ Reconciliation requires dealing with past wrongs in order to promote unity, thus political reconciliation, by extension, involves measures that are put in place by governments to reckon with a past of wrongdoing in order to build a future of consolidation among all citizens. “In societies divided by a history of political violence, political reconciliation depends on transforming a relation of enmity into one of civic friendship” (Schaap 2004: 523). Furthermore, reconciliation is tied to unveiling the historic truth about wrongdoing; consequently, in order for the reconciliation process to advance successfully, it is important that the parties in conflict agree on who is historically responsible for the human rights abuses that have taken place (Rouhana 2004: 36, 37). “Achieving some kind of justice is thus central to the process of reconciliation and to the end state of reconciliation between groups in conflict” (Rouhana 2004: 36). The emergence of reconciliation as a central concept in political discourse, specifically as used by the South African Truth and Reconciliation Commission and the dozens of truth commissions that have been modeled after the South African TRC, has attracted the interest of scholars from around the world, who do research grounded in fields as diverse as anthropology, sociology, history, psychology, public policy, philosophy, theology, and political theory.

⁴ References made to the term *reconciliation* throughout this study apply to its currently accepted usage as a political concept, ideology, or process in the extant literature.

In this study, I focus on empirically analyzing three general, but interrelated theoretical concepts: reconciliation, restorative justice, and political forgiveness. These three concepts are broadly conceived in relation to an umbrella paradigm of *reconciliatory democratization* that I establish in this work. The concept of restorative justice is an important component in the process of reconciliation. Restorative justice is a theory of justice that places emphasis on establishing measures to directly repair harm that has been caused by criminal behavior. This criminal behavior includes acts of violence that take place during periods of war, political repression, or civil conflict. Restorative justice is accomplished through cooperative processes that involve the participation of all stakeholders – which means both victims and perpetrators are actively involved in repairing harm and promoting healing. In this vein, the notion of political forgiveness, which suggests “the resolution of intractable political conflicts, the healing of collective injuries, and the restoration of communal solidarity” becomes a key factor and legitimate goal for governments that seek to promote national unity (Amstutz 2005: 1). I discuss the concept of restorative justice, as it relates to the function of truth and reconciliation commissions, in greater detail in Chapter 2 of this study, and I also provide a comparative framework through which the reader can more fully understand the differences between restorative justice models and retributive justice models (where punishment rests at the forefront for dealing with perpetrators of violence and other criminal behavior).

Marked features of the political landscape of the twentieth century include the rise of the nation state as well as the establishment of democratic governments around the world. Along with these developments, however, are the numerous civil wars and internal violent conflicts in many regions of the globe. For new democracies that have emerged from “periods of massive and/or systematic violations of human rights” dealing with past regimes in order to promote transitional justice, requires employing “expansive and creative strategies” for addressing victims’ rights, establishing the rule of law within the society, and achieving democratic consolidation (van Zyl 1999: 648). Democratic consolidation refers to the process by which a new democracy is able to mature, such that it is less susceptible to reverting to authoritarian forms of government. Democratic consolidation can be defined or operationalized as the political condition of “a regime in which no relevant actor seeks to advance its own political goals outside of the democratic institutional framework” (Cheibub 2014: 7). When democratic consolidation has taken place, a new democracy is said to be sufficiently durable, and it is unlikely that it will return to a state of nondemocratic rule (Gasiorowski and Power 1998).

Scholars and policymakers have generally acknowledged and accepted that in order for democratic consolidation and political transformation to occur, it is critical for a nation dealing with internal conflict to pursue strategies that confront the human rights abuse and crimes of the past. Here, it is important to note that while a basic level of consolidation is needed in every society, “democracies are

never to be fully consolidated, (because) they should contain within themselves the potentiality for continuous change and eventual self-transformation” (Schmitter 1991:4). Furthermore, “consolidation implies not that democracy has survived to a certain point but rather that qualitative changes have occurred in the country’s political institutions and practices that make breakdown unlikely – although not impossible – in the future” (Gasiorowski and Power 1998: 746). Understanding that “democracy is no guarantor of stability or prosperity” is also very important (Gibson 2015). Transitioning to, and establishing, a democratic form of government cannot completely erase a nation’s challenging or problematic political past. Indeed, the political climate that was established under a previous regime will have marked effects on a new political landscape for years to come.

Establishing a truth and reconciliation commission is one of many important steps that a nation can take as it transitions to democratic consolidation and reconciliation after a period of civil unrest. This makes the reconciliation process an important political and public policy objective for governments. The journey to reconciliation involves a long process of recounting stories and documenting the accounts of events that took place in the past. Truth and reconciliation commissions are established to facilitate this complex and difficult process (Andrews 2003). In essence, truth and reconciliation commissions are vehicles through which a society can explore its own relationship to events that occurred in the past. Charles Villa-Vicencio, the Research Director of the South African Truth and Reconciliation Commission, explains that the reconciliation process depends largely on how the

society responds to the testimonies and narratives that are shared by both victims and perpetrators as part of the work of truth commissions:

Reconciliation is facilitated, inter alia, by telling one another stories as a basis for getting to know the other – for understanding the nature of their suffering and their aspiration. It has to do with uncovering ‘motive and perspectives’, something which the mandate of the Commission requires it to make known. Story-telling is a central part of the Commission. And yet, it will take a damn side more than that to heal the nation. (Villa-Vicencio, 1998: 13 as quoted in Andrews 2003: 47)

Much of the extant literature on truth and reconciliation commissions asserts that these commissions have played a positive role in fostering democratic transformation and promoting human rights. “Thirty years of experience with truth commissions and dozens of examples allow cross-national statistical studies to assess these findings” (Olsen et al. 2010). Truth commissions are “intended to demonstrate the importance of justice and respect for the rule of law” (Allen 1999: 319). In order for the work of a truth and reconciliation commission to be successful, there must be political will to achieve a reconciled society, and the commission must also have support from the society in the form of financial resources (Schlunck 1998: 419). “Truth and reconciliation commissions have played a critical role in a number of countries that had to come to terms with a past marked by protracted conflict, civil strife, violence, and massive human rights abuse” (Schlunck 1998: 415). These commissions play a symbolic role in democratization as they facilitate the process of “breaking away” from official sponsorship of human rights violations that occurred in a nation’s past (Allen 1999: 319). Truth and reconciliation commissions apply the

restorative justice model and also place a strong emphasis on “healing the community and restoring the imbalance” between victims and perpetrators of human rights abuses (Corliss 2013: 275). This emphasis on following the restorative justice model has led truth and reconciliation commissions to be heralded by some, and critiqued strongly by detractors. Llewellynn (2011) sums up the contentious views toward the work of truth commissions as follows: “Truth commissions are viewed variously as a sacrifice of justice or as an institution of justice” (351). In the context of post-conflict societies, truth and reconciliation commissions are able to promote justice via the restorative justice model because it is often the case that transitional governments do not have the wherewithal to fully prosecute crimes that occurred under a previous regime.

Although the truth and reconciliation model has become rather popular in recent decades – in more than 30 countries, truth and reconciliation commissions have been established as official, temporary, fact-finding bodies to investigate human rights abuses and establish the truth – the work of these institutions and the phenomenon of reconciliatory politics remains relatively understudied. The majority of the research done in this area of political science has focused on analysis of truth commissions in individual countries, particularly in South Africa, and a few nations in Latin America. Very little research has compared the historical and sociopolitical factors that led to the establishment of these commissions. Furthermore, no study has looked critically and meticulously at the multifaceted relationship between group identity (specifically as it pertains to racial, ethnic, or

religious minority group identity) and the political decisions that affect the establishment, and institutional design, of truth commissions. Thus, without a comparative approach that examines contextual and structural factors surrounding the establishment of truth and reconciliation commissions, it is difficult to make any conclusive determination about the overall effectiveness of truth commissions as transitional justice mechanisms for achieving democratic consolidation. This research project is an attempt to address the gaps in, and build upon, the existing literature.

As the adoption of truth and reconciliation commissions becomes part of the standard process for democratic consolidation and promoting peace, justice, and security in post-conflict or transitional societies, an important question – one that lies at the heart of this research project – is why this is the case. There is an ongoing debate about how effective truth and reconciliation commissions are for helping countries transition to democracy. Some scholars have also examined whether the work done by truth and reconciliation commissions, to create a singular national narrative about the truth of the past, actually promotes reconciliation.⁵ Truth and reconciliation commissions are officially sanctioned by the state and receive their powers of jurisdiction from the state. The general consensus is that a truth and reconciliation commission should be instituted soon after a transition to democratic rule in order to aid the process of democratic consolidation (Brahm 2004).

⁵ See, for example, the discussion on the link between truth and reconciliation in Gibson, James L. 2004. “Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process.”

The first truth and reconciliation commission was formed in Uganda in 1974.⁶ *The Commission of Inquiry into the Disappearances of People in Uganda Since 25 January 1971* was established to investigate the widespread, state-sanctioned disappearances, extra-judicial killings, and other human rights abuses that occurred in Uganda after Idi Amin Dada ousted President Milton Obote's government in 1971. In subsequent years, truth commissions and other similarly structured commissions of inquiry were established in different regions of the world to investigate human rights abuses. From the period between 1974 and 2007, approximately 32 commissions were established in 28 countries. By 2015, over 70 truth commissions and commissions of inquiry have been identified around the world. The South African Truth and Reconciliation Commission is arguably the most recognized truth and reconciliation commission, and several countries have modeled their commissions after the South African example. In the case of the South Africa Truth and Reconciliation Commission, more than 21,000 victims of apartheid testified before the Commission, helping to establish a well-documented national narrative of the conflict and human rights abuses that occurred during the apartheid era (Andrews 2003: 46). Many political commentators have also argued that the South African TRC played an instrumental role in securing a peaceful transition to democratic governance in post-apartheid South Africa.

⁶ See Table 1.1 from Brahm (2004), which presents a summary of truth and reconciliation commissions established around the world over a thirty-year timeframe, from the period between 1974 and early 2004.

The research and analysis presented in this study draws on the experiences of a large number of countries in various regions of the world, including Chile, Perú, Haiti, Sierra Leone, South Africa, Timor-Leste, Burundi, Rwanda, Sri Lanka, Panama, Ecuador, Bolivia, Uruguay, Yugoslavia, Canada, and the United States (the Greensboro Truth and Reconciliation Commission, or GTRC – while not a national commissions –represents the first application of the South African Truth and Reconciliation model in the United States), to illustrate the principal argument that truth and reconciliation commissions play an integral role in processes of democratic transformation. While the primary focus of the research project is to examine trends and effects of truth commission adoption at that national level in transitional justice contexts, I also include a chapter that compares the South African TRC and the Greensboro Commission. This section of the research project specifically focuses on the ways that issues of race and racism influence decisions by local or national government actors to adopt truth and reconciliation commissions, and also examines how the focus on race affects the work of truth commissions.

Examining the work of the GTRC is helpful for considering whether or not this commission could potentially serve as a model for similar local commissions in the United States or even a national truth commission. An official, national truth commission in the United States could help the country tackle its difficult history of slavery, and systemic racial injustice and marginalization, in meaningful ways that “acknowledge and address the violence and oppression that is a part of U.S. history” (Slye 2015).

TABLE 1.1. SUMMARY OF TRUTH COMMISSIONS, 1974-2004

Country	Date of Commission	Time Covered	Report Publicly Issued
Uganda	1974	1971-1974	1975
Bolivia	1982-1984	1967-1982	Commission Disbanded
Argentina	1983-1984	1976-1983	1985
Uruguay	1985	1973-1982	1985
Zimbabwe	1985	1983	No
Uganda	1986-1995	1962-1986	No
Philippines	1986	1972-1986	No
Nepal	1990-1991	1961-1990	1994
Chile	1990-1991	1973-1990	1991
Chad	1991-1992	1982-1990	1992
Germany ^a	1992-1994	1949-1989	1994
El Salvador	1992-1993	1980-1991	1993
Rwanda ^b	1992-1993	1990-1992	1993
Sri Lanka	1994-1997	1988-1994	1997
Haiti	1995-1996	1991-1994	Limited, 1996
Burundi	1995-1996	1993-1995	1996
South Africa ^c	1995-2000	1960-1994	1998
Ecuador	1996-1997	1979-1996	Commission Disbanded
Guatemala	1997-1999	1962-1996	1999
Nigeria	1999-2001	1966-1999	Released unofficially in 2005
Peru	2000-2002	1980-2000	2003
Uruguay	2000-2001	1973-1985	2003
Panama	2001-2002	1968-1989	2002
Yugoslavia	2002	1991-2001	No Report
Timor-Leste	2002	1974-1999	2005
Sierra Leone	2002	1991-1999	2004
Ghana	2002	1966-2001	2005

^a Germany's truth commission focused on the former East Germany. Comparative regional measures do not exist for the pre- and post-unification East Germany.

^b Rwanda's commission was granted quasi-official status and received some cooperation from authorities.

^c Although the commission issued its report in 1998, it continued to work on granting amnesty and making reparation recommendations.

Source: Brahm (2004), with updated information

The goal of this research project is two-fold. First, I establish a theoretical framework through which we can better understand the relationship between the politics of reconciliation and democratic transformation in countries that have been plagued by human rights abuses, civil strife, and ethnoracial conflict. This theoretical framework, which I have termed the reconciliatory democratization paradigm, is applied in a comparative study of all countries that have adopted truth and reconciliation commissions at a national level. The reconciliatory democratization paradigm is particularly useful for exploring the ways in which issues of ethnic or racial identity intersect with political behavior in transitional justice contexts. In order to empirically test the strength of the relationship between certain sociopolitical factors that serve as important elements in the reconciliatory politics paradigm, specifically as it relates to the effectiveness of the work of truth and reconciliation commissions, I use a mixed-method approach that is grounded in qualitative and quantitative analysis, and draws upon case studies and survey data. Key concepts under consideration include reconciliation, truth, and democratic transformation or consolidation (based on Democracy Index scales and Freedom House scores).

The second major aim of this research project is to extend the existing scholarship on truth and reconciliation, by building on the work of Gibson (2004, 2006) and other scholars, in order to test assumptions about the links between democratic consolidation and the truth and reconciliation process. Specifically, this analysis involves examining the conditions under which truth leads to reconciliation,

in order to unveil the role that truth and reconciliation commissions play in processes of democratic transformation. By engaging in a comparative study of different truth and reconciliation projects, I hope to bring to bear a more comprehensive and nuanced understanding of the phenomena of reconciliation, political forgiveness, and restorative justice. This research project is motivated by two related research questions. Does acceptance of a collective national truth about a country's past of conflict and human rights abuses lead to reconciliation? Under what conditions can truth and reconciliation commissions effectively lead to democratic consolidation in countries that have a marked history of serious human rights abuses? The hope is that this research project will make significant contributions to the existing debate on the relationship between the work of truth and reconciliation commissions to establish "truth," and the process of reconciliation.

1.3 Methodology

Part of the reason that we do research is because, invariably, it leads us to questions that we did not know that we were trying to answer. In order to understand why there has been a proliferation of truth and reconciliation commissions around the world in recent years as part of transitional justice efforts, we have to ask some important foundational questions. The research methodology I use in this project will allow me to find answers to the questions that spurred this project, as well as other questions about transitional justice processes and

mechanisms, and the structure of truth and reconciliation commissions, that emerge through quantitative data analysis and qualitative evaluations.

How does establishing a truth and reconciliation commission influence the process of effectively achieving reconciliation or promoting democracy in post-conflict societies? While there is a widely accepted view that there is a causal relationship between establishing truth and reconciliation commissions and democratic consolidation, no empirical evidence exists to support this claim. Testing the causal link between truth and reconciliation commissions and democratic consolidation is too complex. There is no simple or straightforward way to determine whether or not a truth commission is effective and can cause a successful transition to democracy for transitional governments. Research, instead, must focus on examining whether or not a truth commission is able to achieve its goals, as outlined in its mandate, and then highlight observable changes in the sociopolitical landscape after a truth commission has been established. The best that we can do with the research methods available to us is to determine the strength of the relationship between establishing truth commissions and democratization in the country in which the truth commission is established. I therefore approach the question about how instituting a truth and reconciliation commission will affect the process of democratization by hypothesizing that democratic consolidation is more likely if a truth and reconciliation commission is effective. And by extension, a truth commission can be viewed as being effective if it is able to achieve the stated objectives outlined in its own mandate. Thus, I test what factors enable a truth

commission to actually achieve the goals set forth in its mandate. In order to answer the central question that underlies this study – *“under what conditions can truth and reconciliation commissions effectively lead to democratic consolidation in countries that have a marked history of human rights abuses?”* – I have created an “Effectiveness Index,” which is constructed based on a set of variables. The Truth Commission Effectiveness Index (TCEI) measure is discussed in detail in Chapter 4, which is titled “Methodological Approaches for Truth Commission Research.” The TCEI is based upon ordinal scores that allow me to evaluate and rank the different truth commissions under investigation in this study.

In this research project, I primarily use data collected by the Transitional Justice Research Collaborative (TJRC). The Transitional Justice Research Collaborative is a National Science Foundation (NSF) and Arts and Humanities Research Council (AHRC) supported research team led by Professor Kathryn Sikink (Harvard University; professor emeritus at University of Minnesota) and Professor Leigh Payne (University of Oxford). The team collected and analyzed extensive data about three main transitional justice mechanisms, namely truth and reconciliation commissions, human rights prosecutions, and amnesty laws. A detailed description of the data included in their database is presented in Chapter 4 of this work. As the authors of this study explain, the data are “meant to help address the deficit in cross-national analysis” of transitional justice mechanisms. While countries have increasingly adopted these transitional justice mechanisms over the past two decades, scholars, policymakers, or government officials have not made much effort

to systematically gauge the effectiveness of these mechanisms in promoting democratization (Dancy et al. 2014). The researchers in the Transitional Justice Research Collaborative operationalize truth commissions as formal, state sanctioned, temporary bodies that investigate patterns of past human rights abuses. The truth commissions included in the dataset are commissions that are initiated domestically, internationally or through the involvement of both domestic and international actors. Two additional criteria are used for making determinations about which truth commissions are included in the dataset. The executive, legislature (or parliament) or judiciary must initiate the adoption of the truth commission, and the commission's mandate must include the publication of a final report (Dancy et al. 2014: 3).

In my analysis of the data on truth commissions, I begin by describing and summarizing the data – explaining the rationale and procedures for data collection. This is followed by statistical analysis of the data using multiple regression and ordered logistic regression analyses. I conclude by explaining my findings in order to make concrete determinations about whether or not truth and reconciliation commissions are an effective mechanism for promoting democratization in post-conflict situations. The quantitative approach I use in this project is useful because it allows me to examine the developments and trends in the cross-national establishment of truth and reconciliation commissions over a series of time.

In a study of this nature the numbers do not tell the complete picture. This research project will, therefore, include a number of case studies, which enable me

to provide some contextual analyses to support any claims about the effectiveness of establishing truth and reconciliation commissions in transitional justice contexts in countries with different historical and political backgrounds. The qualitative approach that I use in this work involves the analysis of key case studies. The key cases, for which qualitative information is provided, are selected to correspond with the commissions for which quantitative data is available and included in the statistical analysis. A case study approach is useful for this project for a number of reasons. Yin (2003) explains that case studies should be considered in a research design when: a study involves answering “how” and “why” questions; the researcher is unable to manipulate the behavior of those involved in the study; the researcher needs to explore the contextual conditions that are relevant to the particular phenomenon that is being studied; or no clear boundaries exist between the phenomenon that is under investigation and the context of the research. Given some of the constraints for undertaking rigorous empirical analysis – due to the amount and types of data available on global truth commissions – in an extensive, comparative study such as this, including a qualitative case study approach in this dissertation enables me to present and discuss a more comprehensive meta-narrative through which we can better understand the complexity of the transitional justice process.

1.4 Chapter Outlines

This dissertation is divided into three parts, comprised of a total of eight chapters. Part 1 provides an introduction to the subject matter with an extensive background of the history of truth and reconciliation commissions as well as compelling narratives about the social and political contexts in which some of these commissions were established. In Part 1, I outline a theoretical foundation through which the major discussions of concepts and issues in this study can best be explored. In this introductory chapter I have presented a number of important theoretical concepts. First, I began with a brief overview of the field of transitional justice, explaining how truth and reconciliation commissions have been implemented around the world as transitional justice mechanisms to promote democratic consolidation. In Chapter 2, I explain the theoretical lenses through which I explore key concepts in this study. I discuss five core, distinct, but interrelated concepts: truth, reconciliation, restorative justice, political forgiveness, and reconciliatory politics. I also introduce the reconciliatory democratization paradigm, which is an original, comprehensive paradigm that will be useful for highlighting the different political processes that are necessary for democratic transformation in post-conflict societies that have to find ways to address a history of significant human rights violations. Later, the reconciliatory democratization paradigm is applied to the cross-national analysis of truth commissions to complement the discussion of results in Chapter 7. Additionally, I look critically at the debate on retributive justice versus restorative justice, examining how

traditional courts fare in comparison to truth and reconciliation commissions in post-conflict societies, where the goal is to restore order and promote democratic consolidation. To conclude Chapter 2, I explore the issue of democratization in heterogeneous societies, and highlight the ways in which a group identity framework can be applied to examining questions related to transitional justice mechanisms and restorative justice approaches in order to augment the extant scholarship on transitional justice processes broadly conceived, and research on truth commissions specifically. Chapter 3 of this study provides an overview of truth and reconciliation commissions. Here, I present an in-depth discussion of the history of truth and reconciliation commissions as well as outline what the functions of these commissions are. I also provide background on the kinds of human rights issues that occur during protracted conflict, and explain how truth commissions of new governments are able to address the human rights violations that occurred under past regimes. As I highlight the names and locations of all the truth commissions that have been established around the world, I explain global changes and trends in the adoption of truth and reconciliation commissions, consider alternative transitional justice mechanisms, and expound on why the truth commission report plays such an important role in the reconciliation and democratization process.

Part 2 of this research project – “Methodological Approaches for Comparative Truth Commission Research” – focuses primarily on data analysis and empirical investigations to determine the effectiveness of the truth and

reconciliation model for promoting or sustaining democratization processes, and further explores trends in the adoption of truth commissions globally. Chapter 4 deals solely with the research approach and considerations that are taken in the quantitative analysis of truth and reconciliation commissions. I present a comparative analysis of truth and reconciliation commissions around the world, detailing the hypotheses and expectations, measures, and data and methods that serve as the basis for the statistical tests of effectiveness measures that are assessed and explained in Chapter 5. Key variables that form the basis of investigation include type of commission (whether the commission is domestic, international, or hybrid), if the commission investigated a pattern of abuse, types of crime, scope of the mandate, timeframe of democratic transition, number of commissioners and truth commission staff, support for prosecution of perpetrators, and whether or not the commissions published publicly-accessible reports. In Chapter 6, I highlight some cross-national comparisons of truth and reconciliation commissions, outlining the history of specific conflicts, the time frame of these conflicts and the duration and scope of individual commission mandates. I also consider the cases in which amnesty is the favored response for dealing with perpetrators who commit gross human rights violations. Chapter 6 concludes with discussions of the national and international responses to truth and reconciliation commissions, as well as analysis of the strengths and weakness of truth commissions (specifically presenting the conditions under which commissions are likely to be strong or weak as they seek to carry out the goals outlined in their mandates).

In Part 3 of this study, I provide a summary of the issues that are explored throughout the research project. Chapter 7, titled “Towards a New Concept of Political Justice and Reconciliation,” includes a detailed discussion of the results of the quantitative analysis that is presented in Part 2, as well as an analysis of the cases studies that are explored using a group identity framework. The comparative study of the South African TRC and the Greensboro Truth and Reconciliation Commission provides a useful springboard through which to examine issues of race as they relate to truth commission adoption. This section of the dissertation is partly motivated by discussions I have had with scholars and policymakers about why the United States has not had a national truth and reconciliation commission, and whether the adoption of such a commission would even be feasible.

In Chapter 7, I attempt to map future trends in transitional justice, and make a case for the continued adoption of truth and reconciliation commissions with caveats. Chapter 8 wraps up the research project. I conclude by presenting the major findings, explain the policy implications of a restorative justice approach, and cite avenues for future research on truth and reconciliation commissions. Hopefully, this study can serve as the foundation for more critical, comparative examinations of truth commissions globally. I do not view this dissertation as a purely scholarly investigation, but rather see it as a more comprehensive approach to analyzing a growing political phenomenon. I am invested in presenting this research with hopes that it can have a concrete influence on policy objectives and decision-making processes by key actors and stakeholders in transitional justice contexts.

CHAPTER 2. THEORETICAL FRAMEWORKS

“Forgiving is not forgetting; it’s actually remembering – remembering and not using your right to hit back. It’s a second chance and a new beginning. And the remembering part is particularly important. Especially if you don’t want to repeat what happened.”

– Archbishop Desmond Tutu

“The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. Through violence you may murder the liar, but you cannot murder the lie, nor establish the truth. Through violence you may murder the hater, but you do not murder hate. In fact, violence merely increases hate. So it goes. Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars.

Darkness cannot drive out darkness; only light can do that.

Hate cannot drive out hate: only love can do that.”

– Martin Luther King, Jr.

2.1 Understanding the Concept of Truth and Reconciliation

Political leaders, human rights advocates, and scholars have long engaged in debates about how successor governments can maintain the rule of law and best deal with atrocities committed under a previous political regime (Orentlicher 1991: 2541). Historically, government officials who committed human rights abuses were often able to do so with impunity, because transitional government leaders, concerned primarily with achieving stability or reconciliation in post-conflict or post-authoritarian regimes, often had to make the difficult decision to prosecute the “architects of state-led atrocities” (Sikkink and Walling 2007: 427). Transitional governments work to establish new democratic regimes by asserting their legitimacy, ending violence and promoting consolidation of democratic transitions; in these fragile democracies, failure to punish abuses of the past can set the stage for

widespread impunity and lawlessness in the future (Orentlicher 1991). In *The Gulag Archipelago*, Solzhenitsyn (1974) contends that “when we neither punish nor reproach evildoers, we are not simply protecting their trivial old age, we are thereby ripping the foundations of justice from beneath new generations (quoted in Orentlicher 1991: 2539). The process of achieving reconciliation, as it relates to any transitional justice project, hinges on a balance of demands for justice by either punishing crimes or granting some form of amnesty. Reconciliation essentially refers to “a continued struggle to reach mutual accommodation” (Rosoux 2013: 472). The argument in support of dealing with past human rights violations by prosecuting perpetrators rests on two premises. First, prosecutions can strengthen fragile democracies, given that criminal punishment “is the most effective insurance against future repression” (Orentlicher 1991: 2542). One of the most important characteristics of a democratic state is that the government is primarily concerned with establishing and maintaining the rule of law. In this vein, prosecutions for human rights violations ensure that the appropriate checks and balances are put in place in a nation to help guarantee that the democracy will not be in jeopardy, and that the rule of law will not be compromised. Secondly, when a government makes concrete efforts to prosecute perpetrators of human rights abuses, who are often military personnel, police, or other state officials, this emphasizes the government’s commitment to democracy, and “affirms the supremacy of publicly accountable civilian institutions” (Orentlicher 1991: 2544).

Conversely, as part of the bargain for political change, many transitional governments are forced to negotiate and agree to some form of amnesty for perpetrators of serious human rights abuses. Amnesty measures have been put in place by several transitional governments, including the governments in Argentina, Haiti, El Salvador, Chile, Peru, Uruguay, South Africa, and Honduras (Boed 2000: 298). The main argument in support of granting amnesty to perpetrators of human rights abuses is that in a transitional political climate, the trials are “politically charged” and there is a danger of destabilizing the newly established democracy and hindering concrete progress towards justice and reconciliation (Orentlicher 1991: 2544). Furthermore, some scholars have argued that “trials for past human rights violations were politically untenable and likely to undermine new democracies” (Sikkink and Walling 2007: 428). States have a duty to protect the basic human rights of all their citizens; thus, in cases where human rights are violated, the government has a legal responsibility – whether by convention, custom, or as warranted by international treaties – to ensure that justice is served and offenders are punished appropriately for criminal actions (Boed 2000: 299). Granting amnesty becomes a complicated decision in the quest for establishing political stability in a fragile democracy. Nino (1991) asserts that those who hold firmly to the “duty to prosecute” argument base their evaluations of transitional justice processes solely on the theory of mandatory retribution. Mandatory retribution, which values punishment above anything else, is the belief that the punishment for any crime must be directly proportional to the offense (Nino 1991: 2620). Advocates of

mandatory retribution leave no room for negotiations for amnesty in transitional justice contexts where there has been a troubling history of gross human rights violations, even in cases where amnesty is needed to broker the transition to a stable democracy.

For many recently democratized countries that have emerged from authoritarian leadership and experienced protracted periods of violence marked by human rights abuses, the truth and reconciliation process has served as a useful mechanism to facilitate the transition to democratic rule. Gibson (2006) presents a set of specific mechanisms through which truth and reconciliation processes could potentially support and enhance democratic consolidation in post-conflict societies (See Table 2.1). The truth and reconciliation process essentially allows these newly established democratic governments to “come to terms with their history of oppression in a way that would allow for public admission of the conditions that led to the excessive and systematic abuse of human rights” (Liebenberg and Zegeye 1998: 541). One of the significant challenges in the truth and reconciliation process is creating a commission that can properly investigate and establish the truth about a nation’s past. This is a difficult process because it must involve the public acknowledgment and acceptance of the different “truths” that have been uncovered, as a country takes steps to make amends for past injustice. *Truth* is a complex concept used to signify something that is based on fact, or is in accordance with reality. As Mobekk (2005) suggests, “truth, in the form of narratives, is never simply uncovered, but is partially constructed and affected by numerous processes and

actors” (265). In post-conflict situations, it is particularly important that people understand the complexities of uncovering the truth in order for healing and reconciliation to occur.

TABLE 2.1. CONNECTING RECONCILIATION AND DEMOCRATIC CONSOLIDATION

<i>Component of Reconciliation</i>	<i>Mechanism for Mitigating Intergroup Conflict and Enhancing Democratic Consolidation</i>
Reduction of political intolerance	Expansion of individual freedom and an unrestricted marketplace of ideas
Reduction of intergroup prejudice	Increased intergroup trust and cooperation
Support for human rights culture	Increased constraints on the ability of authorities to suspend/manipulate the rule of law
Institutional legitimacy	Expanded capacity of institutions to make unpopular but necessary decisions; increased acquiescence
Collective memory	Redirecting political debate from the past to the future

Source: Gibson (2006)

Truth, as it relates to the concept of truth and reconciliation, has been comprehensively investigated in social science research. In terms of its place in the process of reconciliation, truth is tied to “collective memory,” which refers to “the socially accepted understanding of the meaning of the past” (Gibson 2004: 204). Victims of gross human rights violations have the right to an effective investigation and the disclosure of the truth about what happened to them. Truth is not only important for facilitating the healing process for victims, but establishing the truth also enables the entire community to understand the causes of conflict and human rights violations that are part of their country’s past, and find ways to ensure that

these abuses are put to an end. “Establishing truth can initiate a process of reconciliation, as denial and silence can increase mistrust and social polarization” (González and Varney 2013: 4). Ayee (2010) explains that motivating those who profited from the past to realize injustices is only one side of the coin. The other side demands deliberate *interventions* in order to transform a society that has faced a history of human rights abuses and ethnoracial strife. Coming to terms with the complexity of the role of truth in the reconciliation process is one of the most serious ethical, political and strategic challenges that many societies face, and makes the acceptance of a collective truth about a nation’s past especially crucial for the process of reconciliation and healing (Esterhuysen 2000: 153). Nevertheless, despite the fact that truth and reconciliation commissions have become some of the most readily employed mechanisms in transitional justice contexts, there is no clear consensus among scholars and policy-makers about how effectively these commissions are able to unearth the truth, and whether investigating and publicly acknowledging the truth about a nation’s troubling history of human rights abuses will eventually lead to reconciliation.

For example, in a 2001 study of 3,700 South Africans, Gibson (2004) investigates the hypothesis that “truth” leads to reconciliation. After providing clear conceptual and operational meanings for both “truth” and “reconciliation,” Gibson (2004) finds that a common “truth” as proclaimed by the South African Truth and Reconciliation Commission (TRC) is generally accepted by all South Africans, regardless of race, and further reveals that the creation of a collective memory,

produced by processes of uncovering and narrating the truth, leads to reconciliation. In the South African context, reconciliation is generally, and colloquially, understood to “mean nothing more than people of different races getting along better with each other,” following the dismantling of the apartheid government and the institution of a new democratic government of nation-unity in the country (Gibson 2004: 202). Truth, as previously discussed, is tied to the concept of collective memory, and focuses directly on a community coming to terms with past events. Ascertaining the truth involves establishing an accurate historical record that a community can agree on (Hamber and Kibble 1999). Determining the truth about events that occurred in the past is an essential – although not necessarily sufficient – condition for achieving reconciliation (Llewellyn and Howse 1999: 368). South Africa’s experimental truth and reconciliation process has been so widely viewed as being successful that several truth commissions, modeled after the South African prototype, have burgeoned around the world in recent years. The work of the South African Truth and Reconciliation Commission served as the foundation on which the new democratic South African government could work towards establishing a unified multiracial society. Here, it is useful to provide a brief overview and description of how the South African Truth and Reconciliation Commission worked.¹

The South African Truth and Reconciliation Commission, which was established immediately after the end of apartheid, was charged with providing “as

¹ A more complete description and analysis of the South African Truth and Reconciliation Commission, and the political context in which it was established, is provided in Chapters 3 and 6.

complete a picture as possible of the causes, nature and extent of gross violations of human rights,” and this was done through hearing the testimonies of both victims and perpetrators of violence (Llewellyn and Howse 1999: 366). The South African Truth and Reconciliation Commission was made up of three subcommittees: The Amnesty Committee (AC), the Human Rights Violation (HRV) Committee, and the Reparation and Rehabilitation (R&R) Committee. The Amnesty Committee examined applications for amnesty that were submitted by perpetrators of human rights abuses. The South African TRC was mandated to grant amnesty to individuals who had been accused of committing serious human rights violations and other politically motivated crimes if these individuals were willing to testify and divulge the whole truth about their involvement in human rights violations. “By embedding the amnesty provision in the process of the TRC, the [South African] government provided accountability in amnesty, rather than blanket amnesty” (Llewellyn and Howse 1999: 367). The Human Rights Violation Committee investigated human rights abuses that occurred between March 1, 1960 and May 10, 1994. The HRV Committee was also responsible for making determinations about which individuals were victims of human rights abuses. The Reparation and Rehabilitation Committee was responsible for coming up with concrete proposals, policies, and recommendations (including, but not limited to administrative, institutional, and legislative initiatives) to aid victims in their recovery and rehabilitation process (SAHO 2015; Llewellyn and Howse 1999: 368). The South African TRC commissioners were individuals from different communities and diverse

backgrounds; the need for diversity on the Commission was particularly important, given South Africa's history of exclusion, racial oppression, segregation, and violence.

Advocates of truth-telling have made a number of claims about the relationship between truth-seeking initiatives and peace-promotion in post-conflict societies. They suggest that the process of truth-telling does four important things: assures justice; promotes social and psychological healing; fosters reconciliation; deters future crimes (Mendeloff 2004: 356). Nonetheless, the assertion that truth leads to reconciliation, and changed attitudes in individuals, has been met with skepticism from some scholars and policymakers. The belief is that truth-telling could potentially resurrect horrific memories and result in greater levels of animosity between oppressors and the oppressed. Leebaw (2008) notes that because truth commissions are charged with investigating "extremely divisive and violent histories" they can actually hinder the process of reconciliation as painful memories are brought to the forefront, old wounds are opened, and the community and individual victims are re-traumatized (97). In order to successfully make a case for using the reconciliatory racial politics paradigm in my analysis, it is important to establish the validity of the "truth-to-reconciliation" hypothesis. Gibson (2004) offers compelling evidence to support the notion that there is a strong relationship between truth (in terms of acknowledgment and acceptance of the truth about a nation's political history) and reconciliation, and I borrow from his framework to make a case that reconciliation is possible if the right social and political factors are

put in place. Furthermore, Gibson's (2004) diagrammatic representation (See Figure 2.1) of the processes by which truth leads to attitudinal change reveals why it is necessary for scholars, who are engaged in research on transitional justice mechanisms, to focus on group identity as it relates to political behavior, rather than primarily, or solely, focusing on institutional design of truth commissions and other political institutions.

Figure 2.1, from Gibson (2004), illustrates the processes by which truth leads to attitude change, specifically detailing how the truth and reconciliation process may lead to changes in people's attitudes about other racial groups by causing individuals to reevaluate the goodness and morality of their belief systems. Gibson (2004) contends that the truth and reconciliation process may have changed the way that South Africans think about each other by creating cognitive dissonance and mitigating cognitive dogmatism. Instead of viewing the history of apartheid as fundamentally a struggle of good versus evil, Whites versus Blacks, individuals were able to come to a common understanding about the truth of South Africa's past and the terrible abuses that had occurred under the apartheid regime. Apartheid was motivated, not only by ideologies rooted in racism and White superiority, but also in a struggle for political and economic power. All South Africans could then engage in mutually beneficial intergroup dialogue when they began to accept and share responsibility for the tribulations of the country's past. While racial tensions in South Africa were as a direct result of marginalization and oppression of non-Whites by a minority White South African political and economic power structure,

the ensuing violence and serious human rights abuses that occurred during the apartheid era could not be blamed on White South Africans alone. Some Black political leaders were culpable and also had to be held accountable for human rights violations committed against their own people.

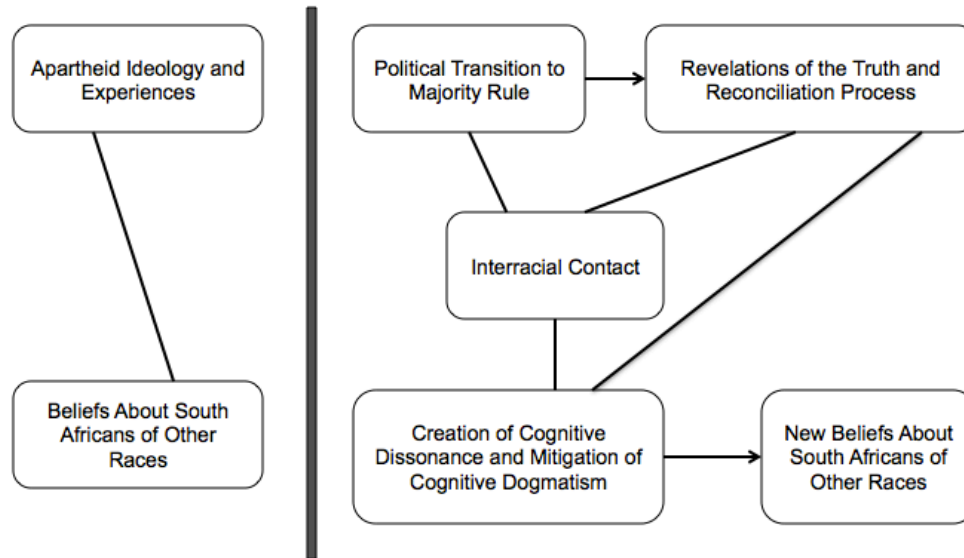


Figure 2.1. Processes by Which Truth Leads to Attitudinal Change ²

The value of the South African Truth and Reconciliation Commission was that it was able to uncover and document the role that each side played in the atrocities that took place during the apartheid era. Although Figure 2.1 is a representation of the unfolding of democratic transformation in the South African context, the diagram serves as a useful framework for understanding truth and reconciliation more broadly, specifically as these concepts relate to intergroup dynamics and

² Source: Gibson (2004a)

political behavior. Furthermore, because the South African Truth and Reconciliation Commission has served as the template upon which many other truth commissions around the world have been modeled, throughout this work I find it useful to explain the truth and reconciliation process by referencing the South African case primarily. Overall, most of the discussions about the institutional structure and functions of the South African TRC are generalizable to other truth commissions.

2.2 Restorative Justice

Restorative justice is an approach to justice that focuses directly on empathy, mutual agreement, dialogue and taking responsibility, and is grounded in the belief that “justice can and should promote healing, both individual and societal” (Zehr 2001: 331). Given this strong commitment to healing after trauma, and ensuring that the needs of victims are met, restorative justice measures have been used to provide a conceptual framework for the South African Truth and Reconciliation Commission, as well as other similar commissions that have been established around the world in recent years (Zehr 2004: 307). The concept of restorative justice is directly tied to transitional justice (Aukerman 2002: 81). The primary goal of transitional justice is conflict resolution. In the restorative justice model, crime is primarily viewed as conflict between individuals, which results in harm not only to the victims, but also to the broader community and the state (Galaway and Hudson 1996). Crime causes harm to the victims, offender, and the broader community, therefore, any attempt to provide justice and redress for victims should focus on

promoting healing and restoring relationships between people (Zehr 2005). Thus, in the transitional justice context, the government has to deal with serious human rights abuses and other criminal activity by approaching these issues from the perspective of conflict resolution. Proponents of the restorative justice approach have argued that this approach allows for conflict resolution more effectively than retributive justice, because restorative justice focuses on rebuilding the relationships between crime victims, offenders, the society, and the state (Daly and Immarigeon 1998). Particularly in cases where violent conflict has occurred between members of different racial or ethnic groups, or between members of different religious groups, a restorative justice approach allows government leaders to neutralize or counteract the work of extremists who may be “eager to tie responsibility for past crimes and human rights violations to their ethnic or religious adversaries” (Fischer 2011: 408). Maintaining the rule of law and achieving lasting peace within the society is a complex process that calls for a balance between legal and restorative approaches.

In the Western legal tradition and judicial system, criminal activity is viewed as an offense against the state. Thus, the state is solely responsible for punishing individuals who break the law. Van Ness and Strong (2015) suggest that “conflict is not something to be solved, but something to be owned. The criminal justice system represents a theft by the state of the victim and offender’s conflict” (15).

Reconciliation has generally been viewed as being incompatible with justice, and justice has been framed as a retributive concept, whereas reconciliation is

understood to be a restorative concept (Mobekk 2005: 263). The concept of restorative justice, which has roots in ancient Arab, Greek and Roman civilizations, focuses on mediation, healing and restoration after offense for both the victims and perpetrators (Van Ness 2015; Braithwaite 1999). In fact, restorative justice has been “the dominant model of criminal justice throughout most of human history for all the world’s peoples” (Braithwaite 1999: 2). Restorative justice deals with crime prevention in a completely different way than the contemporary criminal justice system, but still ensures that offenders take some accountability for their actions. Restorative justice is a less punitive system than retributive justice, and focuses largely on victim empowerment (Braithwaite 1999: 4). Restorative justice takes an approach that attempts to refocus the conception of justice to one where the victim plays a central role, and offender accountability is defined in terms of the obligation the offender has to the victim because of the harm that has occurred (Achilles and Zehr 2001: 87). Victims often lose their sense of autonomy and control after a crime has been committed. Thus, being involved in the restorative justice process helps the victim to reestablish their sense of order and set them firmly on the road to recovery (Achilles and Zehr 2001: 89). It must be noted here, however, that participating in the restorative justice process does not guarantee that individual victims will feel that reconciliation has taken place, since the primary objective of truth and reconciliation commissions is to achieve *national* reconciliation, rather than there being a focus on reconciliation at the individual level. Political

reconciliation at the national level is possible even when reconciliation is not achieved between individual victims and perpetrators (Kohen 2009; Mobekk 2005).

According to Zehr (2004), the concept of restorative justice is grounded on three assumptions: criminal activity is a violation of people and negatively harms relationships; violations create obligations; and the central obligation is to right the wrongs that have occurred (307). Restorative justice includes a number of distinct principles, and the process calls for individuals and the community as a whole to engage in several significant actions to promote the well-being of all members of the society (Zehr 2004: 307).

- Community members are encouraged to focus on the harm and trauma that victims have endured, and concentrate on the needs of victims that have resulted from the crime. The trauma and needs of the entire community, including those of the perpetrators, are also to be taken into account.
- People should place emphasis on addressing the obligations of offenders as well as members of the community who have been victimized.
- Community members should use inclusive, collaborative processes whenever and wherever possible to facilitate the process of healing for all stakeholders.
- All parties must make every effort to correct the wrong that has occurred.

Restorative justice involves a process of restoration or healing on a number of dimensions: restoring human dignity and a sense of empowerment for victims, restoring a sense of security and well-being, restoring harmony and peace once stakeholders in the process believe that justice has been served, restoring property

loss, restoring injury, restoring social support, and restoring deliberative democracy (Braithwaite 1999: 6).

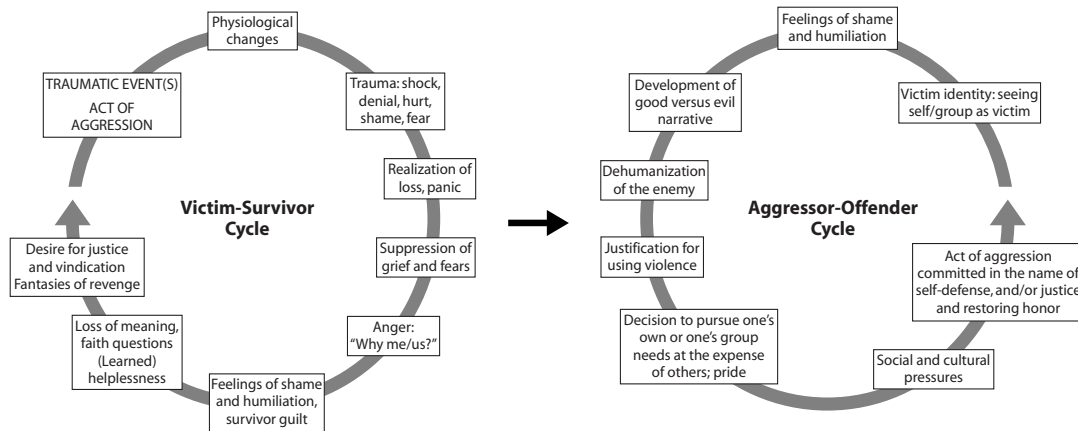


Figure 2.2. Trauma in Victim and Offender Experiences ³

Figure 2.2 highlights the connection between the various levels and forms of trauma that both victims and offenders must come to terms with. This illustration is useful for understanding the ways in which trauma becomes a destructive cycle within the community if the root of violence is not carefully and fully addressed. The diagram reveals why a complex approach that directly tackles multiple levels of trauma must be taken into consideration, if the goal is to reestablish peace and bring some semblance of stability to the community.

Restorative justice underscores helping individual victims, and the community as a whole, to recover after being subjected to crime and violence. Offenders are rehabilitated mainly as a result of their reconciliation with the victims

³ Source: Conflict Transformation Program (2002). Accessed from Zehr (2004).

of crime. The primary objective of restorative justice efforts is to enable victims to receive some form of restitution for their pain and suffering. Restorative justice deals with the harmful effects of perpetrators' actions to the well-being of the victims, and both victims and perpetrators are actively involved in the restoration and rehabilitation process. All the parties come together in an attempt to try and repair the damage that the offense has caused (Van Ness and Strong 2015). Howard Zehr, who is widely regarded as the originator or "grandfather" of restorative justice theory, contrasts restorative justice with the retributive criminal justice system in the following way: While the current criminal justice approach views criminal offenses as breaking the law of the state, and should therefore be punishable by the state, restorative justice views crimes as "a violation of people and relationships" (Van Ness and Strong 2015: 25). Consequently, in the restorative justice process, all parties are invested in trying to find effective, long-term ways to reconcile or resolve the issues that led to the offense in the first place.

Restorative justice theory holds great promise for victims because it offers options that do not exist in the present [retributive justice] system. The redefinition of crime as a violation that creates obligations provides much-needed recognition to crime victims by the community and by the justice system. As the individual harmed, he or she is considered a stakeholder in a justice process. This stands in stark contrast to the present system, which sees the state as the entity offended and relegates the victim to the sidelines (Achilles and Zehr 2001: 90).

Restorative justice also focuses specifically on identifying what victims hope to gain from participating in the process, which is particularly useful since victims will not feel marginalized by the justice system after enduring an already traumatic

experience at the hands of the offender. When the criminal justice system focuses solely on punishing offenders, and does not address the needs of the victims and others who may indirectly be affected by crime, not only are the victims essentially sidelined by the justice system, but it also becomes more difficult for the government to achieve and sustain a “healthy civil society” (McCold and Wachtel 2003: 3).

The restorative justice model includes a series of cooperative processes that attempt to bring healing to victims and repair as much of the harm as possible. “The offender is held accountable [for the harm committed] and the victim may receive compensation or conciliatory behaviors such as expressions of remorse by the offender” (Witvliet et al. 2008: 11). Restorative justice measures can be used to address many different types of crime, and the end goal of restoration involves healing along physical as well as emotional dimensions. Thus, in the restorative justice system, it is important to explore the complex ways in which the victims and offenders are connected in terms of harm or trauma. McCold and Wachtel (2003) present a conceptual theory of restorative justice that explains restorative justice in terms of “primary stakeholders,” or those who are most directly affected by the crime. Table 2.2 outlines the roles of the different stakeholders in the restorative justice process. For those affected by crime both directly and indirectly, the harm caused by the offense, as well as the responses through the restorative justice process, is linked to the needs of different stakeholders.

TABLE 2.2. STAKEHOLDER ROLES IN THE RESTORATIVE JUSTICE PROCESS

	Harm	Needs	Responses
PRIMARY STAKEHOLDERS			
Victim(s)	direct	specific	Active
Offender(s)	direct	specific	Active
Families	direct	specific	Active
SECONDARY STAKEHOLDERS			
Neighbors+	vicarious	aggregate	Supportive
Officials+	vicarious	aggregate	Supportive

Source: McCold and Wachtel (2003)

2.3 Political Forgiveness

The concept of forgiveness is often associated with personal morality. Nonetheless, the processes of intergroup or community forgiveness are primarily grounded on models of interpersonal forgiveness (Roe 2007: 5). In other words, intergroup or community forgiveness is an extension of forgiveness on a personal level. In a study of this nature, it is important to distinguish between forgiveness at the individual level, and forgiveness that occurs communally, or even at the national level. The concept of restorative justice suggests that we consider crime as something that not only directly affects the well-being of individuals, but also has consequences for the security of the society at large, or the nation as a whole. The concept of forgiveness is generally explored through a philosophical or religious

lens. However, contrary to generally understood perspectives, “forgiveness is not necessarily a religious concept” (Kohen 2009: 401).

The language of apology and the concept of forgiveness began to become more widely embraced in political spheres and political science scholarship in the late 1980s (Pettigrove 2006: 489). Forgiveness has generally been conceived as “a process that can only involve people directly connected with the offense, that is, the offender and the offended” (Kadiangandu and Mullet 2007: 37). Political forgiveness refers to a conception of forgiveness, where all parties or stakeholders (that is, victims as well as offenders) make promises to acknowledge the wrongs that took place, but also entails that the victim not hold the offenses against the transgressor in the future (Digeser 2003: 165-166). Political forgiveness involves “releasing offenders or debtors of their [financial, legal, or moral] debts” (Digeser 2003: 165). We must, however, avoid wrongly misinterpreting forgiveness as denoting the pardoning of offenders for the crimes that they have committed. As Moore (1989) explains, rather, we must view pardon and political forgiveness as being “logically independent” (185). A preferable approach to achieving a broader and more complete understanding of forgiveness is to think of forgiveness in terms of it being “an attitude of one who has been injured toward the one who has inflicted the injury. The attitude of forgiveness is characterized by the presence of good will or by the lack of personal resentment for the injury” (Moore 1989: 184). Furthermore, forgiveness does not imply that the victim, or the society at large, condones the actions of the transgressor. As Digeser (2003) explains, “the point of political

forgiveness is ultimately for the sake of preserving the relationship between the victim and the offender” (168).

In this study, I explore the connections between a number of theoretical concepts, including reconciliation, truth, and forgiveness, in order to understand what roles these concepts play in the restorative justice process, and how they enable post-conflict or post-authoritarian nations to achieve democratic consolidation. “The potential role of political forgiveness in reckoning with past regime abuses derives from its balanced perspective in seeking to reconcile the demands for backward-looking healing and reconciliation” (Amstutz 2005: 18). Kohen (2009) contends that for reconciliation to occur within a society, forgiveness must take place. Furthermore, reconciliation should be viewed as a goal, rather than a required element of the restorative justice process. Zehr (2002), however, argues that forgiveness should not be conflated with reconciliation, and neither forgiveness nor reconciliation should become the sole focus of the restorative justice process. While it is not possible to quantifiably measure whether or not political forgiveness leads to reconciliation, it is still useful to examine the relationship between these concepts.

In the restorative justice context, forgiveness is a particularly difficult process, understandably, because it requires individuals and the community to step out of the cycle of violence and recognize the humanity of the perpetrators in a way that the perpetrators of human rights abuses failed to do. Kampf (2008) explains that forgiveness in the public arena depends on “the motivation of the direct or

indirect participants in the reconciliation process, first to deem the utterance made by the transgressor as an apology and, second, to evaluate apologetic speech in a positive manner” (580). Political forgiveness is further complicated by the fact that the community as a whole must be willing to come to terms with the harm caused by the transgressor, and find ways to look beyond that harm or offense so that healing can occur. Forgiveness occurs when victims are able to shift their understanding of the offenders, as well as the relationship of offenders to themselves, and are consequently able to forgive those who have caused the harm. “In the forgiveness process, those who forgive must look beyond violent acts to the humanity they share with their victimizers and recognize the inherent equality between them” (Roe 2007: 4). As Digeser (2001) suggests, whereas standard interpretations of forgiveness are grounded in sentiment-based notions, political forgiveness should be understood as a “performative” act, an action based occurrence. Forgiving is “the only reaction which does not merely re-act but acts anew and unexpectedly, unconditioned by the act which provoked it and therefore freeing from its consequences both the one who forgives and the one who is forgiven” (Arendt 1998: 241). In order for reconciliation to take place, offenders must be willing to publicly apologize for the harm that they caused the victims; the victims, in turn, must be willing to publicly forgive offenders. “Insofar as forgiveness is political, then, it is not so much oriented to restoring wrongdoers to a moral community, but to disclosing the commonness of a world that is constituted by diverse and possibly incommensurable perspectives” (Schaap 2003). This means

that political forgiveness does not negate the fact that harm was caused, but is rather an attempt to acknowledge the harm in such a way that the humanity of victims and offenders is taken into account, in order to repair fractured relationships, and promote peace and healing within the entire community.

2.4 Reconciliatory Politics

Scholars and policymakers have generally been unable to come to a consensus about how to define reconciliation, as well as how to put it into practice, partly because reconciliation can be understood as either a philosophical, psychological, sociological, or theological concept (Bloomfield 2006: 4; Galtung 2001: 4). The phenomenon of reconciliation is often understood as something that occurs between individuals or between groups. At the most fundamental level, reconciliatory politics refers to a process of achieving reconciliation with the aid of political mechanisms or some form of government intervention. With numerous approaches to examining the concept of reconciliation, it is important to explore reconciliation by considering different “levels and facets” of the concept and, particularly for the purpose of this work, look at reconciliation as a political process (Bloomfield 2006: 4). First, if we understand reconciliation to be an outcome, as well as a multi-dimensional, continuing process, as Chapman (2002) suggests, reconciliation moves from the realm of abstract terminology to a practical method that can be applied in post-conflict societies for promoting peaceful coexistence among groups who had previously been in conflict with each other (Bloomfield

2006: 6). Political reconciliation or reconciliatory politics involves a conceptual approach to political activity that focuses on reconciliation in the community as its primary objective. Nordquist (2006) defines political reconciliation as “a process where harm resulting from political violence is repaired in such a way that trust again can be established between victims, perpetrators, and the society at large” (22). Reconciliatory approaches to politics have become common in many transitional justice contexts, particularly since the establishment of South Africa’s Truth and Reconciliation Commission in 1995. As Moon (2006) explains, “symptomatic of the various transitional justice contexts within which the call for redress of human rights violations has been made, reconciliation is pitched between attempts to answer to the ‘moral demands of justice’ and the ‘political demands for peace’” (258).

In terms of thinking about reconciliation as a political undertaking, we should consider the ways in which government actors participate in the reconciliation process, particularly by establishing transitional justice mechanisms such as truth and reconciliation commissions. Democratic governments must be committed to protecting the human rights of citizens, and should therefore find ways to properly implicate and deal with individuals who are involved in gross human rights violations. In essence, the government has some moral obligation to protect human rights. “While moral judgment necessarily presupposes a universal *moral* community, the politics of reconciliation are always enacted in relation to an anticipated political community that is a contingent possibility of a particular

historical context” (Schaap 2007: 9). In post-conflict or post-authoritarian societies, reconciliatory politics hinges on finding ways to “transform a relation of enmity into one of civic friendship” (Schaap 2006: 268). This is not to imply that victims and perpetrators will become “friends,” but rather that the focus shifts from retaliation for violence that has been perpetuated against victims, to resolution and “disassociation between groups that is conditioned by the possibility of violent confrontation” (Schaap 2006: 268). In a nation that has been divided by a history of racial, ethnic, or religious marginalization, oppression, conflict, and violence, the process of reconciliation involves restructuring the political system at its core. Thus, “political reconciliation presupposes a revolutionary moment” (Schaap 2007: 15). The political structure that sanctioned human rights violations must be completely repudiated, and a new sociopolitical order must be established, which is distinguished by the rule of law. The state’s focus on reconciliatory politics has to involve examinations of offences that were legitimized under the previous political regime. “To understand reconciliation politically, therefore, we should think in terms of revolution rather than restoration. As such, reconciliation would not begin with recollection of a prior state of harmony in terms of which our present alienation might be understood and redressed” (Schaap 2007: 9). It is only by fully acknowledging the evils committed under an old political regime, and radically breaking from that history, that the new government can establish its own legitimacy and put in place political mechanisms that can aid in the reconciliation process.

2.5 Group Identity Framework

Any analysis of transitional justice processes, generally conceived, and the work of truth and reconciliation commissions, specifically, would be incomplete without some discussion of the effects of group identity on political behavior, as well as an examination of how group identity affects relationships between different social groups within a society. A group refers to “a self-defining collection of individuals” (Seul 1999: 556). In every region of the world, social groups with “distinct identities” are able to coexist and work together amicably (Mendeloff 2004: 371). Nonetheless, distinct group identities can become the source of intense conflict between different groups, creating an “outgroup-ingroup sequence of attitudes and behavior,” or “us versus them” mentality that arises due to some conflict of interest (Tajfel 1974: 67). Intergroup conflict, grounded in cultural, ethnic, racial, or religious difference, occurs when the groups that are in conflict with each other have strong collective identities, and members of an ingroup view those who belong to the outgroup as adversaries (Kriesberg 2003). In this dissertation, the references to group identity, as the concept relates to the group identity framework that will be applied to the analysis of truth commissions, focus primarily on two principal terms: *social identity* and *intergroup relations*.

Social identity refers to the part of an individual’s self-concept which is derived from their membership in a social group (or groups), and is directly affected by the emotional significance and value that the individual places on belonging to the social group (Tajfel 1981: 255). Intergroup behavior refers to the ways in which

individuals belonging to the same group interact, collectively or individually, with the members of another group (Sherif 1966: 12). Individuals typically identify with social groups on a number of dimensions, and in the case of social group markers such as race or ethnicity, distinctions based on group identity are often directly tied to issues of which groups will control access to power and other resources that are deemed critical to the group's survival. This quest for power can lead to hostility and fear of the outgroup, which in turn causes conflicts to develop or escalate. Generally, because the members of a social group believe that their sociopolitical situation or position is directly affected by another group, vis-à-vis their own interests are tied to that of another group, incompatible interests can become the cause of conflict (Seul 1999: 557). As such, in post-conflict societies where reconciliation may be the primary goal for different groups, power dynamics must be taken into consideration and carefully examined in order to assess the potential for renewed conflict. For example, as Rouhana (2004) explains, since racial and ethnic tensions are rooted in power struggles, power asymmetry cannot be ignored if reconciliation is to become a reality.

The existing power relations should be a departure point for any analysis of reconciliation because within it is embedded the reality of dominant – dominated, oppressor-oppressed, and ethnic cleanser/ethnically cleansed. It is such realities, generated by the power asymmetry, that determine the human experience of the group members in conflict, the psychological underpinnings of their experience, the context of the mutual violence and its moral foundations, the salience of justice for each party, the meaning of reconciliation, and most important, the requirement for real reconciliation between the parties. (Rouhana 2004: 42)

Furthermore, evaluating issues of power asymmetry allow us to more fully explore the relationship between group identity and group rights, and identify cases in which group rights have been violated. Jones (1999) defines group rights as the rights “held jointly by those who make up the group. The group has no existence or interest that cannot be explicated as that of its members” (85).

In this study, although the focus on violation of human rights refers largely to individual human rights abuses, it is still imperative to consider the ways in which the human rights of the collective (or group) are violated in situations of intergroup conflict and civil war. Moreover, individual human rights violations in the cases explored throughout this work are usually tied to an individual group member’s identification with their specific social group, making it impossible to ignore the direct connection between the ways in which human rights violations are linked to social group identity. In fact, a “focus on identities and cultural injustice” has become a dominant element in the international human rights movement (Stanley 2005: 585). Thus, applying a group identity framework in my analysis of the work of truth and reconciliation commissions, specifically in terms of the sociopolitical contexts in which these commissions are established as transitional justice mechanisms, proves to be incredibly beneficial for capturing the complex dynamics of the truth to reconciliation to democratization nexus (See Figure 2.3).

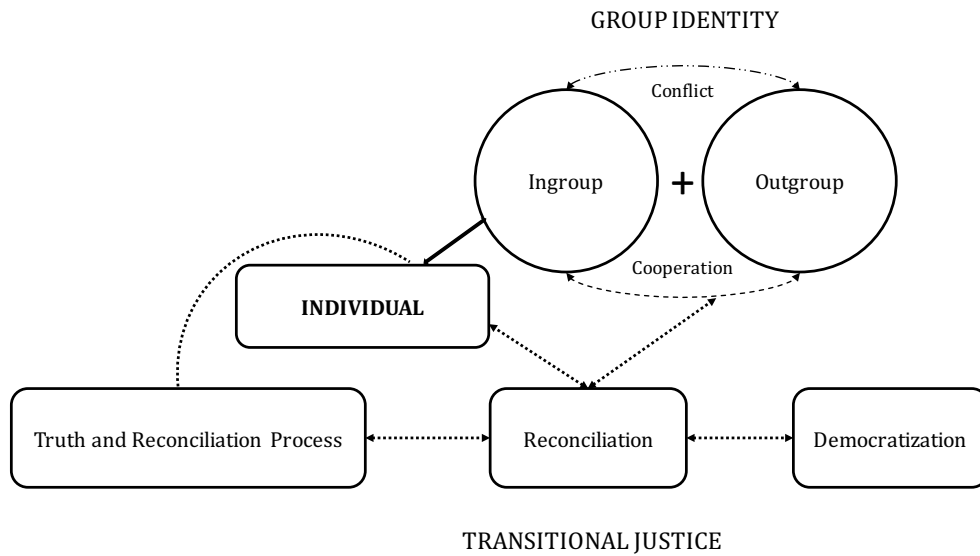


Figure 2.3. Group Identity in Transitional Justice Contexts

2.6 Democratization in Ethnically Heterogeneous Societies

A number of studies have shown that, in general, ethnic cleavages occur less often in countries that are established democracies (Chandra 2005; Cohen 1997; Horowitz 1993; Scarritt and Mozaffar 1999). “Democracy is about inclusion and exclusion, about access to power, about the privileges that go with inclusion and the penalties that accompany exclusion. In severely divided societies, ethnic identity provides clear lines to determine who will be included and who will be excluded” (Horowitz 1993: 18). Recent empirical and theoretical scholarship suggests that greater levels of homogeneity in communities helps to foster “good citizenship” (Anderson and Paskeviciute 2006: 784). Extant literature indicates that heterogeneous societies generally tend to experience more conflict because of material threats and psychological threats (Collier 2001; Easterly and Levine 1997;

La Porta et al. 1999). In heterogeneous communities, some population groups may feel that the presence of other groups will directly affect their well-being or group interests because all groups will be forced to share scarce resources. Moreover, as Fearon and Laitin (1996) explain, psychological conceptions of threat within multi-ethnic societies suggest that ethnic groups perceive “an inherent need to belong to a group,” which allows group members to “maintain or enhance self esteem” (717). Conflict will occur in situations where members of other groups are somehow able to threaten these perceptions of belonging. Ethnic divisions are less likely in democratic societies, because minority groups accept the legitimacy of the government and believe that their social, economic, and political interests are properly represented (Collier 2000).

Research on political violence suggests that the type of political system that is instituted by a government will have an effect on the levels of political conflict or violence within a nation. Studies on political violence have demonstrated that more democratic nations are less likely to experience high levels of political violence than less democratic nations (Mousseau 2001: 550). For this research project, countries included in the analysis are categorized and evaluated based on the levels of democracy exhibited by their established governments and political institutions. Democracy is described as being on a scale or continuum, with countries classified as full democracies, flawed democracies, hybrid regimes, or authoritarian regimes

(autocracies).⁴ Fully democratic nations are perceived by citizens as legitimate, “since they allow the political participation of individuals through nonviolent methods that are not aimed at destroying the regime’s basic foundations or institutions (Mousseau 2001: 550).

Ethnic cleavages or conflict within a nation can make that country’s transition to democracy difficult. In many countries that are severely divided by ethnic tensions, the process of democratization has failed largely because of these ethnic divisions (Horowitz 1993). Ethnic conflict can also pose some challenges to the practice of democracy within countries, and scholars have noted that heterogeneity within a society can foster intractable conflict, which, consequently, makes political systems unstable (Horowitz 1993: 20; Anderson and Paskeviciute 2006: 785). It must be noted that, here, I am not making an absolute claim, or definitely asserting, that ethnic divisions in a nation will inevitably lead to high levels of political violence, but rather that research has demonstrated an apparent connection between ethnic divisions and political conflict. Mousseau (2001) investigates the conditional (interactive) relationship between ethnic heterogeneity and economic and political factors in terms of their effects on political violence, and finds that ethnic heterogeneity is not associated with higher levels of conflict and violence within a nation, except under some specific political conditions where levels of democracy change within multi-ethnic societies. In fragile democracies, or

⁴ The *Democracy Index*, an index compiled by the Economist Intelligence Unit, classifies countries around the world into one of four levels of democracy. The democracy index is a weighted average of 60 indicators that measure civil liberties, pluralism, and political culture.

transitional democratic contexts, ethnic cleavages do have the potential to stall the democratization process. “Theories of resource mobilization, ethnic competition, and split labor market propose that democratization and economic modernization encourage ethnic competition, increasing the likelihood of extreme political violence within nations experiencing political and economic change” (Mousseau 2001: 547).

2.7 Reconciliatory Democratization Paradigm

This research project makes a significant contribution to the extant scholarship on truth and reconciliation commissions by providing a unique analytical lens, centered on a focus on group identity and political behavior, through which we can comprehensively examine issues related to human rights violations and transitional justice processes. In this vein, an important objective of this research project is to provide a new, comprehensive paradigm that will be useful for highlighting the different political processes that are necessary for democratic transformation in societies that have been plagued by intense civil conflict that is marked by racial or ethnic stratification. I present a *reconciliatory democratization paradigm* that is valuable for understanding processes of democratic transition that are grounded in truth and reconciliation efforts.

In order for democratic transformation to occur in countries that have faced civil conflict with serious human rights abuses, it is essential that a state-sponsored discourse on reconciliation is implemented, which emphasizes the importance of *truth-acknowledgment* and *truth-telling* for stimulating the *collective conscience* of

society. The reconciliatory democratization paradigm that I have developed represents the interaction between seven political elements that are necessary for the process of democratic transformation: the process of truth-acknowledgment, truth-telling mechanisms, the rule of law, governance, political reconciliation, socioeconomic development, and political development. Although the relationship between these seven elements will not be empirically tested in this work, considering the interactive dynamics between these elements is incredibly useful for understanding the different factors at play when truth commissions are established in transitional justice contexts. The reconciliatory democratization paradigm will be revisited and fully explored in Part 3 of this work, and will underpin the discussion in the qualitative analysis section, which is based on the numerous case studies that are presented in Part 2 of this dissertation.

In the reconciliatory democratization model, the term *collective conscience* serves as an alternative to Émile Durkheim's "collective consciousness." Collective consciousness refers to the shared beliefs and moral attitudes that operate as a unifying force within society. In this work, the term conscience indicates considerations of both conscious and unconscious interactions and experiences of individuals, as it specifically relates to their group identity and group membership, within any given society. A graphical representation of the reconciliatory democratization model is presented in Figure 2.4. The individual elements of this conceptual paradigm will be used to qualitatively evaluate how different countries

have fared in terms of their quests to achieve democratic transformation in transitional justice contexts.

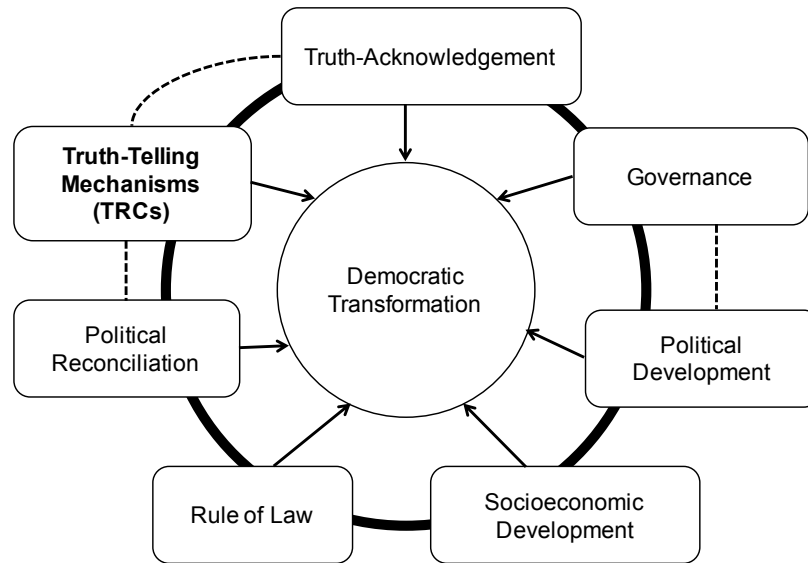


Figure 2.4. Reconciliatory Democratization Model

The interactive processes that lead to democratic transformation, as conceptualized in the reconciliatory democratization paradigm, can be explained as follows.

- **Economic Development:** The government and the private sector should be responsible for establishing and implementing broad-based, comprehensive economic development strategies that promote equitable and sustainable growth in order to support the economic interests of all citizens.

- ***Governance:*** A democratic government must be developed that upholds the rule of law, and is accountable, transparent, and capable of identifying, prioritizing, and providing all the goods and services that citizens need.
- ***Political Development:*** The government must promote the development of a politically active population, and political parties, institutions, representatives and officials must be organized effectively. Additionally, the society must promote pluralism and the rights of all individuals and groups within the society should be respected. Furthermore, institutions that work to promote the rights and interests of previously disadvantaged or marginalized segments of the population must be viewed as legitimate.
- ***Political Reconciliation:*** Political reconciliation is grounded in notions of political tolerance, and is also connected to concepts of peace and justice. The state should be actively involved in assisting different population groups in various processes that will resolve intergroup differences by engaging in direct and peaceful dialogue to identify and pursue shared political goals and interests.
- ***Rule of Law:*** The government must promote justice for all citizens by instituting measures to strengthen systems of accountability, effectiveness, and consistency of services that are administered by judicial, legal, and correctional institutions.

- ***Truth-Acknowledgment:*** Although telling the truth about atrocities of the past can make processes of reconciliation more complex, compelling or encouraging individuals and groups to acknowledge their role in the victimization of others serves as an important element of political transformation. Most important is the ability for groups to understand the issue of collective responsibility, and the ways in which public support of certain policies and political systems permits the continuation of political repression, authoritarian rule, and racial discrimination or marginalization of minority groups.
- ***Truth-Telling Mechanisms:*** Truth-telling initiatives could include the establishment of national commissions, clearly conceived amnesty programs, educational efforts by media and other organizations to promote forgiveness and understanding in societies that are going through processes of transformation. Truth-telling mechanisms can support or facilitate the peace process in several key ways: sustaining social healing and reconciliation; justice; public education; establishing an official, authoritative historical record; institutional reform; strengthening democracy; preemption of crimes; deterrence of future crimes (Mendeloff 2004: 358).

In the reconciliatory democratization paradigm, truth and reconciliation commissions play a dominant role in the process of democratic transformation. These commissions function as truth-telling mechanisms that operate within the

nation to facilitate the difficult process of acknowledging the truth about a country's history of political violence and human rights abuses; thus, the work of truth and reconciliation commissions is directly captured in the truth-telling and truth-acknowledgment sectors of this novel, multidimensional framework.

Countries classified as transitional democracies are those nations that are in the process of changing from authoritarian or totalitarian forms of governance to democratic regimes (Elster 1998: 7). Albertus and Menaldo (2013) provide a comprehensive list of countries that were classified as transitional democracies during the period between 1950 and 2008 (see Table 2.3). While this list does not include all countries that also established transitional justice mechanisms, such as truth and reconciliation commissions, the list is useful for highlighting trends in democratization of countries around the world. The countries excluded from the list – that is, countries that have adopted truth commissions but were not classified as transitional democracies during the period between 1950 and 2008 – are Chad, the Democratic Republic of Congo, Timor-Leste (East Timor), Germany, Grenada, Liberia, Morocco, South Africa, and Yugoslavia.⁵

⁵ “Table 2.3. Cases of Democratic Transition, 1950-2008 (Table Key)” from Albertus and Menaldo (2013) includes information about how transitional democracies were coded by researchers, and explains why some countries that have adopted truth commissions are excluded from the list of transitional democracies.

TABLE 2.3. CASES OF DEMOCRATIC TRANSITION, 1950-2008

Country	Transition Year	Transition Circumstances*	Country	Transition Year	Transition Circumstances*
Albania	1991	-	Liberia	2006	A
Argentina	1958	A	Madagascar	1993	A
Argentina	1963	BA	Malawi	1994	-
Argentina	1973	A	Mali	1992	B
Argentina	1983	B	Mauritania	2007	-
Bangladesh	1986	-	Mexico	2000	BA
Benin	1991	GA	Mongolia	1990	-
Bhutan	2007	-	Myanmar	1960	-
Bolivia	1979	BA	Nepal	1990	-
Bolivia	1982	BA	Nepal	2008	-
Brazil	1985	A	Nicaragua	1984	B
Bulgaria	1990	BGA	Niger	1993	BA
Burundi	1993	A	Niger	2000	BA
Burundi	2005	BA	Nigeria	1979	A
Cen. African Rep.	1993	A	Nigeria	1999	B
Chile	1990	A	Pakistan	1972	BA
Colombia	1958	BGA	Pakistan	1988	A
Comoros	1990	BA	Pakistan	2008	-
Comoros	2004	BA	Panama	1952	BA
Congo	1992	-	Panama	1989	A
Cyprus	1983	A	Paraguay	1989	A
Czechoslovakia	1989	A	Peru	1956	A
Dominican Rep.	1966	B	Peru	1963	BA
Ecuador	1979	A	Peru	1980	A
Ecuador	2002	-	Peru	2001	BA
El Salvador	1984	BA	Philippines	1986	BG
Fiji	1992	A	Poland	1989	GA
Georgia	2004	VBA	Portugal	1976	B
Ghana	1969	-	Romania	1990	BGA
Ghana	1979	-	Senegal	2000	A
Ghana	1993	A	Serbia	2000	BA
Greece	1974	B	Sierra Leone	1996	B
Guatemala	1958	BA	Sierra Leone	1998	B
Guatemala	1966	A	Spain	1977	A
Guatemala	1986	A	Sri Lanka	1989	BA
Guinea-Bissau	2000	BA	Sudan	1965	GA
Guinea-Bissau	2004	BA	Sudan	1986	BA
Honduras	1957	B	Taiwan	1996	-
Honduras	1971	A	Thailand	1975	A
Honduras	1982	-	Thailand	1979	A
Hungary	1990	BGA	Thailand	1992	BA
Indonesia	1999	A	Thailand	2008	-
Jamaica	1962	-	Turkey	1961	B
Kenya	1998	A	Turkey	1983	A
Korea, South	1960	A	Uganda	1980	B
Korea, South	1988	GA	Uruguay	1985	-
Kyrgyzstan	2005	A	Venezuela	1959	BGA

TABLE 2.3. CASES OF DEMOCRATIC TRANSITION, 1950-2008 (TABLE KEY)

Note: Includes all cases of democratic transition from 1950-2008 as coded by Cheibub, Gandhi, and Vreeland (2009). Data on revolutions as coded by Goldstone (1998) end in 1998. Data on constitutions as coded by Elkins et al. (2010) end in 2006.

*B: Revolution coded by Banks in year prior to transition.

G: Revolution coded by Goldstone in year prior to transition.

A: Autocratic constitution adopted prior to democratic transition.

Source: Albertus and Menaldo (2013)

In transitional democracies, political and judicial systems can sometimes function differently than they would in fully democratic nations, because “in cases of transitional justice, the society is in a real sense judging itself” (Elster 1998: 14). Take, for example, the fact that where trials are taking place in a court of law, judges could potentially be implicated in the wrongdoings of the previous regime (Elster 1998: 14). A measured approach to establishing the legitimacy of political institutions is critical in transitional democratic contexts. Democratic regimes are characterized by “broader political participation and greater limits on the exercise of political power,” which is in direct contrast to constraints on executive political power in non-democratic regimes (Murtin and Wacziarg 2014: 142).

Research on justice and reconciliation efforts in transitional democracies has largely been dominated by philosophical discussions and abstract concepts. Therefore, in this research project, I have found that in my analysis it is essential to focus on concrete issues, and examine the role of group identity, political behavior

and political rhetoric or discourse for rewriting the collective memory of citizens in a nation as it attempts to move beyond a history of authoritarianism or oppression. My overall research agenda and theory of reconciliatory politics is grounded in three major theoretical structures: democratic transition, interracial or interethnic contact, and establishing truth. To understand how interracial or interethnic tensions operate within the framework of reconciliatory politics, we can consider the case of South Africa. For many years the international community regarded South Africa as a nation in which a peaceful transition to a democratic multiracial government was unlikely; consequently, the country faced strict diplomatic and economic sanctions from international governments for many years. “The comparative context in which South Africa previously found itself was that of Northern Ireland and Greater Israel with their intractable communal conflicts in which inclusive democracy is an unlikely outcome” (Giliomee 1995: 83).

Broad-based economic development and national homogeneity have been established as social requisites for the consolidation of a liberal democracy (Giliomee 1995: 84). A liberal or constitutional democracy is a representative democracy in which elections are free and fair, the political process is competitive, and all citizens are given an equal opportunity to participate politically. Transition theory in mainstream political science research often accepted a minimalist liberal understanding of democracy, as demonstrated by “constitutions enshrining individual civil rights, political party competition and periodic elections” (Wilson 2001: xvi). The problem faced by multicultural and multiracial liberal democratic

politics is that racist overtones of ethnic nationalism often emerge, in opposition to liberal democratic normative commitments – as was the case in South Africa (Abizadeh 2002: 496). South Africa appears to be the textbook case of democratization by proponents of transition theory. “These theorists argue that the transition from authoritarianism to democracy can be brought about only as a result of negotiations and of pacts between the reformers in the ruling regime and moderates in the opposition” (Adler and Webster 1995: 76). Reconciliation efforts in South Africa, therefore, revolved around concessions from both sides of the racial and political divide.

Hierarchical group relations characterize intergroup tensions; consequently, any strategy to improve intergroup relations must consider the perspectives and attitudes of both the majority group and the minority group (Sidanius and Pratto 1999; Dovidio et al. 2008). Scholars have been able to provide extensive documentation on the relationship between interracial contact and racial accord, but there are still debates about whether this contact leads to conflict or cooperation between groups. In his formulation of the contact hypothesis, Allport (1954) noted that several conditions were necessary for group contact to reduce prejudice. These conditions include equal status [perceived and real] between individuals, common goals, intergroup cooperation, and authoritative norms encouraging acceptance (Allport 1954 as quoted in Gibson and Classen 2010: 257). Contact theory (or propinquity) proposes that increased contact between members of different groups will decrease the likelihood of negative attitudes towards each

other (McClain et al. 2006: 574). Interracial or interethnic propinquity refers to a condition of social cohesion, in which members of different racial or ethnic groups are able to live together peaceably (Harris 2013). While some scholars suggest that intergroup contact plays an important role in reducing prejudice and conflict (Amir 1969; Desforges et al. 1997; Ellison and Powers 1994; Hewstone and Brown 1986; Kinder and Mendelberg 1995; Pettigrew and Tropp 2000; Welch et al. 2001; Wilder 1984), other studies present contradictory findings, and show that intergroup contact can increase conflict because of competition for resources, as well as increased levels of prejudice (Fossett and Kiecolt 1989; Quillian 1996; Schofield and Eurich-Fulcer 2001). McClain et al. (2006) also note how in certain cases, depending on the social and political context, propinquity can reduce prejudice but increase conflict among groups. Research on intergroup contact, therefore, must be context specific to provide accurate and comprehensive analyses of group relations in multiethnic communities.

In the South African context, for example, for almost four decades, the political system that had been established by the apartheid government, and was rooted in the complete territorial segregation of Africans, Coloreds, Indians, and Whites, controlled and minimized racial contact among different groups (Morris 1999: 668-669). In a case study of one inner-city neighborhood in South Africa, Morris (1999) found that racial propinquity had a mixed effect. In post-apartheid South Africa, many individuals felt that overt acts of racism were minimal, racial tolerance had increased, and some racial barriers had declined. However, some

individuals (mainly the White residents in that neighborhood), continued to express racist sentiments in private and in face-to-face interviews for the study.

While Allport's conceptualization of the contact theory is useful for understanding the fundamental nature of intergroup competition, it is also beneficial to consider alternative schema that build upon that theory. Pettigrew (1998) presents a longitudinal model of the intergroup theory (see Figure 2.5), which is a reformulation of Allport's contact hypothesis and is based on a meso-level analysis of contact between different groups. The analysis is placed within the micro- and macro-level contexts of (B) individuals' experiences and characteristics, but is also considered within the larger societal setting. The basic elements of the reformulated model are (A) the essential facilitating situational factors, and (C) initial contact, (D) established contact, (E) unified group within the time dimension (Pettigrew 1998: 76). Dovidio et al. (2003) also present a useful formulation for examining the processes of intergroup contact (see Figure 2.6) that is based on the four prerequisite conditions for intergroup contact highlighted by Allport (1954), as well as other factors. Pettigrew and Tropp (2000) find that under certain circumstances, increasing interracial contact has the potential to increase racial reconciliation. While there is no consensus in the extant literature about whether intergroup contact reduces conflict, some research presents conclusive evidence that supports the hypothesis that under specific conditions interracial or interethnic group contact can promote reconciliation to some degree.

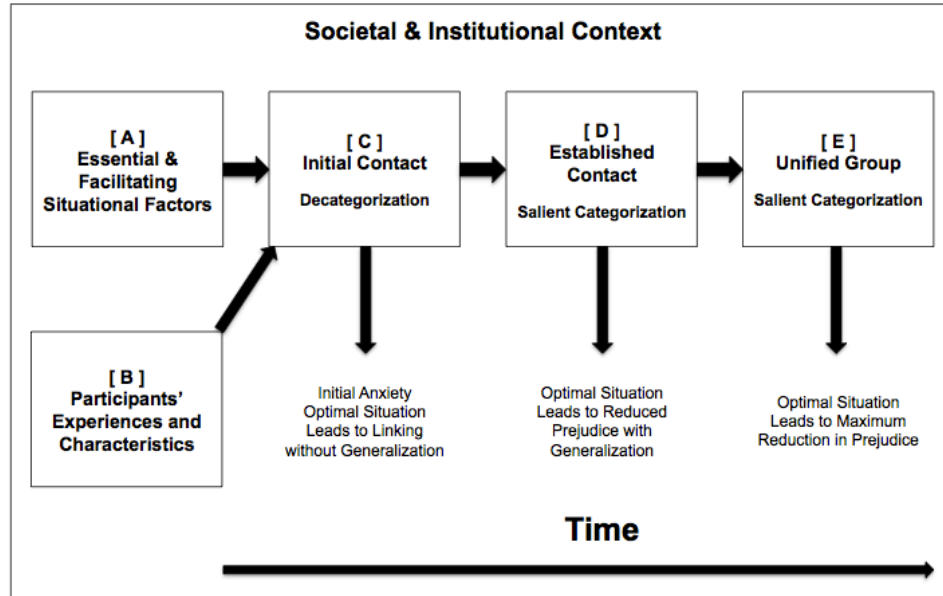


Figure 2.5. Reformulated Contact Theory ⁶

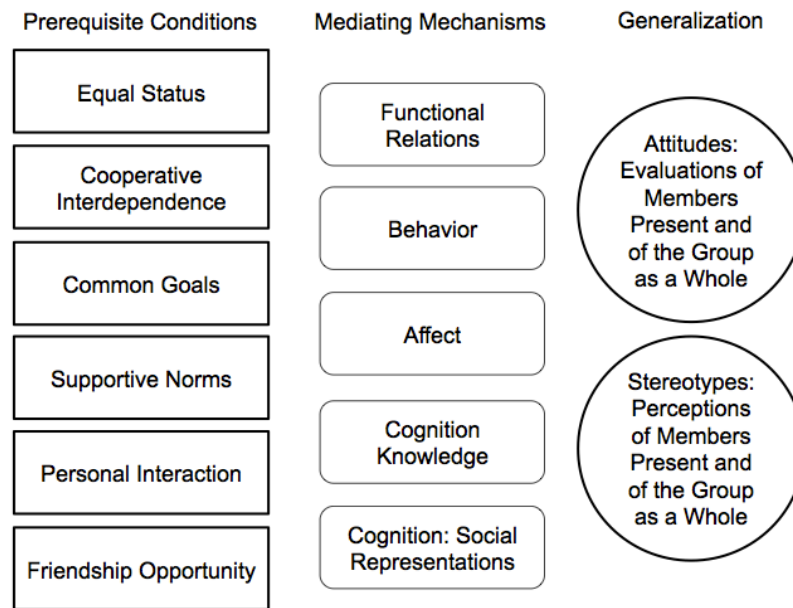


Figure 2.6. Processes in Intergroup Contact ⁷

⁶ Source: Pettigrew (1998)

⁷ Source: Dovidio et al. (2003)

What is truth? Although there are several philosophical frameworks that define and explore the meaning of truth, for the purpose of this study, I equate truth with the willingness of an individual or a group to accept documented facts about events or situations. Both truth-telling and truth-acknowledgment are important components of the reconciliation process in a racially or ethnically divided society that is emerging from a period of civil conflict. De Gruchy (2002) notes how words and deeds are a necessary element for “rescuing reconciliation from banality” and recovering “its costly connection with telling the truth and social justice” (22). The concept of “truth-acknowledgement” is directly tied to theories of attribution of responsibility and blame. Political psychology studies have focused extensively on how individuals attribute responsibility for different behaviors and events (Gibson and Gouws 1997: 502-503). In terms of processes of reconciliation, there are many roads that lead to truth, of which granting amnesty for crimes committed is, perhaps, the most important. While some scholars, including Hayner (2000), have argued that truth does not necessarily lead to reconciliation, since truth-telling may reopen old wounds and prevent these wounds from healing, Gibson (2004) directly tested the “truth leads to reconciliation” hypothesis, and found that the South African Truth and Reconciliation Commission was successful in encouraging both the truth-acknowledgement and truth-telling processes. Gibson (2004) also found that the South African TRC played an important role in convincing the majority of South Africans across the political spectrum that all sides were guilty of committing human rights violations and, in turn, suffered from these violations (Graybill and

Lanegran 2004). The connection between the process of uncovering and documenting the truth and the process of reconciliation will be described in greater detail in a subsequent section of this work, in order to parse out the conditions under which truth can lead to reconciliation, and the conditions under which truth does not lead to reconciliation.

Reconciliation is the primary goal of transitional justice,⁸ where transitional justice invokes the goal of transitioning to a democracy, as framed in debates on third wave democratization. Reconciliation of groups that have been in conflict is “a long term process which requires complex and multifold strategies” (Schlunck 1998: 421). As Gibson (2004) notes, when people talk about reconciliation, they are generally referring to people of different races getting along with each other, cooperating in social and political activities, and living in harmony – essentially, a “diminution of racial animosities” (202). Indeed, mutual respect is one of the critical components of reconciliation. As Hofmeyr (2005) notes, it was difficult for the beneficiaries of the apartheid system to acknowledge the ways in which their “privilege was built on, and protected by, brutality that caused extreme hardship for millions. [Consequently, it] can be argued that true reconciliation can only occur when this acknowledgement [of the truth] has taken place and the full extent of this reality has been grasped” (29).

⁸ See Chapter 1 for a brief introduction to the concept of transitional justice, and Chapter 3 for a discussion of transitional justice mechanisms.

In order for the transitional justice process to advance successfully, not only must the truth about the past be investigated and properly documented, but the community must be willing to acknowledge and accept the truth, in order to move forward. “The truth and reconciliation process is based on a number of presuppositions about political psychology. Foremost and most obvious is the assumption that knowledge promotes forgiveness, that reconciliation flows from truth” (Gibson and Gouws 1999). The process of reconciliation enables people to deal with past hurts, oppression, and alienation, paving the way for more congruous interactions in the present, as well as allowing people to learn how to properly relate to “the other” (De Gruchy 2002: 27). Reconciliation has been defined in two major ways in the extant literature. Minimalist conceptions of reconciliation have been associated with the principle of democratic reciprocity among conflicting parties, or between governors (the political and economic leaders of a nation) and the people who are governed. Expansive conceptions of reconciliation, on the other hand, incorporate a range of features associated with democracy, including tolerance of political and ethnic and racial diversity, rejection of negative ethnic and racial stereotyping, and respect for human rights. Reconciliation is generally viewed as the ultimate goal of conflict resolution strategies. Asmal et al. (1997) contend that reconciliation leads groups that are in conflict to address “unwelcome truths in order to harmonize incommensurable world views so that the inevitable and continuing conflicts and differences stand at least within a single universe of comprehensibility” (46).

2.8 Summary

In this chapter, I have defined and explained five interrelated concepts that lie at the heart of this research project: political forgiveness, truth, reconciliation, restorative justice, and reconciliatory politics. To summarize, in this work, reconciliation is theorized as a process of transformation in which the different parties in a conflict situation are able to recognize their differences, and move beyond these differences in order that the interests of all parties will be mutually accommodated. Truth refers to the socially accepted understanding about facts related to events that have occurred. Political forgiveness signifies a form of forgiveness where all the stakeholders in a conflict essentially agree to acknowledge the wrongs that have taken place, but victims choose not to hold the transgressions of the offenders against them in the future. Restorative justice is an approach to justice that focuses on dialogue, mutual understanding, and taking responsibility. Reconciliatory politics involves an approach to political activity in which reconciliation is the primary objective. The concepts here are central to the discussions and scholarship on transitional justice. By providing a detailed overview of these concepts, explaining the distinctions between them, but highlighting how each concept is connected to the others, I have provided readers with some clarification on the complex nature of transitional justice processes. Since these concepts are relatively abstract in nature, applying them in practical contexts can be challenging. This reveals why the work of truth and reconciliation commissions can be variously met with high praise, cautious optimism, or strong criticism.

This chapter also includes a discussion of the concept of group identity. A group identity framework is foundational to the analysis of the political and historical backgrounds of the countries in which truth and reconciliation commissions have been established. By considering the ways in which race, ethnicity, religion, and other cultural dynamics affect intergroup relations, it is possible to gain a more comprehensive understanding of the causes of civil conflict. Furthermore, employing the group identity framework in this comparative, cross-national study allows me to address some of the gaps in the existing literature, since much of the empirical research on truth and reconciliation commissions focuses exclusively on political institutions (institutional design), as opposed to group identity and its effects on political behavior. I also briefly explain how processes of democratization occur in heterogeneous societies, commenting on the ways in which ethnic cleavages and racial tensions can make the transition to democracy difficult in post-conflict societies.

Additionally, I introduce the reconciliatory democratization paradigm, a novel, conceptual framework that illustrates the interactive processes that lead to democratic transformation in transitional justice contexts. The reconciliatory democratization paradigm is comprised of seven key elements that are distinct, yet interrelated, and function together to promote democracy. The elements of the reconciliatory democratization paradigm are economic development, governance, political development, political reconciliation, rule of law, truth-acknowledgment, and truth-telling mechanisms.

CHAPTER 3. TRUTH AND RECONCILIATION COMMISSIONS: AN OVERVIEW

“If there is to be reconciliation, first there must be truth.”

– Timothy B. Tyson, Professor and Author

“Truth alone will endure: all the rest will be swept away before the tide of time. I must continue to bear testimony to truth even if I am forsaken by all.

Mine may today be a voice in the wilderness, but it will be heard when all other voices are silenced, if it is the voice of Truth.”

– Mahatma Gandhi

3.1 Transitional Justice Mechanisms

Transitional justice refers to a distinctive approach for achieving justice in times of transition from conflict and/or state repression. Transitional justice measures focus on achieving accountability, recognizing the rights of victims, and strengthening the democratic rule of law. The concept of transitional justice also attempts to explore how people are able to come together and reconstruct their lives after a period of intense civil conflict (Shaw 2007: 186). The field of transitional justice seeks to implement practical mechanisms to help societies navigate the difficult democratization process, as well as post-conflict or post-authoritarian reconstruction (Shaw 2007: 186). Transitional justice includes a set of judicial as well as non-judicial measures that countries put into place “to redress the legacies of massive human rights abuses” (International Center for Transitional Justice 2014). These measures include, but are not limited to, the establishment of truth and reconciliation commissions, reparations programs, and criminal prosecutions (International Center for Transitional Justice 2014). Transitional

justice is a concept that refers to the ways in which a society that is moving from a period of authoritarian rule or intense civil conflict deals with past atrocities, and how that society creates systems of justice in order to prevent future atrocities from occurring (Call 2004: 101). Transitional justice emerged after the Cold War as a response to the third wave of democratization, primarily because of the efforts of human rights groups and non-governmental organizations. The third wave of democratization refers to the period between 1974 and 1990, during which over 30 countries around the world made transitions to democratic governance (Huntington 1991: 12). The first wave of democratization began in the 1820s and continued until 1926, with about 33 countries establishing democratic governments. This was followed by the first reverse wave of democratization between 1922 and 1942 that reduced the number of democracies to 12. The second wave of democratization occurred with the victory of the Allied Forces in World War II. From 1943 to 1962 approximately 52 countries around the globe were democratic nations. A second reverse wave occurred between 1958 and 1972, leaving roughly 30 democracies intact. The third wave of democratization began in 1974.

In recent decades, a number of political institutions have emerged as instruments of transitional justice. Transitional justice efforts often involve truth-seeking activities that play an important role in the democratization process. A primary goal of transitional justice is to promote an atmosphere of national solidarity after a period of internal strife and political upheaval. As Shaw (2007) explains, transitional justice “is realized within a context in which geopolitical

asymmetries shape the allocation of culpability; the violence of some states is more readily categorized as a crime against humanity, for example, than that of others” (186). In this vein, transitional justice requires that governments find the right balance between their efforts to guarantee security and some form of accountability for the parties that were involved in criminal acts and violence under previous political regimes. Transitional justice mechanisms include systems that have been put in place to facilitate the process of granting reparations to victims; truth and reconciliation commissions; international criminal tribunals, which differ from trial courts (for example, tribunals were established in the former Yugoslavia and Rwanda); hybrid courts, and the International Criminal Court (Huntington 1991).

3.2 History of Truth and Reconciliation Commissions

Research on truth and justice in transitional democracies has been dominated by philosophical discussions and abstract concepts. It is, therefore, important to situate the questions that lie at the heart of this study in more tangible and concrete analytical frameworks, in order to examine the role that political discourse plays in reshaping political behavior, group identity, and the collective memory of people in transitional justice contexts. My overall research agenda and the theory of reconciliatory democratization, which I develop throughout this work, is grounded in three major theoretical schemas: democratic transition, intergroup (interracial and interethnic) contact, and truth as it relates to truth-telling and truth-acknowledgment. The reconciliatory democratization paradigm represents

the interaction between seven political elements that are necessary for the process of democratic transformation: truth-acknowledgment, truth-telling mechanisms, the rule of law, governance, political reconciliation, socioeconomic development, and political development. The different elements that constitute this paradigm are introduced and discussed detail in Chapter 2 and will be applied to the qualitative analysis of key case studies in Chapter 7.

A truth and reconciliation commission is a national investigative body that is established by the government to probe, uncover, and address human rights abuses that occurred in a nation that was deeply divided by political violence, in order to ascertain the truth about that nation's history and create "some form of unification," and promote healing and conciliation (Maclean 2011). Truth and reconciliation commissions, which are also referred to as truth commissions, are established to facilitate the process of reconciliation and promote reunification in societies that have been divided by internal civil conflict that is marred by serious human rights abuses. Truth and reconciliation commissions are temporary bodies that are charged with investigating human rights abuses that occurred during a specific period in a nation's history, with the ultimate goal of creating a narrative that can be used as a basis for providing reparations for victims and survivors, as well as proposing concrete measures that can be taken into account to prevent future abuses (Roht-Arriaza 2006). Establishing an officially sanctioned truth about the past is important because individual accounts can vary as people on different sides of "a conflict or an oppressive relationship" have a wide range of experiences and

different understandings about events that occurred in the past (Kriesberg 2004: 83). A truth and reconciliation commission can be characterized as an alternative to traditional judicial methods for dealing with serious human rights violations and institutionalizing justice (van Zyl 1999). Truth and reconciliation commissions are primarily focused on documenting historical truth, and are able to investigate events that happened in the past because of their unique and specific “administrative structure[s], powers, and processes” (Teitel 2000: 81). “Most truth commissions are created at a point of political transition within a country, used either to demonstrate or underscore a break with a past record of human rights abuses, to promote national reconciliation, and/or to obtain or sustain political legitimacy” (Hayner 1994: 604). Truth and reconciliation commissions do not focus on a singular event, but are concerned with examining a series, or systematic pattern, of gross human rights violations that have occurred over a period of time. Truth and reconciliation commissions are typically set up by governments, but in some cases, they may be established by non-state actors. Violations by armed opposition forces, the military, and other government agencies fall under the scope of human rights abuses and atrocities that truth commissions are tasked with investigating (Hayner 1994: 600). While it may not be an easy task to establish an accurate and comprehensive narrative of a country’s past of political violence and human rights violations, truth commissions are particularly beneficial in transitional political contexts because they are set up as legitimate and transparent official institutions. Additionally, as Teitel (2000) notes, individuals who serve as truth

commissioners are generally prominent, well-respected members of the community, who have been specifically appointed because they are viewed as “moral elite,” or individuals with integrity (81).

Many truth commissions explicitly present the goal of promoting national reconciliation in their mandates. The mandate of a truth and reconciliation commission outlines and governs exactly what the commission is tasked with accomplishing (Brahm 2007: 30). Since the political environment is different in every country, a truth commission needs to be structured in such a way that it takes into account the specific historical issues, as well as the current political situation, of the country. It is, therefore, challenging to “disentangle the truth commission from the political environment into which it is born” (Brahm 2007: 17). Truth and reconciliation commissions are usually established “as instruments to reaffirm the goals of unity and reconciliation within a nation state” (González and Varney 2013: 60). Reconciliation is a long-term process, hence commissions must play an active role in changing the political climate by encouraging truth-telling, properly documenting and disseminating information about the truth that has been uncovered, and finding ways to support institutional and governmental reform (González and Varney 2013: 12).

3.3 Functions of Truth and Reconciliation Commissions

Truth and reconciliation commissions are essentially quasi-judicial institutions that are set up on a temporary basis and serve as instruments of

restorative justice. The functions of truth and reconciliation commissions are the types of activities that these commissions must engage in to achieve their objectives, as outlined in their mandates. The primary reason that truth and reconciliation commissions are set up is so that an officially sanctioned, comprehensive, and accurate account of a nation's past will be clearly documented. As Hayner (2010) notes, however, truth commissions go beyond simply documenting the truth of a country's checkered past. Additional important functions of truth and reconciliation commissions include protecting the well-being and integrity of victims and survivors; supporting the work of traditional courts and the judicial system; preparing a report that establishes a comprehensive, impartial, and accurate account of war crimes and human rights violations; conducting educational outreach activities in order to ensure that the public has a clear picture of the work the commission has done; offering public policy proposals that will effectively address how to prevent conflict and human rights abuses from occurring again in the future; and promoting national reconciliation efforts (González and Varney 2013: 24). By publishing an official report, a truth commission is able to provide the general public with an accurate record of the *truth* about the nation's history (Schlunck 1998: 418). The hope is that when facts about a nation's past are exposed in this way, and the citizens are able to acknowledge the truth, it will have "a cathartic and educational effect on the society in transition" (Schlunck 1998: 418). Since truth and reconciliation commissions are typically instituted during periods of pronounced political change, such as after the fall of an authoritarian regime or the

end of civil conflict, it is believed that successful political transitions are contingent, in part, on the work of these commissions (González and Varney 2013: 9). Truth and reconciliation commissions have, consequently, become an important component of post-conflict peace building efforts around the world (Brahm 2007: 16). These commissions “are regarded as a standard part of conflict-resolution ‘first aid’” (Shaw 2005: 2).

The work of these commissions serves as an official acknowledgement of the truth, and helps in the process of building national unity and promoting healing. “An official acknowledgment of the facts in a truth commission report can play an important psychological role in recognizing a truth which has [usually] long been denied” (Hayner 2010: 22). Furthermore, truth commissions attempt to make leaders morally and politically accountable for human rights abuses that occurred under their regime (Shaw 2007: 190). Fundamentally, truth commissions are primarily concerned with establishing a comprehensive historic record of past human rights violations, promoting national reconciliation, ensuring that there is some type of just outcome for the victims, and serving as a deterrent for further violations and abuses (Scharf 1996: 379). Undeniably, perpetrators of human rights abuses have played a significant role in the past civil conflict and often retain some influence over the transitional political process. Thus, truth commissions become an invaluable instrument for balancing the “demands for accountability for past human rights abuses” with measures that are being implemented to move a society forward to a place of healing and peace (Brahm 2007: 17). A common consensus among

scholars, policymakers, and human rights advocates is that truth commissions play an important role in documenting history and creating a credible account of human rights abuses, which allows a society to potentially learn from past mistakes and prevent repetition of these mistakes in the future (Scharf 1996: 379).

Truth and reconciliation commissions are established as a “step towards knowing the truth and, ultimately, making justice prevail” (Ellacuría et al. 1999). Wilson (2001) argues that the power of truth and reconciliation commissions is ultimately symbolic, because these institutions do not have the legal authority to prosecute perpetrators of human rights abuses, and therefore do not actually carry out “justice” (16). Nevertheless, truth commissions can play an important first step in traditional judicial procedures. For example, in Rwanda and the former Yugoslavia, the reports that were created by the truth commissions in these two countries laid the framework for political action that resulted in the perpetrators of human rights violations being eventually brought to justice (Scharf 1996: 380). During difficult political transitions, newly instituted governments can also use truth commissions as a marker of political legitimacy or to demonstrate that the new leadership is breaking away from the past record of human rights abuses (Hayner 2010: 19). Truth commissions create legitimacy for regimes that are undergoing a democratization process by occupying a “liminal space between and between state institutions” (Wilson 2001:19). Not only do victims have a right to know the truth, but for reconciliation to be feasible, the public must have confidence in the legitimacy of government institutions. The work of truth and reconciliation

commissions is an essential factor for establishing this legitimacy, because commissions are officially sanctioned by the new government that has assumed political power. By creating an air of transparency and acknowledging and documenting the truth, the commission's work indicates that the new government will not be complicit in denying the atrocities of the past.

In order for a nation to come to terms with its painful and traumatic legacy of conflict, civil unrest, and political repression, a collective effort must be made on the part of all community members to acknowledge and document the wrongdoing of the past. This is often a complex process because "historical truth is not coherent and unitary," and even when facts are outlined, different parties may contest the truth (Amstutz 2005: 28). Consequently, truth and reconciliation commissions play a very important role in establishing a comprehensive, coherent historical narrative that can be more readily accepted by all parties. González and Varney (2013) highlight five important, defining characteristics of truth commissions. First, truth commissions are not judicial bodies, but they usually complement the work of the criminal justice system. Truth commissions do not prosecute perpetrators for criminal actions, and in cases where the commission is able to gather useful information, the inquiries may be used to complement the work of the courts. Truth commissions also focus on finding patterns to analyze the sociopolitical or historical context of violence and gross human rights abuses, rather than on individual cases. Second, victims and survivors of human rights abuses are the primary focus of truth commissions, and the commissions do whatever they can to ensure their well-being.

Third, truth commissions focus specifically on gross human rights violations, war crimes, and crimes against humanity. Fourth, truth commissions conduct extensive investigations and collect large amounts of data. For example, the South African Truth and Reconciliation Commission and the Truth and Reconciliation Commission of Peru gathered 22,000 and 17,000 testimonies respectively over their durations. Lastly, truth commissions generally cover long periods of abuse, in order to identify historical patterns of conflict, violence, criminal activity, and oppression. By working to provide the public with an impartial, historical account of human rights violations, truth and reconciliation commissions are able to play a meaningful role in the process of promoting healing and encouraging reconciliation within a society.

3.4 The Truth Commission Report

A key part of the truth and reconciliation process involves documenting all evidence collected by the commission, as well as the creation of a comprehensive account of testimonies that were recorded during commission hearings, all of which can later be shared publicly. The truth commission report serves as the official, written account of the commission's work. The report is also a compelling record of historical events. The structure of the truth commission report will vary, based upon the specific political context and circumstances of conflict that the report has to cover. However, as González and Varney (2013) note, every report that is released by a truth and reconciliation commission will generally include the following elements:

- The commission's mandate, terms of reference, authorizing charters, procedural rules and any other relevant laws.
- Background information on the commission members and an explanation of how they were chosen.
- A description of the role of the government or other public or private institutions in the establishment and operations of the commission.
- A clear explanation of the methodology used during testimony and investigations.
- A list of the documents and evidence that gave rise to conclusions, relevant laws, and analysis of the failings within the institutional and social structures that led to events. If resources allow, transcripts of testimonies can be included in an appendix, in a separate published report, or on the internet.
- A list of victims or perpetrators, except when identities have been withheld for safety, procedural or other reasons. (González and Varney 2013: 65)

Truth commissions often have to work with limited resources and under intense public scrutiny; thus, writing and releasing a final report under these circumstances can be a difficult task for commissioners (Hayner 1996b).

Furthermore, truth commissions have to produce a report that “will be universally accepted as impartial, fair and an accurate representation of history” (Hayner 1996b: 19). The truth commission report can also include recommendations for government agencies and civil society organizations that will be critical for addressing human rights violations that have occurred and providing remedies to victims. “To create an authoritative history, a truth commission’s work must be detailed enough to convince skeptics that the facts it finds are true, while at the same time providing overall patterns and explanations to shape historical accounts of the atrocities” (Scharf 1996: 384). Although the truth commission report is not a legally binding document, the consensus among scholars and policymakers is that

the government must take the work of the commission seriously and follow the recommendations outlined in the report to the fullest extent possible. The final task that a truth commission will undertake before it concludes its work involves presenting the final report to the government and the public. Figure 3.1, from González and Varney (2013), illustrates the process of presenting a truth commission report after the conclusion of commission investigations and proceedings.

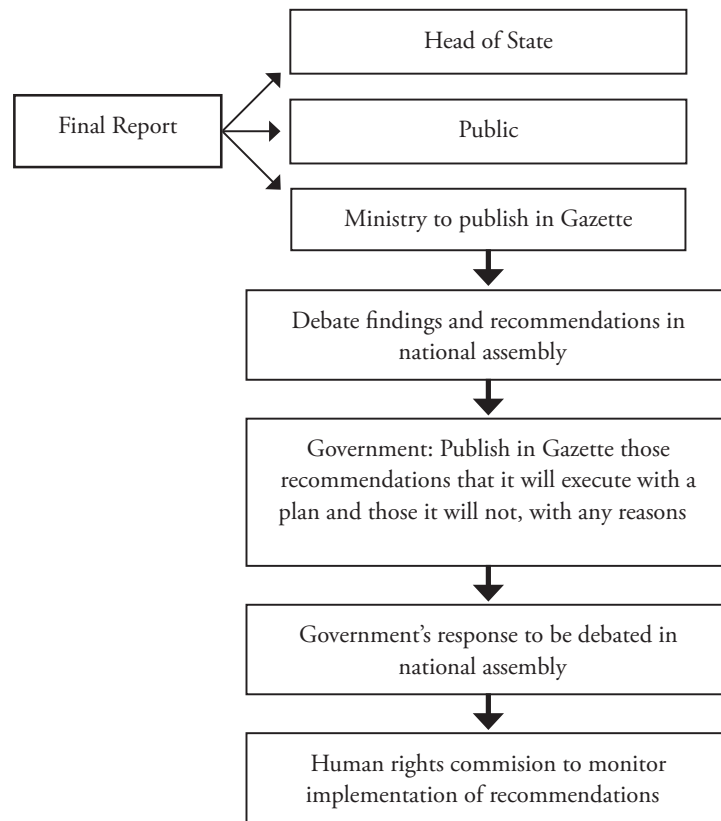


Figure 3.1. Presenting the Truth Commission Final Report ¹

¹ Source: González and Varney (2013)

3.5 Restorative Justice versus Retributive Justice

Although truth and reconciliation commissions are government institutions that are responsible for upholding the rule of law, meting out justice, adjudicating disputes and mitigating conflicts between parties, these commissions differ from traditional courts in several ways. Truth commissions cannot determine criminal liability or prosecute perpetrators for the crimes that they have committed. While trials in traditional courts focus on the actions of specific individuals, truth commissions examine overall patterns, including social and political factors, in order to uncover why human rights abuses transpired in the first place (Hayner 2010: 21). Furthermore, truth and reconciliation commissions have a significant “public acknowledgment” function, meaning that one of the most important goals of the commission is to widely disseminate the commission’s findings to the general public, in order to facilitate the process of community healing and national unity. Truth and reconciliation commissions also sometimes submit policy recommendations for political or military reforms, unlike traditional courts (Hayner 2010: 21). Courts have the capacity to uncover and establish facts, but the traditional judicial establishment is faced with a number of major limitations in terms of “truth-telling” and “truth-acknowledgement” practices. González and Varney (2013) outline the main reasons why the judicial establishment may face some limitations in its ability to establish the truth in transitional justice contexts. After periods of civil conflict, newly instated democratic governments often find it difficult to establish the legitimacy of institutions that existed under the previous

regime, particularly in cases where the new government is replacing a repressive regime. There are also numerous complicated dynamics in post-conflict, transitional democratic contexts that must be taken into account.

Few transitional countries have the strong legal institutions and resources required for successful domestic prosecutions. Many of the civil servants, prosecutors, and judges serving the new government may themselves have been complicitous in abuses perpetrated by the previous regime, or at least sympathetic to its philosophy. Critical evidence and records are likely to be destroyed. [For example,] South Africa's unsuccessful effort to convict General Magnus Malan, army chief and later defense minister, for authorizing an assassination squad responsible for numerous extrajudicial executions shows how difficult it is to gather sufficiently detailed and reliable evidence to successfully prosecute alleged perpetrators. (Chapman and Ball 200: 2-3)

When a state is failing, or there has been a long period of serious political and civil unrest, the traditional courts may be unable to hold effective, legitimate trials.

Additionally, trials may not be particularly effective in post-conflict, transitional justice contexts since the traditional judicial system often neglects many victims because the courts are primarily focused on prosecuting the most notorious perpetrators of human rights abuses. Furthermore, techniques employed during traditional judicial proceedings do not adequately take into account the personal and psychological experiences of victims, which is essential to the healing and reconciliation process (González and Varney 2013: 4).

Every truth commission carries out its mandate differently; thus, while it is not possible to outline a single process that fully describes how truth and reconciliation commissions function, there are some common structural features

and practices that can be observed. The fundamental difference between truth and reconciliation commissions and tribunals or courts is that the commissions do not have the legal authority to prosecute perpetrators of human rights violations. Individual truth and reconciliation commissions will have different authoritative powers with some having the power to grant amnesty, and in rare cases the commissions can make recommendations for prosecution. Truth commissions are also able to directly or indirectly support efforts to provide reparations for victims. In some truth commission proceedings – as was the case with the South African Truth and Reconciliation Commission, and Ghana’s National Reconciliation Commission – any self-incriminating evidence that was given before the commission as testimony could not be used later to prosecute perpetrators in traditional courts (Knoops 2006).

In Figure 3.2, using a process flow diagram, I highlight the differences between truth and reconciliation commissions and traditional trial courts. This diagram is also a graphical representation of the strategic interactions by the different players in the restorative justice process as compared to the retributive justice process. Most truth and reconciliation commissions work to carry out their mandates within a stipulated timeframe, and the commissions either focus on specific crimes or specific perpetrators, or examine patterns of abuse over a period of time (Pascoe 2007: 95).

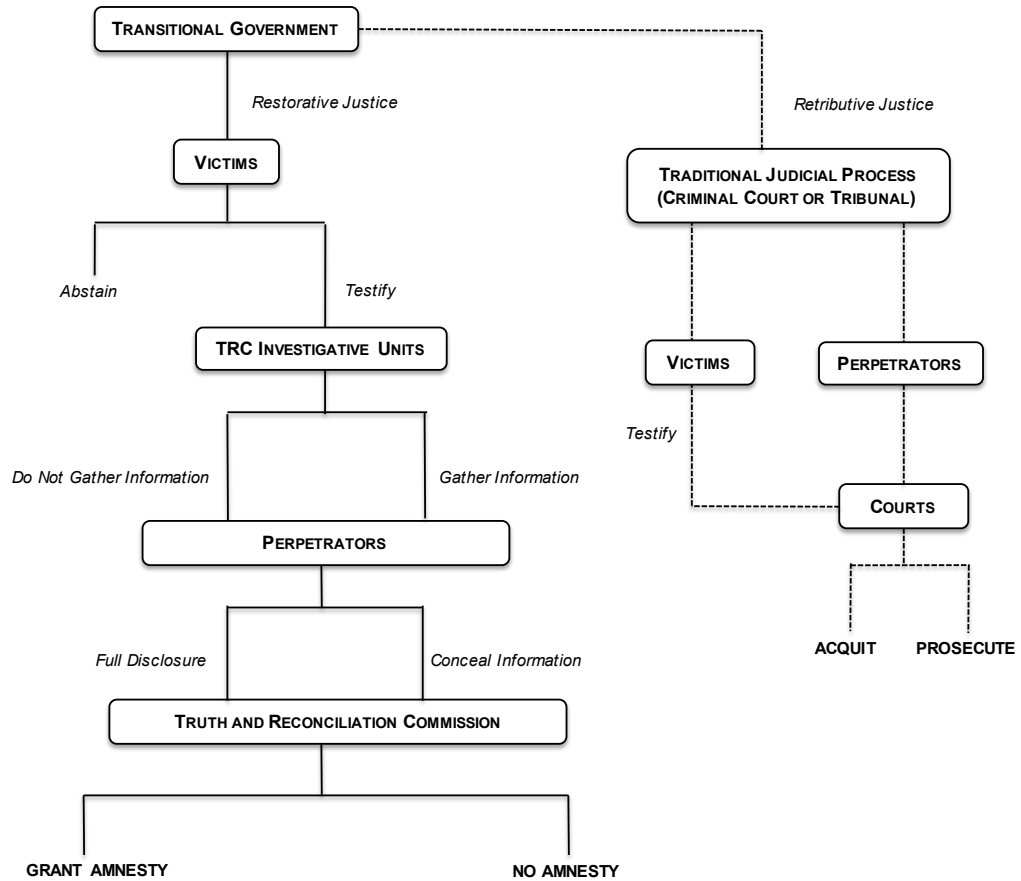
The question of whether or not amnesty should be granted to perpetrators of human rights abuses and other crimes plays an important part in debates about best

practices when it comes to achieving justice in transitional justice contexts. “An amnesty is a bar on any future prosecutions in respect of specific criminal conduct that occurred before the amnesty came into place” (ICTJ 2011: 1). Government institutions, such as truth and reconciliation commissions, may choose to grant amnesties to perpetrators of crimes for several reasons. One reason is to overturn unjust or illegal policies that were implemented by past regimes. Another reason is to transform the political sentiments of a particular (opposition) group. Amnesties can also be granted to shield political leaders, state agents, and even political opponents from prosecution (Amstutz 2005: 22).

In countries that are transitioning from authoritarian rule to democratic governance, one of the major justifications for granting amnesty to perpetrators of political crimes and human rights violations is the belief that amnesty can positively contribute to efforts to promote peace and reconciliation. Although the ultimate goal for offenders or perpetrators is to receive amnesty, those who submit applications for amnesty prefer to do this without providing full disclosure about the criminal activities and gross human rights violations that they committed under the previous regime. This is because providing full disclosure is risky. In the event that amnesty is not granted, perpetrators’ testimonies may be used against them in traditional legal proceedings. When a truth commission’s mandate makes accommodations for granting amnesty, the commission would only want to grant amnesty to those perpetrators who are willing to come forward and disclose the whole truth about their involvement in human rights abuses, as was the case with the South African

Truth and Reconciliation Commission. Truth commissions are also invested in implementing a judicial process that is most cost effective, in terms of resource expenditure for investigating and corroborating the accounts of the victims as well as the perpetrators.

The approach that transitional governments choose for dealing with crimes that were committed under previous regimes depends on a number of factors, including the balance of power between the old and new political regimes at the time of transition (van Zyl 1999: 2). Transitional governments can focus on retributive justice, opt for processes that involve restorative justice methods, or rely on a combination of restorative and retributive justice mechanisms. Table 3.1 outlines the differences between processes of retributive justice and restorative justice. Retributive justice occurs in the traditional court system and focuses on administering appropriate sanctions or punishment for criminal actions, whereas restorative justice is concerned with truth-seeking initiatives that are undertaken by restorative justice mechanisms like truth and reconciliation commissions.



Process Description:

Transitional governments can choose between two options:

1. A restorative justice process (such as establishing a truth commission to investigate human rights abuses)
2. A retributive justice process (criminal prosecution before a traditional trial court)

Figure 3.2. Process Chart Comparing Truth and Reconciliation Commissions and Traditional Courts in Transitional Justice Contexts

TABLE 3.1. DIFFERENCES IN APPROACHES TO RESTORATIVE JUSTICE AND RETRIBUTIVE JUSTICE

Restorative Justice	Retributive Justice
<ul style="list-style-type: none">• Crime is considered to be an act against another individual or against the community.	<ul style="list-style-type: none">• Crime is an abstract concept. Criminal activity is an act against the state and a violation of law.
<ul style="list-style-type: none">• The community monitors and controls criminal activity.	<ul style="list-style-type: none">• The criminal justice system controls crime.
<ul style="list-style-type: none">• Accountability is defined as assuming responsibility for actions.	<ul style="list-style-type: none">• Criminals or offenders are made accountable through appropriate punishments, as outlined by the state.
<ul style="list-style-type: none">• Criminal activity has both individual and social dimensions of responsibility.	<ul style="list-style-type: none">• Crime is an individual act with individual responsibility.
<ul style="list-style-type: none">• Punishment alone is not effective for changing an individual's behavior. Punishment alone is viewed as being disruptive to harmony and establishing strong relationships within the community.	<ul style="list-style-type: none">• Punishment is viewed as effective because threats of punishment should deter crime, and punishment should change the behavior of offenders.
<ul style="list-style-type: none">• Victims are central to the judicial process.	<ul style="list-style-type: none">• Victims are peripheral to the judicial process.
<ul style="list-style-type: none">• The offender is defined by capacity to make restitution for criminal activity.	<ul style="list-style-type: none">• The offender is defined by deficits.
<ul style="list-style-type: none">• The focus is on problem solving, as well as liabilities or obligations, and what should be done to curtail crime in the future.	<ul style="list-style-type: none">• The focus is on establishing guilt of the offender.
<ul style="list-style-type: none">• There is an emphasis on dialogues and negotiation.	<ul style="list-style-type: none">• There is an emphasis on adversarial relationship.
<ul style="list-style-type: none">• Restitution is viewed as a means of restoring both parties. The overall goal is to achieve restoration or reconciliation.	<ul style="list-style-type: none">• Pain is imposed to punish and deter or prevent future criminal activity.
<ul style="list-style-type: none">• The community plays an active role and facilitates the restorative justice process.	<ul style="list-style-type: none">• The community is generally sidelined, and is abstractly represented by the state.
<ul style="list-style-type: none">• The response to an offender's behavior focuses primarily on the harmful consequences of criminal behavior, as well as how such behavior can be avoided in the future.	<ul style="list-style-type: none">• The response to criminal activity focuses largely on the offender's past behavior.
<ul style="list-style-type: none">• The judicial process depends on the direct involvement of participants.	<ul style="list-style-type: none">• The judicial process depends upon proxy professionals.

Source: Conflict Solutions Center (2009)

While truth and reconciliation commissions have been touted as a better alternative to investigating and prosecuting crimes before national courts, these truth commissions can actually be established as a supplement to traditional courts (Amnesty International 2010). Several options are available for newly instated governments during political transition periods, contingent on whether a restorative justice or retributive justice approach is more feasible or desirable, given specific political contexts. As outlined in Figure 3.3 transitional justice strategies range from granting perpetrators full amnesty to prosecuting them. During difficult periods of political transition, it may be nearly impossible to grant justice through the traditional judicial system or the courts, and blanket amnesty for political crimes and human rights violations is often conceded in order to make the process of political transition smoother (Hayner 2010: 26).

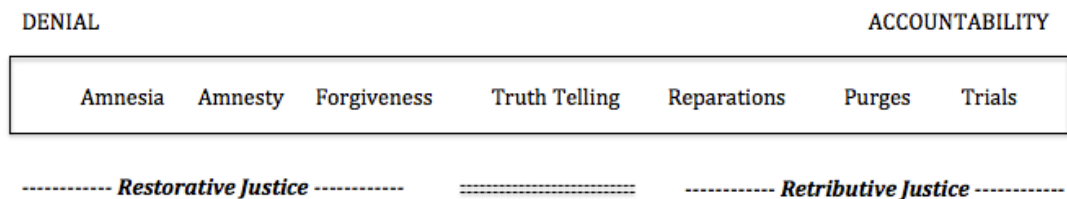


Figure 3.3. Transitional Justice Strategies ²

² Source: Amstutz (2005)

TABLE 3.2. SELECTED TRANSITIONS

State	Year	Trials	Lustration/Purges	Reparations	Type of Transition	Economic Transition
<i>Panel A. 18th Century</i>						
United States	1776	Yes	Yes	None	Opposition-led	None
France	1789	Yes	Yes	None	Opposition-led	None
<i>Panel B. Post World War II</i>						
Belgium	1944	Military trials and executions of collaborators	Purges of collaborators	None	Foreign-led	None
France	1944	Trials and executions of Vichy officials and collaborators	Purges of police, military, and media	None	Foreign-led	None
Italy	1944	Trials of Fascist leaders	Limited and ineffective purges of Fascist, beneficiaries of the prior regime, and "corrupt persons"	None	Foreign-led	None
Denmark	1945	Criminal trials of collaborators	Purges of collaborators	None	Foreign-led	None
Germany	1945	Military trials, 1945-1949; criminal trials after 1955	Purges of high ranking Nazi and government officials; screening of population	Significant payments to victims and Israel	Foreign-led	None
Japan	1945	Purges of government, military, and business leaders	Reparations to Korean "comfort women" in the 1990s		Foreign-led	None

Source: Posner and Vermeule (2004)

Posner and Vermeule (2004) provide a list of selected political transitions (see Table 3.2) that highlights the cases in which transitional governments have historically used criminal trials, purges or lustrations, and reparations to promote justice and democratic consolidation. These strategies are in direct contrast to transitional justice mechanisms, like truth commissions, which have become more popular in recent decades. “The rationale for initiating truth commissions stems from a desire within post-conflict society to uncover ‘the truth’ about past injustices and wrongdoing that in many cases has been deliberately ‘silenced’” (Lundy and McGovern 2008: 270).

To explore and understand the varying approaches that states use to address atrocities committed under past regimes, we can consider three different cases: Chile, Germany and South Africa. In Chile, the transition to democratic governance can be described as a “pacted” transition from authoritarian rule. “In [pacted] transitions, leaders of the democratic opposition in effect agree to compete for power within the institutional channels established by a dictatorship, entailing a wide variety of actual or implicit agreements with its own elites and supporters as well as among themselves” (Wilde 1999: 478). At one time, Chile was classified as one of the most stable democratic regimes in South America. In contrast to many other countries on the continent, Chile had regular democratic elections after achieving independence from Spanish colonial rule. The political landscape in Chile had remained relatively stable for about three decades following a period of authoritarian rule between 1924 and 1932. By the late 1960s, Chile had become

increasingly polarized and internal tensions in the country were at an all time high, and from 1967 to 1990 the country experienced a significant wave of repression, particularly during the 16-year period under the authoritarian leadership of General Augusto Pinochet Ugarte. Most of the political institutions remained intact, and were “reconstituted in a quasi-parliamentary electoral regime” that still allowed citizen political participation (Wilde 1999: 479). In an October 5, 1988 plebiscite, the citizens of Chile rejected Pinochet’s bid to remain in power until 1997. In a remarkable turn of events, rather than choosing to cling to power, Pinochet conceded defeat, which opened the way for democratic presidential elections (Constable and Valenzuela 1989). When Chile was transitioning into a democratic state following Pinochet’s authoritarian regime, the newly established government was unable to prosecute perpetrators of human rights violations because the Chilean military still possessed a considerable degree of power. At this time, churches and human rights organizations such as Vicariate of Solidarity (which was linked to the Catholic Church), and the Chilean Commission of Human Rights, became the main oppositional voices that represented civil society (Wilde 1999: 479). Many human rights violations had occurred under Chile’s authoritarian regime, including the murders of thousands of people by the Chilean military, following a coup d’état in 1973. In April 1990, President Aylwin created a National Commission of Truth and Reconciliation to investigate these human rights abuses. A truth and reconciliation commission was necessary for Chile’s transitional justice process because the Chilean military “had already warned that it would not accept

any prosecutions for human rights abuses” (Roht-Arriaza 1990: 461). Adopting a truth and reconciliation commission was, therefore, the only way for the successor government to secure a peaceful political transition.

In postwar Germany, on the other hand, the Nuremberg trials were a feasible option, in terms of judicial intervention, because the Allies had completely defeated the Nazi regime and could effectively prosecute the leaders of the Third Reich (van Zyl 1999: 2). For the German government, the central issue when prosecuting Nazi collaborators in the postwar period, was “whether to accept defense that relied on Nazi law” (Teitel 2000: 13). The newly instituted democratic constitutional government in Germany had to decide whether or not prosecutions could be carried out by the established court system, since the legitimacy of many political institutions were being called into question after the Nazi era. As Posner and Vermeule (2004) explain, many public officials, including judges, had been heavily complicit in the gross human rights abuses that occurred under the Nazi regime, and the Allied forces had even contemplated “closing all German courts for ten years and replacing them with the ‘colonial’ system, so that a new generation of judges could be educated in the meantime” (Müller 1991: 201 as quoted in Posner and Vermeule 2004). Taking into consideration many of the problems with the German judicial system, the Allied forces established the laws and procedures for the Nuremberg Trials with the London Charter of the International Military Tribunal (IMT).

In the case of South Africa’s transition to democratic rule after the end of apartheid, the South African liberation movements could not overthrow the existing

government using military force, and a complex negotiation process had to occur before the Afrikaner government would consider allowing the first democratic elections to take place. Although the South African government could not be described as fully democratic during the apartheid era, there was political freedom for the minority White population and competitive elections were held in the country for decades (Carothers 2002: 13). After many decades of anti-apartheid struggle, violence, economic strikes, political mobilization by Blacks, and economic sanctions by the international community, eventually the “recalcitrant elites [were forced] to negotiate a transition to democracy in order to end civil strife” (Wood 2000: 4). Adopting a truth and reconciliation commission to deal with decades-long human rights violations that had occurred under the apartheid regime was part of the deal struck during negotiations between the White minority government, Black political leaders and anti-apartheid supporters, before the conflicting parties finally agreed to instituting the first fully democratic elections in 1994.

The transition to democratic rule in South Africa would not have been possible without the establishment of clearly outlined amnesty provisions, because the apartheid government was greatly concerned that government officials, operatives and supporters of the apartheid regime would face arrest, prosecution and imprisonment for past crimes and human rights violations (van Zyl 1999: 4). An amnesty agreement was, subsequently, included in the interim constitution of the new, democratic Republic of South Africa as a “Postamble,” as outlined below:

The Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.

These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for Ubuntu but not for victimization.

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has passed. (South Africa – Interim Constitution. Postamble, Chapter 16, “National Unity and Reconciliation”)

The South African Truth and Reconciliation Commission followed several specific procedures as it worked to carry out its mandate. President Nelson Mandela appointed 17 commissioners to the Commission in December 1995. The TRC was made up of three distinct committees: Human Rights Violation Committee, Amnesty Committee, and Reparation and Rehabilitation Committee (see Figure 3.4).³

³ Figure 3.5 “Organizational Structure of Peru Truth and Reconciliation Commission” is presented as a comparative example to illustrate the many divisions, units, or offices that make up the internal structure of truth and reconciliation commissions.

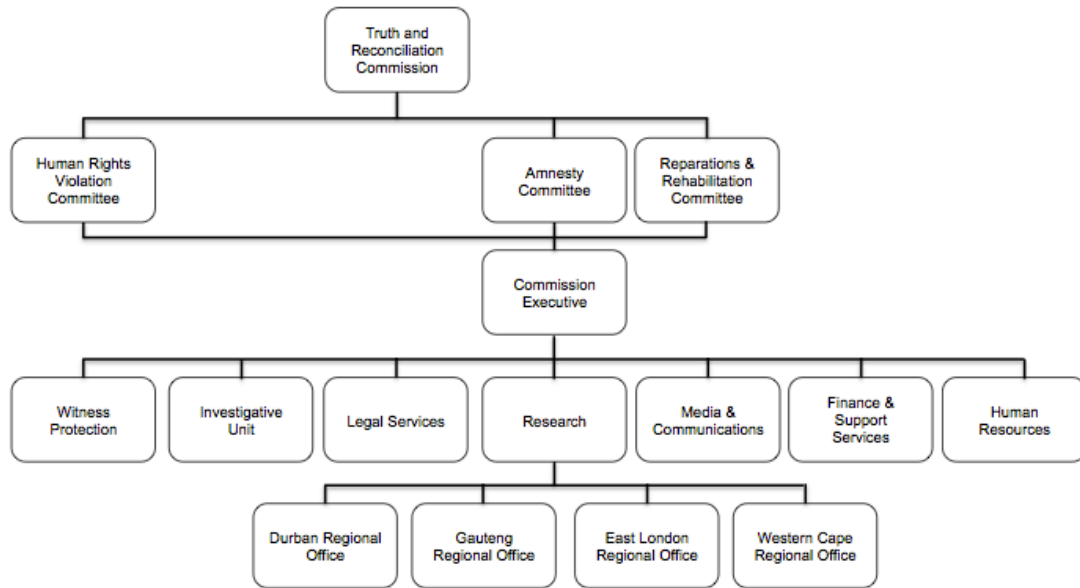


Figure 3.4. Organizational Structure of South African Truth and Reconciliation Commission ⁴

The Truth and Reconciliation Commission also employed trained statement takers, who took statements from deponents at the different regional offices around South Africa. In addition, hearings were conducted across the country, where individuals could come forward and provide testimony about human rights violations that had occurred during the apartheid era. Many community public hearings took place, in which victims could testify about the atrocities that they had been subjected to. However, many victims were unable to muster courage to come forward and offer testimonies, and instead chose to abstain from participating in the TRC hearings. An Investigative Unit, which was made up of a team of investigators including South African police, practicing attorneys, and international observers,

⁴ Source: Mallinder (2009)

was mandated with investigating the incidents of public intimidation and violence in South Africa, and examining the nature and causes of human rights abuses, as well as identifying all individuals (victims and offenders) who were involved.

When the South African Truth and Reconciliation Commission received a request from any individual to investigate a specific event, the appropriate investigation unit would request that all relevant information regarding that particular incident be gathered. This usually required, among other things, an intensive consultation with victims as witnesses (ANC 2011). When the investigation was completed, a report was forwarded to the TRC, and the Commission would decide whether or not the incident should be further investigated. The investigators would then use a standard list of corroborative pointers (such as obtaining court records, inquest documents, newspaper articles, and death certificates) to substantiate the basic facts (TRC 1999). The Commission also heard testimonies from perpetrators, some of whom came forward voluntarily. Others were aware that victims had identified them and the TRC investigative unit had sufficient evidence to corroborate the accounts of the victims. South Africa's Truth and Reconciliation Commission received more than 22,000 statements about serious human rights violations from victims during public hearings. The Commission also received over 7,000 applications for amnesty, held more than 2,500 amnesty hearings, and granted approximately 1,500 amnesty requests to perpetrators of atrocities during the apartheid era (SAHA 2012).

A successful application for amnesty had to meet the following criteria: only perpetrators of gross human rights violations would be considered for amnesty (less serious crimes would not be forgiven); the violation had to have occurred between 1960 and 1994; applicants for amnesty had to be affiliated with one of the political parties to the conflict; the applicant had to admit fault; and the applicant had to provide full disclosure of all the relevant facts (Legal Information Institute 2016). There were a number of significant legal implications for perpetrators who submitted applications for amnesty to the Truth and Reconciliation Commission. “Any pending legal proceedings were terminated, and those serving a sentence for the forgiven act were immediately released. Any criminal record of the offense was also expunged” (Legal Information Institute 2016). Furthermore, the names of perpetrators who were granted amnesty were made public, and they were provided with immunity against any future civil or criminal liability. Nonetheless, if the Truth and Reconciliation Commission later discovered that an applicant for amnesty did not provide full disclosure during their hearings, amnesty could be rescinded.

Every truth and reconciliation commission is created in a particular political environment, which determines the commission’s mandate, both in terms of its scope and the way in which the mandate is to be interpreted and applied (Cueva 2004:59). Hayner (2002) outlines five central reasons that truth and reconciliation commissions are established by governments:

- To acknowledge and clarify the historical truth;
- To respond to the needs and interests of victims;

- To contribute to justice and accountability;
- To outline institutional responsibility and recommend reforms;
- To promote reconciliation and reduce tensions.

In order to assess the effectiveness of the truth and reconciliation commissions, we can base our evaluations on the five rationales for the adoption of these commissions to create an analytical framework.

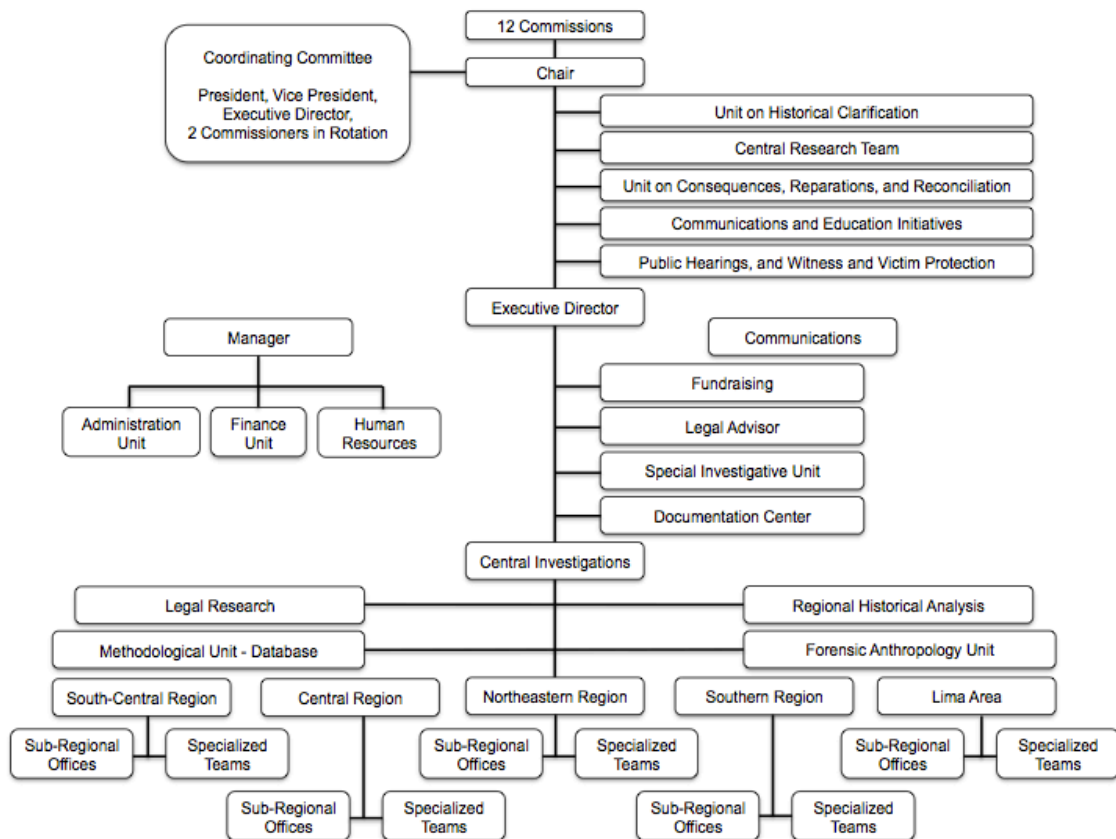


Figure 3.5. Organizational Structure of Peru Truth and Reconciliation Commission ⁵

⁵ Source: González and Varney (2013)

Much of the extant literature on truth and reconciliation commissions asserts that these commissions have played a positive role in fostering democratic transformation and promoting human rights. Olsen et al. (2010) note that “thirty years of experience with truth commissions and dozens of examples allow cross-national statistical studies” to assess the findings that truth commissions play an invaluable role in transitional justice contexts. Truth commissions are “intended to demonstrate the importance of justice and respect for the rule of law” (Allen 1999: 319). In order for the work of a truth and reconciliation commission to be successful, there must be political will to achieve a reconciled society, and the commission must also have support from the society in the form of financial resources (Schlunck 1998: 419). “Truth and reconciliation commissions have played a critical role in a number of countries that had to come to terms with a past marked by protracted conflict, civil strife, violence, and massive human rights abuse” (Schlunck 1998: 415). These commissions play a symbolic role in democratization as they facilitate the process of “breaking away” from official sponsorship of human rights violations that occurred in a nation’s past (Allen 1999: 319).

Although truth and reconciliation commissions have become rather popular in recent decades, the work of these quasi-judicial institutions, and the phenomenon of reconciliatory politics, remains relatively understudied. The majority of research done in this area of political science has focused on analysis of truth commissions in individual countries, particularly in South Africa, and a few nations in Latin America. As discussed previously in this work, the adoption of truth and reconciliation

commissions has become a worldwide phenomenon as part of transitional justice processes. The South African Truth and Reconciliation is the most recognized truth and reconciliation commissions, and several countries have modeled their commissions after the South African example. The South African Truth and Reconciliation Commission is widely recognized as being “the most influential in shaping an internationally compelling template for healing, redemption and closure” (Shaw 2007: 190). The recent trend in establishment of truth and reconciliation commissions around the world can partly be attributed to the *relative* success of South Africa’s Truth and Reconciliation Commission during the period of transition from apartheid to democratic governance.

3.6 Human Rights Issues

On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) as a direct response to the experience of World War II. The Universal Declaration of Human Rights was drafted by 18 representatives of different nationalities, and diverse legal and political backgrounds, over a two-year period. The UDHR includes 30 articles or provisions, which outline measures to observe and safeguard the human rights of every individual. The Declaration is a statement of principles and asserts fundamental human rights, including “the right to life, liberty and security of person,” the right to work, and the right to rest and leisure, and the right to be free from torture or “cruel, inhuman or degrading treatment or punishment” (United Nations General Assembly

1948). The basic human rights outlined in the UDHR have been ratified and widely institutionalized in most countries around the world (Risse and Sikink 1999: 3).

Human rights, or “the rights of man” are essentially “the rights that one has because one is human” (Donnelly 2013: 7). Human rights are the basic rights and freedoms that every individual is entitled to, and should never be violated. As the Universal Declaration of Human Rights stipulates, human rights are inalienable, and must be accepted equally and universally. “Human rights traditionally have been thought of as a moral rights of the highest order,” and these rights have social, political, legal, and economic dimensions (Donnelly 2013: 11). Governments are responsible for protecting the human rights of citizens, and must therefore be held accountable when government institutions and non-governmental groups commit human rights violations (Zalaquett 1990: 626). Scholars have established that democratic governments are less likely to resort to state-sanctioned violence, terrorism, repression, and human rights abuses against citizens (Poe and Tate 1994: 855). Governments that have to confront their nation’s legacy of state violence and repression have to do so within established rules of international law (Orentlicher 1991: 2551). Furthermore, policies that are implemented to address past human rights abuses should be applied with the goal of preventing abuses from reoccurring, as well as repairing the damage caused by these abuses, in addition to promoting healing (Zalaquett 1990: 628). In post-conflict or post-authoritarian political contexts, newly established governments must resolve to ensure that systems are

put into place to promote and protect human rights. This kind of governmental action is crucial for ensuring the political stabilization of the country.

Following a period of systematic human rights violations, whatever human rights policy a new government adopts will necessarily be subsumed within a larger objective which may aim at one or more of the following: (1) to achieve a measure of national unity and reconciliation, whether the human rights violations were the product or the cause of extreme political polarization, civil strife, and armed struggle... (2) to build or reconstruct institutions that are conducive to a stable and fair political system; and (3) to secure the economic resources needed to achieve those ends, particularly since the transition periods are fragile... [and depend] upon a measure of political stability. (Zalaquett 1990: 628)

Furthermore, to ensure legitimacy, any measures that are put in place to deal with past human rights violations must be done so in a manner that allows for complete transparency and “full public cognizance” (Zalaquett 1990: 629). Although the classic approach to dealing with serious human rights violations has been criminal prosecution, other transitional justice mechanisms, particularly truth and reconciliation commissions, have been successfully used as alternatives to criminal prosecutions in transitional political contexts (Landsman 1996). Truth and reconciliation commissions are established specifically to interview victims, perpetrators, and key political actors in order to uncover and document the truth about past atrocities. The public is entitled to the whole truth about human rights abuses that occurred; “the truth must be officially sanctioned and *publicly disclosed*” (Zalaquett 1990: 629). Since repressive or authoritarian regimes deliberately attempt to conceal the truth about wrongdoing, truth-seeking and truth-acknowledgment mechanisms must be put in place to facilitate the process of

healing and justice. Apart from truth and reconciliation commissions, other official governmental and non-governmental organizations can work to promote the human rights of citizens. In recent years, national human rights organizations have developed in many countries that are transitioning to democratic societies after a period of repression (Zalaquett 1990: 623). International organizations like Amnesty International, Human Rights Action Center, Human Rights Without Frontiers (HRWF), Human Rights Watch, the Office of the United Nations High Commissioner for Human Rights, Human Rights Council, the African Commission on Human and Peoples' Rights, The Asian Human Rights Commission, as well as faith-based institutions and victim advocacy centers, all have well-documented histories of working towards ending human rights abuses.

3.7 Names and Locations of Truth and Reconciliation Commissions

Pizzutelli (2010) outlines four distinct chronological “generations” of truth and reconciliation commissions, which are useful for analyzing the global changes and trends in the adoption and establishment of truth commissions around the world in recent decades. These four generations are the periods between 1974-1995, 1995-2001, 2001-2004, and 2005-2009. Figure 3.6 shows the global distribution of truth and reconciliation commissions, according to these four generations, from the period between 1974 and 2010.

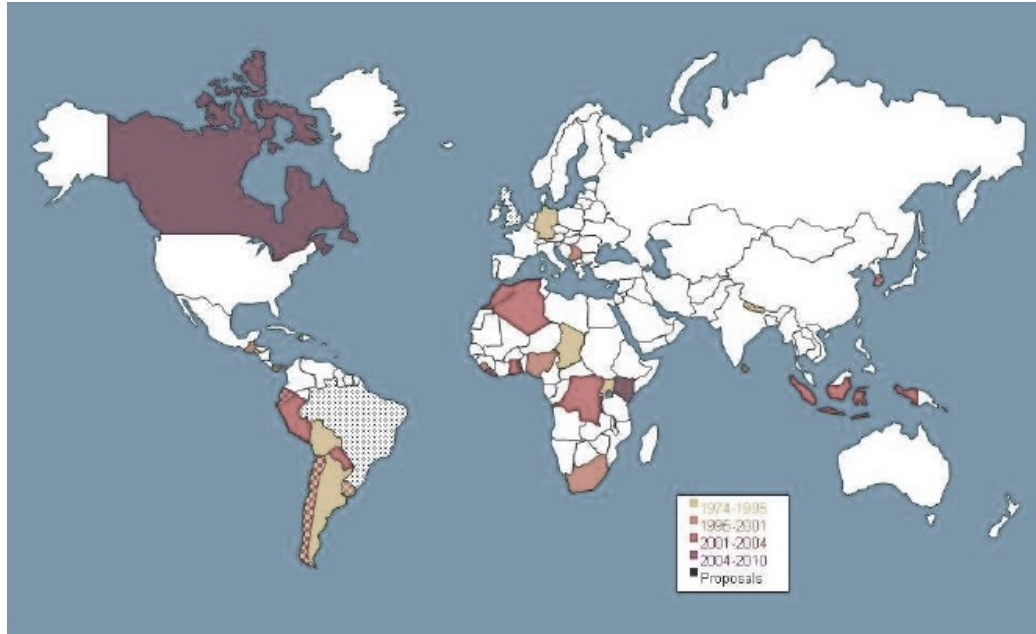


Figure 3.6. Map of Truth Commissions Around the World, 1974-2010 ⁶

During the first generation, truth commissions were established in Uganda, Bolivia, Argentina, Uruguay, Chile, Chad, El Salvador, East Germany, Haiti and South Africa. Prior to 1995, only the Commission of Truth in El Salvador implemented an amnesty law, which specifically detailed individuals who could not benefit from amnesty provisions. However, after the South African Truth and Reconciliation Commission was established, many successive truth commissions adopted an “amnesty for truth” model (Pizzutelli 2010: 13). During the second generation of truth commission establishment, between 1995 and 2001, in the years immediately following the establishment of the South African Truth and Reconciliation Commission, nine truth commissions were established globally, including

⁶ Source: Pizzutelli (2010)

commissions in Peru and Timor-Leste, which provided clear provisions to regulate the relationship of the commissions with prosecution authorities (Pizzutelli 2010: 20). During the third generation of truth commission establishment, truth commissions were created in Ghana, Burundi, the Democratic Republic of Congo (DRC), Morocco, Paraguay, Chile, Algeria, among others, each with varying powers for granting amnesty. Truth commissions established during the fourth generation, were designed primarily as mechanisms to promote community reconciliation (Pizzutelli 2010: 28). The truth commissions of Liberia, South Korea, Ecuador, and Canada are among those that were established during this period.



Figure 3.7. Global Distribution of Truth Commissions, 1974-2015 ⁷

⁷ Created with ZeeMaps Software.

Figure 3.7 highlights the global distribution of truth and reconciliation commissions that have been established between 1974 and 2015. Table 3.3, an updated version from Dancy et al. (2010), is a comprehensive list of truth and reconciliation commissions in all regions of the world, and provides detailed information about the location of each commission, why the commission was established, which state agency or official was primarily responsible for the creation of the commission, the duration of the commission, the time period covered by the commission's mandate, and whether the commission publicly released a final report. This list reveals the degree to which truth and reconciliation commissions have proliferated, providing some informal support for the ubiquitous assertion that truth-telling mechanisms and institutions are valuable tools for promoting healing and reconciliation following a period of serious human rights violations.

3.8 Summary

The field of transitional justice has burgeoned in recent years as governments around the world have implemented judicial and non-judicial processes and mechanisms in order to redress legacies of serious human rights violations, and promote institutional reforms that support accountability, justice, the rule of law, and reconciliation within societies. In this chapter I have outlined the history and types of transitional justice mechanisms, and provided a detailed overview of truth and reconciliation commissions, including describing their functions and mapping their locations. To briefly summarize, truth and

reconciliation commissions, and similar commissions of inquiry, are established to investigate and document patterns of serious human rights violations, put in place measures that promote accountability and the rule of law, and facilitate the process of reconciliation. The concepts of restorative justice and retributive justice are also fully explained and compared as transitional justice strategies, and a discussion of truth and reconciliation commissions is appropriately integrated in the examination of restorative justice processes. This chapter also highlights significant information about trends in truth commission adoption.

Newly-instated governments in post-conflict or transitional justice societies have a number of options for addressing the human rights violations that were committed under previous regimes, including putting in place amnesty provisions, reparations, prosecutions and trials, and adopting truth and reconciliation commissions. Truth commissions have proliferated around the world as part of these transitional justice efforts in recent decades, and it is important for researchers to examine the reasons why these commissions have generally been viewed as suitable mechanisms for investigating and addressing systematic human rights violations.

In the introductory chapters of this dissertation, I have explained key theoretical concepts that will ground the analysis in subsequent chapters, and I have also provided a historical overview of trends in truth commission adoption. Part 2 of this work will build upon these introductory chapters as I attempt to provide answers, by using quantitative and qualitative research methods, for the three key

questions that motivate this study. First, I consider what structural factors make truth commissions more likely to effectively carry out the goals outlined in their mandates. Secondly, I examine the conditions under which truth commissions are more likely to have a positive effective on the process of democratization. Lastly, I determine whether or not the adoption of a truth commission will affect government and public support for human rights issues.

TABLE 3.3. LIST OF TRUTH COMMISSIONS AROUND THE WORLD

Country	Truth Commission	Created	Duration	Mandate	Report
Uganda	Commission of Inquiry into the Disappearances of People in Uganda since 25 January, 1971	President	1974	1971-1974	Yes
Bolivia	National Commission of Inquiry into Disappearance	President	1982-1984 (24 months)	1967-1982	No
Argentina	National Commission on the Disappearance of Persons	President	1983-1984 (9 months)	1976-1983	Yes 1985
Uruguay	Investigative Commission on the Situation of Disappeared People and Its Causes	President	1985 (7 months)	1973-1982	Yes 1985
Zimbabwe	Commission of Inquiry	President	1985	1983	No
Philippines	Presidential Committee on Human Rights	President	1986-1987	1972-1986	No
Uganda	Commission of Inquiry into Violation of Human Rights	President	1986-1995	1962-1986	Yes 1994
Nepal	Commission of Inquiry to Locate the Persons Disappeared during the Panchayat Period	Prime Minister	1990-1991	1961-1990	Yes 1991
Chile	National Commission on Truth and Reconciliation	President	1990-1991 (9 months)	1973-1990	Yes 1991
Chad	Commission of Inquiry on the Crimes and Misappropriations Committed by the Ex-President Habré, His Accomplices and/or Accessories	President	1990-1992	1982-1990	Yes 1992
Germany	Commission of Inquiry for the Assessment of History and Consequences of the SED Dictatorship in Germany	Parliament	1992-1994	1949-1989	Yes 1993
El Salvador	Commission on the Truth for El Salvador	Peace Accord	1992-1993	1980-1991	Yes 1993
Sri Lanka	Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons	President	1994-1997	1988-1994	Yes 1997

Country	Truth Commission	Created	Duration	Mandate	Report
Haiti	National Commission for Truth and Justice	President	1995-1996 (10 months)	1991-1994	Yes 1997
Burundi	International Commission of Inquiry	United Nations Security Council (UNSC)	1995-1996	1993-1995	Yes 1996
South Africa	Truth and Reconciliation Commission	Parliament	1995-2000	1960-1994	Yes 1998
Ecuador	Truth and Justice Committee	Ministry	1996-1997 (5 months)	1979-1996	Yes 1999
Guatemala	Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan People to Suffer	Peace Accord	1997-1999 (19 months)	1962-1996	Yes 1999
Nigeria	Commission of Inquiry for the Investigation of Human Rights Violations	President	1999-2001	1966-1999	Yes 2002
Indonesia	Commission for Human Rights Violations in Timor-Leste	National Human Rights Commissions	1999	1999	Yes 2000
Uruguay	Peace Commission	President	2000-2001	1973-1985	Yes 2002
South Korea	National Committee for Investigation of the Truth about the Jeju April 3 Event	Parliament	2000-	1947-1954	Yes 2004
South Korea	Presidential Truth Commission on Suspicious Deaths	President	2000-2002	1961-1990	Yes 2002
Uruguay	National Peace Commission	President	2000-2003	1973-1985	2002
Panama	Truth Commission	President	2001-2002 (15 months)	1968-1989	Yes 2002
Peru	Truth and Reconciliation Commission	President	2001-2003 (24 months)	1980-2000	Yes 2003

Country	Truth Commission	Created	Duration	Mandate	Report
Timor-Leste	Commission for Reception, Truth and Reconciliation	United Nations Transitional Administration in East Timor (UNTAET)	2001-2006	1974-1999	Oct. 2005
Serbia and Montenegro	Commission for Truth and Reconciliation	President	2002-2003	1991-2001	No
Ghana	National Reconciliation Commission	Parliament	2002-2004	1957-2001	Yes 2004
Sierra Leone	Truth and Reconciliation Commission	Peace Accord	2003 (6 weeks)	1960-2003	
Central African Republic	Truth and Reconciliation Commission	President	2003-2006	1954-1989	
Paraguay	Truth and Justice Commission	Parliament	2003-2006	1954-1989	
Algeria	Ad Hoc Inquiry in Charge of the Question of Disappearances	President	2003-2005	2002	2005
Democratic Republic of Congo	Truth and Reconciliation Commission	Peace Accord	2004-2007		
Indonesia/Timor-Leste	Commission on Truth and Friendship (CTF)	Presidents	2004-2008	1999	
Morocco	National Commission for Truth, Equity, and Reconciliation	King's Royal Decree	2004-2005	1956-1999	2005
Liberia	Truth and Reconciliation Commission	Parliament	2005-2010	1979-2003	

Source: Dancy et al. (2010), updated

PART II

CHAPTER 4. METHODOLOGICAL APPROACHES FOR COMPARATIVE TRUTH COMMISSION RESEARCH

“Sustainable peace requires more than agreements between leaders: it requires institutions that are worthy of trust, that respect human rights. In turn, these institutions require the confidence of citizens who previously had only had reasons to distrust state authorities. Only then is the recurrence of violence less likely.”¹

*– Kofi Annan, Former Secretary-General, United Nations;
Chairperson, Kofi Annan Foundation*

4.1 Comparative Analysis of Truth and Reconciliation Commissions

Research on the institutional mechanisms that have been put in place to aid in the process of transitional justice has challenged assumptions and claims regarding a simple and positive relationship between truth commissions and human rights improvements (see Olsen et al. 2010). In this project, therefore, the goal is to build upon the existing scholarship in the area of reconciliation politics and illuminate both the advantages and limitations in the adoption of truth and reconciliation commissions. By employing a multi-method analytical approach and using case studies and quantitative research tools, I explore the conditions under which truth and reconciliation commissions are able to effectively achieve the goals outlined in their mandates. Additionally, I empirically test the relationship between truth and reconciliation commission establishment and democratization in post-conflict societies, in order to assess if there is a correlation between the two factors.

¹ Annan, Kofi. 2014. “Forward.” *Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?* International Center for Transitional Justice and the Kofi Annan Foundation.

Discussions about the role and effectiveness of truth and reconciliation commissions are often based on assumptions rather than facts and comprehensive empirical analysis. Qualitative research methods such as individual case studies are useful for developing theoretical frameworks and understanding the political context and historical dynamics that lead to the establishment of truth and reconciliation commissions. In order to make correct assessments about the generalizability of analyses, quantitative research is necessary where individual case studies can be tested on other cases (Thoms et al. 2010: 18). In this chapter the objective is to verify which commonly held perceptions about the effectiveness of truth commissions are accurate and generalizable over a wide range of cases. Chapter 6 will further build upon the analysis presented in this chapter, by exploring the general trends that have been observed in the numerous cases that are outlined (see also Figures 6.1 and 6.2).

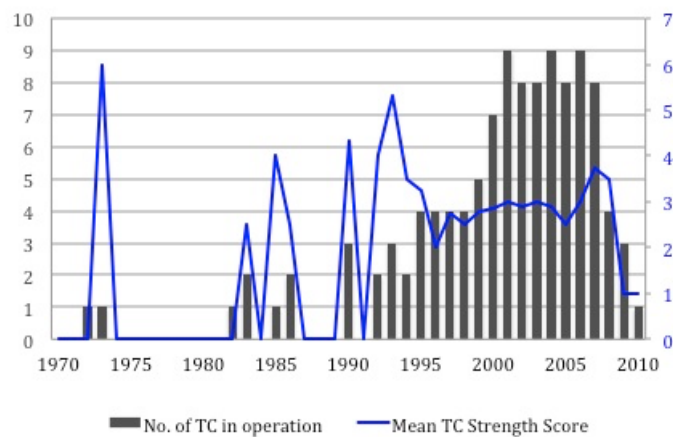


Figure 4.1. Number and Strength of Truth Commissions, 1970-2010 ²

² Source: Dancy et al. (2014)

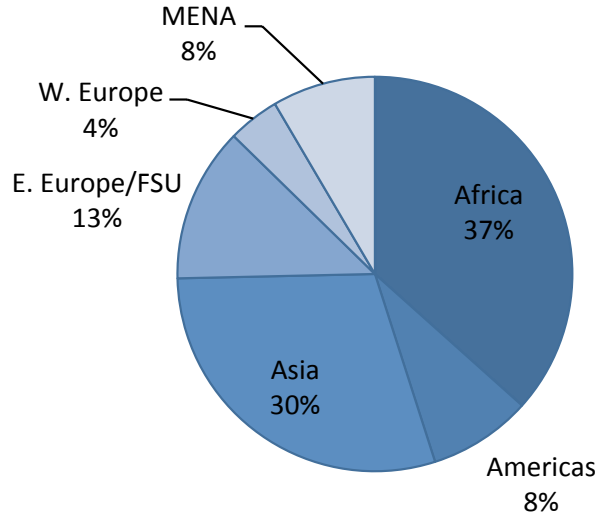


Figure 4.2. Regional Patterns of Truth Commission Adoption, 1970-2010 ³

TABLE 4.1. TRANSITIONAL JUSTICE MECHANISMS, 1970-2007 (ALL CASES)

Mechanism	Number	Number of Countries Employing Mechanism
Trials	81	38
Truth Commissions	53	37
Amnesties	229	72
Reparations	23	18
Lustration Policies	34	23

Source: Olsen et al. (2010)

³ Dancy et al. (2014)

As Table 4.1 shows, the number of countries that adopted truth commissions between 1970 and 2007 is comparable to the number of countries that employed traditional judicial measures or trials to prosecute perpetrators of human rights abuses. More truth commissions have been adopted in Africa, Asia and Oceania, and the Americas than in Europe, and these commissions have been adopted almost equally for post-conflict and post-authoritarian regime transitions (see Table 5.2). While a number of quantitative and qualitative studies have examined the effects of different transitional justice mechanisms in both individual country cases and comparative contexts, scholars are yet to systematically consider the specific conditions under which truth commissions are established, and explore the structural factors that enable truth commissions to effectively achieve their mandates. Using a comparative, cross-national approach, this work seeks to build on previous studies (Gibson 2004, 2006; Hayner 2001; Dancy et al. 2010; and Olsen et al. 2010) by focusing specifically on factors that may affect the likelihood of truth commission success (that is, truth commissions being able to effectively achieve their goals), and considering the relationship between adoption of truth commissions and democratization.

TABLE 4.2. DISTRIBUTION AND VARIATION IN TRANSITIONAL JUSTICE MECHANISMS, 1970-2007

Type	Africa	Americas	Asia and Oceania	Europe	Total
Number of civil wars	56	18	72	18	164
Number of democratic transitions	29	19	21	22	91
Trials					
<i>Civil War</i>	15	2	8	15	81
<i>Authoritarian Regime</i>	3	16	1	21	
Amnesties					
<i>Civil War</i>	78	28	70	16	229
<i>Authoritarian Regime</i>	10	15	6	6	
Truth Commissions					
<i>Civil War</i>	8	5	12	1	53
<i>Authoritarian Regime</i>	10	10	3	4	
Reparations					
<i>Civil War</i>	2	1	0	0	23
<i>Authoritarian Regime</i>	2	7	0	11	
Lustration Policies					
<i>Civil War</i>	5	2	1	3	34
<i>Authoritarian Regime</i>	3	5	1	14	

Source: Olsen et al. (2010)

4.2 Hypotheses and Expectations

Truth commissions and other transitional justice mechanisms are increasingly being established around the world to address historical injustices and human rights violations in post-conflict societies. Scholars and practitioners have long debated whether truth commissions are effective. Some have used anecdotal evidence of increasing adoption of truth commissions to suggest that the proliferation of these institutions indicates their effectiveness as a means for balancing demands for accountability for past human rights violations with political choices, often based on complex negotiations, that are sometimes necessary to ensure peaceful transitions to democratic governance. Nevertheless, there has been growing criticism about the effectiveness of truth commissions among some scholars and policymakers who not only see the establishment of truth commissions as an ineffectual way to promote democratic consolidation or deal with past human rights violations, but also a potentially dangerous transitional justice mechanism that could spur impunity among political leaders and perpetrators of human rights abuses who may not be held responsible for their actions (Brahm 2009b).

Research on the effects and effectiveness of truth commissions is limited, making it difficult to assess if claims made about truth commissions in a particular context are generalizable, and also raising the issue of whether it is possible to accurately and compellingly make the claim that truth commissions are effective. Gibson (2009) contends that exploring this issue and finding answers to the question about truth commission effectiveness lies in a different query altogether,

and offers the following conjecture: “Effective at what? Can a truth commission create a democratic political system? Probably not. Can it erase a history of intense political conflict, bringing all sides together in the spirit of mutual respect and cooperation? Surely not” (Gibson 2009: 124). It is therefore important to look at other factors such as the relationship between truth commissions and the development and promotion of the rule-of-law, or linkages between the adoption of truth commissions and reconciliation or reconciliatory attitudes in individuals and the community as a whole. A focus on the ways in which truth commissions can contribute to heightening the collective memory of a society can also be a valuable avenue for academic research (Gibson 2009). Furthermore, because the institutional powers, structural composition, and objectives of truth commissions vary across different contexts, it is difficult to formulate an effectiveness measure that precisely assesses the effectiveness of truth commissions, generally speaking. There is also limited research about the relationship between truth commission establishment and democratization, in terms of what factors must be put in place to ensure the transition to democracy is successful after the truth commission concludes its investigations and submits a final report (Laplante and Theidon 2007). To avoid the pitfalls that can arise from unrealistic expectations that are often made in reaching conclusions about the value of truth commissions in transitional justice contexts, the approach taken in this study is to create a measure that focuses on individual level factors in order to make comparative judgments based on empirical analysis. In this study, effectiveness is defined expressly as the ability of a truth commission to fully

carry out the goals that it has outlined for itself in its mandate, because each commission must be assessed on its own terms. I have therefore constructed an effectiveness measure – the Truth Commission Effectiveness Index, or TCEI – to evaluate the success⁴ of truth commissions along a scale. The TCEI is an aggregate measure constructed from five key variables that gauge the following: was the commission initiated by both domestic and international actors; do perpetrators testify before the truth commission; does the truth commission make any effort to encourage participation; does the truth commission report support prosecution; and does truth commission publish a final report that is publicly available.

What Structural Factors Make Truth Commissions More Likely to Effectively Carry Out the Goals Outlined in their Mandates?

The need to investigate, uncover, and document the truth about a country's past of violence and human rights abuses, as well as the desire to peacefully establish a system of democratic governance, has led to the proliferation of truth and reconciliation commissions around the world in recent decades. This growth trend is regionally concentrated however, with the adoption of truth commissions occurring more prevalently in Africa and the Americas (approximately 37% of the total), than in other regions of the world (Sikkink and Walling 2007: 430). Despite their growing popularity as transitional justice mechanisms, the immediate and long-term effects of establishing truth and reconciliation commissions has remained

⁴ Note that throughout the analytical sections of this study, the terms *success* and *effectiveness* are used interchangeably.

largely understudied, and there are no established methods or mechanisms for determining the effects that truth and reconciliation commissions have on post-conflict development, national reconciliation, and democratization (Hirsch et al. 2012). For example, transitional justice scholars and practitioners have generally reached positive conclusions about the capacity of truth commissions to promote human rights in post-conflict societies, primarily due to these commissions' ability to avoid the political risks associated with prosecutions under traditional judicial settings, which can often lead to political instability (Olsen et al. 2010: 458). While there has been international consensus about the positive effects of establishing truth commissions, there is no consensus about what criteria need to be put in place to ensure the success or effectiveness of truth commissions (Hirsch et al. 2012). Furthermore, scholars, human rights activists, legal analysts, and policymakers have warned about the dangers of trying to follow a uniform schema or "best practices" approach in the implementation of truth commissions. It is, therefore, important to carefully examine the structural conditions and specific contextual factors that make each truth commission likely to be able to effectively achieve their individual objectives as outlined in their mandates.

Extant literature has examined the role that testimony before truth commissions plays in promoting reconciliation as well as supporting other transitional justice and democratization objectives. Scholars from various disciplines, including anthropology, psychology, and political science, have examined the role testimonies play in the work of truth commissions by employing

numerous analytical approaches. Laplante and Theidon (2007) specifically explore the issue of truth-telling as it relates the objectives of truth commissions by examining whether the act of testifying before an official body hinders or helps victims or survivors in their recovery process. Kaminer et al. (2001) examine the degree to which testifying before a truth and reconciliation commission is related to the current psychiatric status of survivors, as well as their propensity to forgive perpetrators of human rights violations. Kelsall (2005) makes contentious claims about the validity of testimonies – which in turn raises questions about the legitimacy of truth commissions themselves – in a study that uses an ethnographic description of public testimony before a truth commission in Sierra Leone, which reveals that the process of truth-telling is often not truthful. Hamber et al. (2000) focus on the perspectives of victims and survivors before and after they provide testimony before a truth commission. Their study “also provides an analysis of survivors’ opinions on the value of truth-telling and its inter-relationship to justice, punishment and amnesty” (Hamber et al. 2000: 20). A truth commission demands that participants – both victims and perpetrators – provide complete and truthful testimony, which should be corroborated by the testimonies of other participants. Since the process of providing testimony is crucial to the investigative efforts of truth commissions, it is apparent that testimonies (both the type of testimonies and the quantity of testimonies presented before a commission) play a central role in legitimizing the work of truth commissions. The process of listening to the testimonies of both victims and perpetrators, as well as documenting and

publicizing the facts of a country's history of human rights violations can help to promote reconciliation and go some way toward ensuring there is accountability for criminal actions (Popkin and Roht-Arriaza 1995: 80, 105). The first hypothesis in this study considers the connection between testimonies and the possibility of truth commissions successfully completing their goals, as outlined in their mandates.

Hypothesis 1a (H_{1a}): Testimonies: Truth commissions with higher numbers of total testimonies are more likely to be effective, and successfully carry out their objectives as outlined in their mandates.

Hypothesis 1b (H_{1b}): Testimonies: Truth commissions where the testimonies are made publicly available are more likely to be effective, and successfully carry out their objectives as outlined in their mandates.

Hypothesis 1c (H_{1c}): Testimonies: The greater the number of victims whose fates a truth commission is able to investigate and document, the more likely the commission is to be effective.

The selection of truth commissioners is a vital part of ensuring the potential success of the commission. “Ultimately, no factor will more define the commission than the persons who serve as its members” (OHCHR 2006: 13). Thus, the commission needs to “gather elected people deeply committed to human rights and the truth commission’s mandate, able to inspire and lead such a complex and difficult process” (Travesí and Reátegui 2015). Commissioners are the “public face” of a truth and reconciliation commission, and these individuals must be widely known and accepted to be of upstanding personal and moral authority.

Commissioners should also have an impeccable human rights record, with absolutely no record of corruption, human rights violations, or other criminal activity (Gonzalez and Varney 2013: 17).

While commissioners generally have the option of working on either a part- or full-time basis, the International Center for Transitional Justice (ICTJ) recommends that commissioners serving on a truth and reconciliation commission should work for the commission on a full-time basis. “The simple number of commissioners appointed to a commission, and whether they work full or part-time, also influences the kind of role they are likely to play” (Chapman and Ball 2001:18). It is also essential that there be a sizeable number⁵ of commissioners serving on a truth and reconciliation commission, in order for there to be a fair representation of the society, regardless of population size. Since commissioners often need to work by consensus, the ICTJ also recommends that an uneven number of commissioners serve to ensure democratic decision-making occurs when voting on specific issues is taking place (Gonzalez and Varney 2013: 17). The second hypothesis considers the relationship between the number of commissioners serving on a truth commission and the ability of the commission to effectively do its work.

⁵ The International Center for Transitional Justice (ICTJ) notes an average of between 3 and 17 commissioners on truth commissions.

Hypothesis 2 (H₂): Commission Staff: Truth commissions with higher member rates, that is greater numbers of commissioners and other commission staff serving on the commission, are more likely to be effective, and achieve the objectives outlined in their mandates.

In post-conflict societies, establishing a truth commission involves navigating many of the issues that are common in a polarized political environment, and this can lead to questions about the legitimacy of the work of the truth commission. Scholars and practitioners generally agree that a hybrid commission, which includes the involvement of both domestic and international actors or stakeholders, should be approved as the more suitable model “owing to the growing integrity and the credibility of TRC’s work in the population and its basic idea of a neutral evaluation instance” (Palme 2014: 221). In El Salvador, for example, after years of civil conflict, the country was “too polarized to document a unified official narrative of the war,” and many domestic and international observers doubted that a truth commission could objectively investigate El Salvador’s troubling history of violence and human rights violations (Guardado 2012: 433). El Salvador’s truth commission was, therefore, comprised of only international actors, who were perceived to be able to investigate and document historical events more objectively. Unfortunately, however, without input from any domestic actors, El Salvador’s truth commission was not able to achieve its goal of promoting reconciliation in the country (Guardado 2012: 433). Hayner (2001) argues that the hybrid model of a truth commission allows “national familiarity and international expertise” to work in

complement and ensure the success of the commission (220). International actors may include commissioners who are citizens of other countries, governments of other nations who are involved in the establishment of the truth commission, and organizations like the United Nations or Amnesty International. The third hypothesis, therefore, focuses on the type or form of commission established, and the effect this has on the commission's likelihood for success.

Hypothesis 3 (H₃): Commission Type: Hybrid truth commissions (that is, truth commissions that are established by both domestic and international actors) are more likely to be effective in carrying out their mandates.

Participation in the truth and reconciliation process involves engagement in the work of the truth commission by not only the victims of human rights abuses, but also of victim advocacy groups, victims' family members, human rights organizations, and other community members. In terms of victim participation, most truth commissions are structured in such a way that they allow for victims to provide testimony in either a private statement or at a public hearing (Kaminer et al. 2001). Public hearings allow victims to testify and share their experiences before community members. "Participation that is respectful, knowledgeable, and transparent, and achieved through effective forms of representation, allows victims to feel that they are valued and recognized as right-holders under the law and as relevant actors in their society" (Correa et al. 2009: 4). Community participation, on

the other hand, refers to efforts that have been made to involve community members who have experienced human rights abuses, directly or indirectly, in the transitional justice process (USAID 2014). The primary benefit of community participation is that it encourages support for the work of the truth commission, and also helps to legitimize the work of the commission since members of the community are actively involved throughout. Research indicates that when truth commissions encourage public participation in the truth and reconciliation process, it contributes to the democratization of the state in which the commission has been established (Taylor and Dukalskis 2012). The fourth hypothesis emphasizes the connection between efforts to encourage victim-survivor and community participation, and the successful completion of a truth commission's work.⁶

Hypothesis 4 (H₄): Participation Encouragement: Truth commissions that actively encourage victims and members of the community to participate in the acknowledgement process (truth-seeking and truth-acknowledgment via testimony during truth commission hearings) are more likely to effectively carry out their mandates.

⁶ "Participation Encouragement" is coded and operationalized based on *yes*, *no*, or *unknown* responses.

Under What Conditions Are Truth Commissions More Likely to Have a Positive Effect on the Process of Democratization?

Democratization is generally conceived as the establishment of a democratic political regime, or the transition to a more democratic political regime. It is the process by which “states transition from some pre-established condition into a democratic political reality” (Taylor and Dukalskis 2012: 672). The work of truth and reconciliation commissions is fundamentally rooted in the notion that investigating and documenting a country’s past, and establishing a complete and accurate historical record that is publicly accepted, is a prerequisite for successful democratization in post-conflict societies or countries emerging from authoritarian rule (Maier 2000: 264). Case studies and descriptions of transitions can be very useful in highlighting the factors that promote democratization in individual countries (Geddes 2009). This study goes beyond case studies to assess the relationship between several key factors related to the structure and function of established truth commissions in transitional justice contexts, and the corresponding potential effect on a country’s level of democracy.

Dancy and Poe (2006) have found strong evidence that supports the argument that democracy has a positive effect on the onset of truth commissions. Furthermore, as Brahm (2007) notes, several other studies (Minow 1998, Teitel 2000; Freeman and Hayner 2003; Gairdner 1999) have found that establishing a truth commission facilitates democratization within a country. The question of concern in this study, however, is if the opposite is true. Instead of examining

whether or not truth commissions are established as a result of countries becoming democratic, I focus on whether or not truth commissions aid in the process of democratic consolidation. Does the establishment of truth commissions have an effect on the onset of democracy, or democratic stability? To be more precise, what structural factors or elements related to the adoption of a truth commission could affect democratization? The primary objective of truth commissions is to investigate and document a country's past history of violence and human rights abuse in order to promote justice, peace and political stability. "Truth commissions are about nation-building in which exposing the gruesome details of the past helps to usher in a new democratic era and advance the cause of human rights through peaceful coexistence" (Wiebelhaus-Brahm 2010: 13). Consequently, this study proposes several important hypotheses that focus on the structural factors related to truth commission establishment, as well as the specific work of truth commissions, in order to analyze the effects of adopting a truth commission on promoting democratization in transitional justice contexts.

The process of transitional justice often involves complex negotiations and different approaches to secure peace. Scholars have argued that in post-conflict societies, or countries emerging from authoritarian rule, the new democratic government is often fragile, thus any move to punish or prosecute perpetrators of human rights violations may result in prolonged instability, or potentially lead to autocratic reversion (Roht-Arriaza 1990: 510). "Truth commissions have gradually developed into a justice-supportive machinery, designed to complement rather than

replace national and international prosecution” (Stahn 2001: 954). Although truth commissions are not directly involved in the prosecution of perpetrators of gross human rights abuses, “their investigations may contribute to subsequent prosecutorial efforts” (Wiebelhaus-Brahm 2010: 9). Ongoing debates about the values of retributive justice over restorative justice (and vice-versa), notwithstanding, truth commissions have been documented to be one of several useful transitional justice mechanisms, not the sole mechanism for promoting peace, justice, and political stability. It is, therefore, clear that the quest for justice must take into account judicial as well as non-judicial approaches.

“All outgoing regimes responsible for gross human rights abuses have one main interest in common: avoid prosecution of their officers and officials at all costs and, if possible, avoid being given public blame for violations” (Skaar 2010: 1111). In order to ensure that an environment of impunity is not established – where perpetrators of human rights violations are able to commit crimes without fear of punishment – prosecution must not be taken off the table completely. “The credible threat of punishment through various arrests and prosecutions removes impediments to stability from the political stage, and provides an incentive for constructive political behavior” (Akhavan 2001: 12). A truth commission’s support for prosecution can also help to legitimize the commission and encourage public trust in the truth and reconciliation process. The fifth hypothesis suggests that, for countries going through a political transition, if a truth commission’s mandate

includes measures to support prosecution, this will have a positive effect on the process of democratization.⁷

Hypothesis 5 (H₅): Support for Prosecution: In countries where truth commissions have mandates that include support for prosecution of perpetrators of human rights violations, the possibility of democratization is more likely.

Truth commissions are not only tasked with investigating past injustices, atrocities and human rights violations, but also with documenting these crimes. As such, most truth commission mandates task the commission with producing and publishing a final report, which serves as the official record of the commission's findings. The truth commission final report is a document that serves as a record of the "truth" about a nation's history (Taylor and Dukalskis 2012: 674). The final report generally also includes recommendations for institutional reforms that support the rule of law, as well as measures to address the atrocities committed under past political regimes and ensure that these crimes do not occur again in the future. The final report may also include recommendations for reparations (Laplante and Theidon 2007: 237). By publicly issuing a final report, a truth commission reveals if it was able to accomplish the original objectives that were outlined in its mandate. In some cases, for example in Haiti and Uganda, the public release of the truth commission's final report has been suppressed (Brahm 2007:

⁷ "Support for Prosecution" is coded and operationalized based on *yes*, *no*, and *unknown* responses.

18). The truth commission's final report essentially becomes the legacy of the commission's work in a tangible format (Brahm 2004). Since the truth commission report can function as "a benchmark to which NGOs can hold governments accountable" for past criminal activity and human rights violations, suppression of these reports actually serves as evidence that little progress has been made in efforts to sustain peace and promote justice and political stability. "The stories collected and the larger narrative that contains them [namely, the truth commission report] can actualize a radically new kind of constitutive history for an emerging democracy" (Phelps 2004: 56). Taylor and Dukalskis (2012) also find that when truth commissions encourage public participation and also make their findings public, it contributes to the democratization of the state in which the commission has been established. The sixth hypothesis in this study suggests a connection between accountability, vis-à-vis the public availability of the truth commission's final report, and democratization.

Hypothesis 6 (H₆): Availability of Truth Commission Report: In countries where truth commissions make their reports public, the possibility for democratization is more likely.

The international community often plays an important role in supporting the transitional justice process and the work of truth and reconciliation commissions; this support can be in terms of funding the commission and providing personnel to serve as commission staff and commissioners. In some cases, domestic civil society

is very weak, or the political climate so volatile, that the initiation and implementation of the truth commission can take place domestically. If the physical location (that is, the commission's offices) and staff are predominantly or exclusively located outside the sponsoring state, this can affect not only public support for the commission's work, but also have important implications for the investigative processes (Freeman 2006: 16). Truth commissions that are held domestically, or in the country in which the conflict and human rights abuses occurred, are more likely to have strong support since community members will recognize the commission's work as being part of a local, collective effort to bring about change. The seventh hypothesis takes into account the location of truth commissions and how location can potentially affect the process of democratization in transitional justice situations.

Hypothesis 7 (H₇): Location of Truth Commission: In countries where truth commissions are held domestically, the possibility for democratization is more likely.

Scholars and policymakers generally agree that truth commissions should be established soon after political transitions in order to aid the process (Brahm 2004). Most of the prominent truth commissions that were established in Africa and Latin America were done so immediately after a political transition; that is, within two years of the transition. In a few cases, for example in Panama, South Korea, and Uruguay, truth commissions were established more than five years after the end of a

political transition (Dancy et al. 2010). While the majority of truth commissions are established soon after a political transition, Kim (2014) discusses the example of the Jeju Commission in South Korean, which was established thirteen years after a political transition, and fifty-two years after the massacres it was tasked with investigating. “The destruction of critical evidence over time (both intentionally and unintentionally); the aging and natural deaths of key witnesses, perpetrators, and victims, and a lack of public interest in pursuing the truth [after a long period of time]” can make the work of a truth commission particularly difficult, if the commission is established many years after a conflict or a political transition (Kim 2014: 8). Nevertheless, in many countries, a demand for continued attention to the atrocities of the past remains long after a civil conflict or political transition, since these types of events always have long-term ramifications for a society (Hayner 2000a: 355). Hypothesis 8 is based on the notion that while establishing a truth commission enables a country to investigate and address its history of impunity, violence, and abuse, the goal should be to tackle this history in as timely a manner as possible. Furthermore, establishing a truth commission soon after a political transition has the potential to greatly affect the democratization process.

Hypothesis 8 (H₈): Transition to Commission Establishment

Timeframe: In countries where truth commissions are established during, or soon after democratic transition, the possibility of democratization is more likely.

A truth commission's mandate plays an important role in the commission's truth-seeking objectives. "The mandate provides for powers to investigate human rights violations [as well as other crimes], performed in accordance with whatever procedures the commission deems necessary" (Dancy et al. 2010: 56). The mandate reflects the priorities and concerns of the authorities and officials who were responsible for drafting the mechanisms under which the commission was established (Chapman and Ball 2001: 12). The truth commission mandate covers issues such as the types of crimes that the commission will investigate and document, the timeframe or length of time that a commission will be in operation, and the time period that will be covered in the commission's investigation (Brahm 2004). Truth commission mandates can be broad or restrictive in terms of the scope of their investigations. The type of mandate given to a truth commission can limit the types of crimes and human rights violations that the commission will be charged with investigating. This essentially means that the type of mandate will determine the "truth" that will be unearthed and documented as part of the commission's proceedings (Brahm 2007: 18). While there must be a balance between broad and restrictive mandates for truth commissions (an overly broad mandate will place significant pressure on commission staff and require more resources in order for the commission to work effectively; and a mandate that is too narrow may exclude the investigation of numerous important crimes and human rights violations), the ninth hypothesis in this study makes a case for instituting broader truth commission mandates, in terms of the scope of a commission's investigations.

Hypothesis 9 (H₉): Mandate Scope: In countries where truth commissions have a broader scope, in terms of the types of crimes that are covered by the mandate, the possibility of democratization is more likely.

How does the adoption of a truth commission affect government and public support for promoting human rights issues in a country?

Many legal scholars and human rights advocates believe that changes in attitudes towards the protection of human rights usually come about as a result of normative and coercive factors such as economic and political sanctions. Furthermore, precedents of accountability for human rights abuses can contribute to the transformation of a society where these violations were carried out with impunity in the past (Akhavan 2001: 8). Public opinion polls are an important way of assessing public attitudes toward a truth and reconciliation commission (Theissen 2008: 191). These polls cannot measure the efficacy of a political institution like a truth commission, but rather reveal attitudes about “a representative set of individuals” towards the institution (Theissen 2008: 192). The work of truth commissions, which involves investigating, documenting, and publicly exposing past crimes and serious human rights violations, can help to educate the society about the importance of establishing measures to protect human rights. Available data on public attitudes towards human rights issues in countries that have instituted truth commissions suggests, “the development of a culture of human rights is a long-term project” (Brahm 2009a: 126). The final hypothesis in this study

posits that establishing a truth commission will have an effect on the culture of a society, particularly with respect to the promotion of human rights. If the general public supports the work of a truth commission, then people are more likely to also support any recommendations that the commission puts in place, including measures to ensure that human rights are protected.

Hypothesis 10a (H_{10a}): Human Rights Improvements: Establishing a truth commission will have a positive effect on human rights in a country.

Hypothesis 10b (H_{10b}): Public Opinion Polls: In countries where public opinion polls of truth commissions are more favorable, there will be a positive effect on human rights in the country.

The ten hypotheses outlined in this work are based on general observations about the ways in which the adoption of truth commissions can have an effect on the political and social landscape of different countries with histories of violence, internal conflict, and serious human rights violations. These hypotheses are presented to explain the relationships between the key variables that will be considered in Chapter 6. In examining the phenomenon of truth commission proliferation around the world in recent decades, these hypotheses serve as possible explanations for the questions regarding what factors makes truth commissions more likely to be successful, and what effects truth commissions can have on the democratization process, as well as the promotion of human rights, in post-conflict societies or countries undergoing political transitions.

4.3 Measures

This comparative, cross-national research study on truth commissions is motivated by three primary questions. The first question is: what makes a truth commission successful, or what institutional factors are at play that affect the likelihood of a truth commission being able to effectively achieve its objectives? The second question focuses on the relationship between truth commissions and democratization. What factors related to the establishment of truth commissions affects the process of democratization in transitional justice situations? The third question considers the relationship between adopting a truth commission and the support and protection of human rights. Specifically, do truth commissions change public opinion and government support for measures that will ensure that human rights will be protected in post-conflict or transitional justice societies?

It makes intuitive sense to expect improvements in human rights conduct and democratic governance during and after the truth commission process in great part because truth commissions are likely to be established during democratic transitions, and when the human rights situation has already improved, at least to the extent that transitional justice becomes a viable possibility. (Bakiner 2013: 6-7)

Consistent with the theoretical discussions in previous chapters, this study seeks to make important determinations about, not only what makes a truth commission successful, but also how establishing truth commissions can change the social and political landscape of a country. As Wiebelhaus-Brahm (2010) notes: “Those who are interested in success [of a truth commission] focus on the commission’s ‘deliverables...’ As such, measuring success typically involves judging a truth

commission on its own terms (8). A truth commission can be viewed as a success if it is able to complete its work or achieve its objectives as outlined in its mandate. Some suggest an alternative measure of success, which involves a truth commission producing recommendations in a publicly available report; it must also be apparent that the government will take concrete steps to implement the recommendations that have been made by the truth commission.

The quantitative approach employed in this study is particularly useful for examining the relationship between structural factors that make truth commissions more likely to be successful in carrying out their mandates, as well for making associations between the adoption of truth commissions and the possible effects on democratization and human rights protection. Due to the relatively small number of truth commissions established globally in recent years, truth commission datasets have a limited number of observations or cases (small- N) that can be used for analysis. This means that statistical analysis cannot be based on multi-level modeling or complex structural models and equations. In order to test the hypotheses in this study, the empirical approach used is based on statistical analysis using multiple regression and ordered logistic regression. This study attempts to make inferences about the existence or absence of causality in different mechanisms related to truth commissions, through the correlation between dependent variables and independent variables across a small number of cases ($n=70$). Multiple regression analysis enables the prediction of the values of each dependent variable from the known values of the predictor (independent) variables; more precisely,

predicting the value of Y for $x_1, x_2, x_3, \dots, x_k$ (that is, calculating the value of $Y = \beta_0 + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \dots + \beta_k x_k + \epsilon$). Using non-parametric regression analysis allows for relaxing assumptions about linear relationship between the variables in the regression models. Unlike with parametric models, no assumptions are made about the probability distributions of the parameters (defining properties) of the variables that are being assessed. Instead, a weaker assumption is made of a smooth regression function $f(x_1, x_2)$, which results in a more accurate estimate of the regression function. The research design, including specifics about the regression models, and relevant factors such as issues related to multicollinearity are discussed in detail in Chapter 6. All relevant information about the coding and recoding of variables is also provided in the following chapter.

4.4 Data and Methods

The primary data source for this project is the truth commission dataset from the Transitional Justice Research Collaborative (TJRC). The TJRC dataset (Dancy et al. 2014) contains data on a number of transitional justice mechanisms, namely: prosecutions, truth commissions, amnesties, vetting, reparations, civil trials, and customary justice. The data on truth commissions collected by the TJRC only includes commissions that, despite the focus on one event, have mandates that are broader in scope and further explore wider patterns of violence in the country or region that is under investigation. Data collection for truth commissions began in Fall 2010 and was completed in Fall 2012. An overview of the TJRC dataset and

variables is provided in Appendix B. Two secondary datasets are also used for empirical analysis in this project.

In order to evaluate the effect of truth commissions on human rights this study uses a commonly accepted measure, the Physical Integrity Rights Index (PHYSINT) from the Cingranelli-Richards (CIRI) Dataset (Cingranelli et al. 2014), which includes time-series data that highlights changes in human rights scores. The CIRI Human Rights Dataset contains standards-based quantitative information on government respect for fifteen internationally recognized human rights issues for 202 countries, annually between 1981-2011. PHYSINT provides a scale that enumerates government protection against human rights violations; specifically government protection against disappearance, extrajudicial killings, political imprisonment, and torture. While it is useful for the analysis in this work, the CIRI dataset is not the most ideal because it does not include information prior to 1981 or after 2011; consequently, variables related to several truth commissions are missing. A concise overview of the CIRI dataset, including the coding (and recoding) of variables is provided in Appendix D.

The democratization variable is measured using the Polity IV database (Marshall, Jaggers, and Gurr 2011). This data has been used by other scholars to make determinations about the relationship between the adoption of truth commissions and changes in democratic governance in countries around the world.⁸

⁸ See the Taylor and Dukalskis (2012) study that analyzes the relationship between truth and politics and focuses on whether or not the “publicness” of truth commissions (that is whether a commission

The Polity IV database contains time series data created from coded information of the level of democracy for all independent states with greater than 500,000 total population. The Polity IV database is widely used in political science for comparative, quantitative analysis. The Polity IV database includes coded annual information for 167 countries worldwide that covers the years 1800 to 2013. Determinations about a state's level of democracy are based on evaluations of the state's elections for competitiveness and openness, the nature of political participation, and the extent of checks on the executive arm of government. The Polity IV dataset provides a numerical value or score that is useful for assessing regime characteristics at a point in time. It is, therefore, possible to measure the evolution of regimes over time. An overview of the Polity IV dataset is provided in Appendix E.

A second measure of democracy is used in this research project to qualitatively assess how countries that have established truth commissions generally score on Freedom House measures. This measure does not suggest a causal relationship between truth commission adoption and democratization, but is simply included to assess how countries that have adopted truth commissions rank in terms of being more or less free. The Freedom House database provides country scores based on two numerical ratings – from 1 to 7 – that gauge political rights and civil liberties in nations around the world. A value of 1 indicates countries that have the highest freedom scores, while a value of 7 represents the least free countries.

has public hearings, names perpetrators, and publicly releases a final report) can contribute to the democratization in post-conflict nations or new democratic political regimes.

The Freedom House data is particularly useful for a comparative study of truth commissions because data exists for the years 1972 to 2015. Appendix F provides information about the Freedom House scores for countries with truth commissions that are examined in this study.

While there are some limitations to using a quantitative approach, especially because of the relatively small number of cases that are explored in this work, quantitative analysis is useful for making broad generalizations about the nature of truth and reconciliation commissions and their effects on transitional justice and democracy. The section below includes the key variables of interest in this study.

Case Selection and Variables

In total, 70 individual cases are examined in this study. Further information about the criteria for individual case selection in the Transitional Justice Research Collaborative (TJRC) truth commission dataset is included in Appendix B. For the purpose of this study, a truth commission is operationalized as “a formal, state-sanctioned, temporary body that investigates a pattern of past human rights abuses and aims to include a final report of its findings,” based on the definition of a truth commission that was introduced by Priscilla Hayner, and is now widely accepted and used in the extant literature (Dancy et al. 2014). In order to examine the elements that are typically present in the institutional design or structural framework of truth commissions, this study considers a number of variables that highlight the characteristics that improve the likelihood of truth commission

success. Most studies of truth commissions have also discussed the positive roles that truth commissions play in transitional justice societies. This research project extends the analysis undertaken in previous studies and also makes determinations about generally accepted claims about truth commissions. Three dependent variables are of interest in this study: truth commission effectiveness, democratization, and human rights (specifically, the support for, or protection of, human rights). The dependent and independent variables are listed and explained in the following section.

Statistical analysis based on various indicators of truth commission success and the effects of commission adoption on democratization will allow for a more complete understanding of how this specific transitional justice mechanism operates. By also considering variation across cases, this study will add to existing research by testing a wide range of hypotheses that focus on the organizational structure of truth commissions, as well as the effects of truth commission adoption on political transitions and human rights issues.

Dependent Variables

TRC Effectiveness, TCEI	An index that indicates whether or not a truth commission is successful in carrying out the goals outlined in its mandate. Index constructed using information from TJRC dataset. An aggregate measure constructed based on evaluations of five different variables, including publication and availability of a truth commission report.
Democratization	Measure of democracy is Polity IV scores for countries with truth commission at key dates before and after the establishment of the truth commission. Comparing multiple time points is useful for measuring change in democracy over time, that point to within-case fluctuations or transformations.
Human Rights	Enumerates government protection against human rights violations; specifically government protection against disappearance, extrajudicial killings, political imprisonment, and torture.

Independent Variables

TRC Law	Indicates the specific year that the law creating a truth commission is passed.
Time Period of Abuses	Indicates the specific time period covered by the mandate of the truth commission.
Transition Timeframe	Variable constructed that indicates the timeframe between the end date of the period of abuses and the year the law creating a truth commission is passed.
Commission Start	Variable constructed based on the country name and year that a truth commission begins its operations.
Commission End	Variable constructed based on the country name and year that a truth commission ends its operations.
Commission Timeframe	Variable that indicates the timeframe between when the commission begins and ends its operations (commission start and commission end).

Commission Location	Distinguishes between commissions held domestically (locally) and those held in a location that is different from where conflict and human rights violations occurred.
No Final Report	Indicates that no final report was issued by the commission.
Pattern of Abuse	Does the truth commission investigate a pattern of abuses?
Number of Victims	Specifies the number of victims being investigated by the truth commission.
Testimony of Perpetrators	Did perpetrators give their testimonies – either written, or publicly before the truth commission?
International	Indicates whether the truth commission was initiated by international actors.
Hybrid	Indicates if truth commission was established by both domestic and international actors.
Participation Encouragement	Did the truth commission make efforts to encourage participation from the public?
Total Testimonies	The total number of testimonies presented to the truth commission.
Availability of Testimonies	Indicates whether testimonies have been made available to the public.
Prosecution Support	Indicates if the truth commission mandate supported prosecution of perpetrators.
Number of Commissioners	Number of commissioners serving on the truth commission.
Number of Staff	The total number of staff working for the truth commission.
Public Opinion Polls	Indicates public opinion polls exist on the truth commission.

4.5 Resources

A final note on some important resources that may be useful to scholars who are interested in quantitative analysis of truth commissions and other transitional justice mechanisms. Comparative studies on truth commissions have taken different approaches to examining these transitional justice mechanisms. Some research has focused on single country analysis (Gibson 2004; Chapman 2007), other research has focused on comparative analysis of a few countries (Chapman and Ball 2001), and more extensive studies (Skaar 2010; Hayner 1994; Dancy et al. 2010; Roper and Barria 2007) have attempted to explain variations across all possible cases of truth commissions globally, depending on the specific definitional assumptions about truth commissions that the authors are taking into account. Despite different approaches, many of these studies use consistent measures to evaluate their conceptual questions and hypotheses. For example, Polity IV or Freedom House data is consistently used in assessments of democracy in countries that have adopted truth commissions. Furthermore, while there are minor differences in how truth commissions have been defined in the literature, most definitions are based on Hayner (1994). Lastly, specialized archives for human rights and truth commission data, such as the Duke Human Rights Archive (Duke University), and datasets like the Post-Conflict Justice (PCJ) Dataset serve as useful resources for scholars interested in truth commission and transitional justice analysis.

CHAPTER 5. STATISTICAL TESTS OF EFFECTIVENESS MEASURES

“We remember in the hope that we will not repeat past atrocities. But primarily we remember because we cannot, while the past remains unresolved, lay its ghost to rest.”

– Charles Villa-Vicencio¹

Executive Director of the Institute for Justice and Reconciliation

“Research is vital to reconciliation... Research on the reconciliation process can inform how [a] society can mitigate intercultural conflicts, strengthen civic trust, and build social capacity and practical skills for long-term reconciliation.”

- The Truth and Reconciliation Commission of Canada

5.1 Introduction

In recent years, there has been mounting interest in research on transitional justice mechanisms. Current scholarship in the field of transitional justice has been able to map empirical relationships between transitional justice mechanisms and a number of different political outcomes (Taylor and Dukalskis 2012: 672).

Nevertheless, significant gaps still remain in the literature because of limited availability of data, as well as the difficulties in undertaking large-scale comparative studies of these transitional justice mechanisms. The overwhelming majority of the extant literature on truth commissions, for example, deals with in-depth evaluations of individual cases or comparative analyses of a handful of cases.

Empirical analysis of truth commissions allows us to make more concrete determinations about the effectiveness of these commissions in contributing to reconciliation efforts, mitigating the reoccurrence of human rights violations, and promoting democratic consolidation. Furthermore, through the comparative

¹ Villa-Vicencio, Charles (1999).

analysis of truth commissions, it is possible to make generalizations about the factors that have led to the success or failure of truth commissions in the past, and also critically assess what measures need to be put in place to ensure that newly established truth commissions can effectively achieve the goals that they have outlined in their mandates. Comparative empirical analysis of truth commissions also enables us to predict the particular political and social conditions under which establishing a truth commissions is likely to promote reconciliation and democracy.

It is important to note that the objective here is not to make any causal inferences about the mechanisms that link truth commissions to improvements in democratic consolidation or the promotion of human rights. This essentially means that we cannot assert that any of the independent variables cause changes in the effectiveness measure of truth commissions, or determine whether or not the establishment of a truth commission will reduce human rights abuses in a country and improve that country's prospects for democratic consolidation. Due to the limited amounts of data available for rigorous statistical analysis, as well as other deficiencies in the data that is currently available, I provide a caveat regarding the research methodology that is employed in this work. Nevertheless, a cross-national, comparative study such as this is one still proves to be very useful, and together with the qualitative methodologies presented in the successive chapters, allows us to come to a deeper understanding of the factors that directly influence truth commission effectiveness.

TABLE 5.1. DESCRIPTIVE STATISTICS OF DEPENDENT AND INDEPENDENT VARIABLES

	Obs.	Mean	Std. Dev.	Range
<i>Dependent Variables</i>				
Truth Commission Effectiveness Index, TCEI	70	2.06	1.24	0-5
Human Rights Index scores (1), HRC1	49	0.59	0.73	0-2
Human Rights Index scores (2), HRC2	53	1.25	0.83	0-2
Polity IV scores (1), PolityChangeOne	59	0.34	0.58	0-2
Polity IV scores (2), PolityChangeTwo	64	0.77	0.66	0-2
<i>Independent Variables</i>				
Domestic truth commission	70	1.13	0.34	1-2
Truth commissions initiated by Executive	70	0.61	0.49	0-1
Truth commissions initiated by Legislature	70	0.29	0.46	0-1
Truth commissions initiated by Judiciary	70	0.01	0.12	0-1
International truth commissions	70	1.86	0.35	1-2
Hybrid truth commissions	70	1.94	0.23	1-2
Other type of truth commissions	70	1.96	0.20	1-2
Democratic transition timeframe	70	2.06	0.70	1-3
Pattern of abuses	70	1.10	0.30	1-2
Disappearances	70	0.49	0.50	0-1
Death	70	0.64	0.48	0-1
Torture	70	0.33	0.47	0-1
Other types of crime	70	0.53	0.50	0-1
Scope of mandate	70	1.71	0.46	1-2
Victim count index	70	1.31	1.04	0-3
Testimony	70	1.80	0.69	1-3
Perpetrators named in testimony	29	1.45	0.57	1-3
Perpetrators members of military	29	1.24	0.51	1-3
Perpetrators members of opposition	29	1.66	0.55	1-3
Perpetrators in political exile	29	1.97	0.33	1-3
Perpetrators members of governing regime	29	1.31	0.54	1-3
Perpetrators members of police/security forces	29	1.28	0.53	1-3
Perpetrators received amnesty	28	2.18	0.61	1-3
Truth commission encouraged community participation	70	1.57	0.81	1-3
Testimonies made public	69	2.10	0.86	1-3
Final report	70	1.23	0.42	1-2
Perpetrators names published in final report	70	1.70	0.57	1-3
Report publicly available	70	1.34	0.54	1-3
Truth commission supported prosecution	70	1.71	0.54	1-3
Commissioner count index	70	2.06	1.48	0-8
Staff member count index	70	0.97	1.23	0-4
Public opinion polls	70	2.49	0.61	1-3

Given the limited number of truth commissions in the available data, complex statistical models cannot be used accurately and effectively for the analysis. Instead, multiple regression and ordered logistic regression techniques are beneficial. With multiple regression analysis, I predict the value of the dependent variable (Truth Commission Effectiveness Index, TCEI), an interval variable, based on the value of the independent variables that are being considered. Multiple regression allows me to determine the overall fit – in other words, explain the variance – of each model, in order to explain the relative contribution that each of the independent variables in the model play in terms of the total variance that is observed. To evaluate how the independent variables considered affect the dependent variables that indicate changes in democracy and human rights, both of which are ordinal variables, I use ordered logistic regression in my analysis of several statistical models. The variables considered in this study have been described in detail in Chapter 4. Table 5.2 summarizes the types of statistical tests that are used to evaluate each of the dependent variables in this study.

TABLE 5.2. TESTS FOR STATISTICAL MODELS

Dependent Variable	Variable Type	Statistical Test
TCEI	Interval	multiple regression
PolityChange1	Ordinal	ordered logistic regression
PolityChange2	Ordinal	ordered logistic regression
HRC1	Categorical	ordered logistic regression
HRC2	Categorical	ordered logistic regression

In the following section I outline each of the hypotheses that were presented in Chapter 4, discuss the statistical models that I have created to evaluate each hypothesis, and provide assessments of what the empirical analysis tells us about the relationships between different indicators on truth commissions, human rights improvements, and democratic consolidation.

5.2 Evaluating Factors that Affect Effectiveness of Truth Commissions

The first four hypotheses presented in this study examine the relationships between several truth commission indicators and truth commission effectiveness, as it is measured with the Truth Commission Effectiveness Index (TCEI). Hypothesis 1 suggests that there is a relationship between truth commission effectiveness and whether or not perpetrators of human rights violations offer testimonies before a truth commission. Hypothesis 2 looks at the relationship between truth commission effectiveness and the number of staff serving on the commission. Hypothesis 3 considers if the type of truth commission instituted will have any influence on whether or not the truth commission is effective. Hypothesis 4 proposes that in the cases where truth commissions encourage community members, victims, and perpetrators of atrocities to participate in the truth and reconciliation process, we can expect that the truth commission is more likely to be effective; this means that encouraging community participation would increase the TCEI score.

To test the first hypothesis, I construct three statistical models, which are analyzed using multiple regression techniques. The results of these tests are

presented in Table 5.2. In the first model, a regression was run to predict TCEI from testimony, publicly available truth commission report, and victim count index (scores are assigned based on the number of victims). As Model 1 shows, I cannot reject the null hypothesis at the 95 percent confidence interval, and statistical significance is not achieved for any of the independent variables. The null hypothesis suggests that there is no relationship between the measured phenomena, and there is no statistical significance in this particular set of observations. It also indicates that no variation exists between the different variables, and all the coefficients of the independent variables are equal to zero. Simply put, none of the independent variables have any observable effect on the dependent variable. In Model 1, I can only reject the null hypothesis with 47 percent confidence, because the value of the probability of the F-statistic is 0.52. Although I cannot make any claims about statistical significance based on the 95 percent confidence interval, for each of the independent variables I can note the size of their effect on the dependent variable. Next I consider what the statistical significance of that particular effect is.

The Truth Commission Effectiveness Index (TCEI) is constructed as an interval variable with ranges from 1 to 5. Thus, it is possible to look at the effects of each of the independent variables on TCEI going from 1 to 5. If no testimony was given, the value of TCEI decreases by 0.56 as compared to what the value of TCEI would have been if perpetrators had given testimony before the truth commission. On the other hand, if it is unknown whether or not testimony was provided, I would expect a very small increase of TCEI (by 0.03) as compared to if testimony was given.

With that said, we must then determine how precise the estimates of TCEI are based on the presence or lack of testimony. At a 95 percent confidence interval, we would expect a t-value of 2 or -2 to be significant. Here, I have to use a narrower confidence interval to evaluate the results from my analysis. I can only say with 89 percent confidence – which means that there is an 89 percent chance – that in cases where perpetrators did not give testimony, it would decrease TCEI by anything from 0.24 to 0.88 (that is, decrease TCEI by 0.56 ± 0.32) as compared to if there was testimony.

Model 2 is the regression of testimony, publicly available truth commission report, victim count index (scores are assigned based on the number of victims), and publication of perpetrators names on TCEI. In the second model, the effect of no testimony decreases TCEI slightly, by 0.34. In Model 3, when the cases presented variable (number of cases presented before the truth commission) is included in the regression model along with testimony, publicly available truth commission report, and victim count index, I observe that if no testimony was given, the value of TCEI decreases by 0.63. On the other hand, I can only estimate, with less than 5 percent confidence, the effect of the testimony unknown variable on TCEI. Since I cannot disprove the null hypothesis, it is likely that when the existence of perpetrator testimony is unknown, it has very little effect on TCEI.

Next, I consider the effect of public availability of a truth commission report on truth commission effectiveness. As Model 1 shows, if no report was publicly available, there is an increase in TCEI. However, I can only make this claim with 71 percent confidence. Since I cannot reject the null hypothesis, I cannot say with

certainty that what I expected to observe is either true or untrue. Thus, I cannot conclude that truth commissions that make their final report publicly available are more likely to be effective. In order to truly get an accurate picture of the effect of the different independent variables on TCEI, I would need to analyze data with a larger number of observations in order to detect any statistically significant effects. A dataset with a larger sample size will lead to better estimates of the population parameter. Using a dataset with a relatively small number of observations means that my statistical tests will produce a very small value of R-squared. This limits the level of confidence with which I can make assessments about the range of values within which I can reasonably expect to observe the true effect of the explanatory variables on the outcome variable.

While the variables considered in Table 5.3 (testimony, report publicly available, victim count index, and perpetrators names published) may have a small effect on TCEI, they are clearly not the only indicators at play that can affect the value of the truth commission effectiveness measure. I would need to consider other variables that may be predictors of the effectiveness of truth commissions in order to gain better predictor values. Model 2 is the least likely to predict the effects of the independent variables on TCEI. From Models 1 and 3, I can conclude that the independent variables may have a small effect on truth commission effectiveness. Although statistical significance is not achieved for any of the explanatory variables at the 95 percent confidence interval, I can still comment on the minor effects that each of the independent variables have on TCEI.

TABLE 5.3. TESTIMONIES: REGRESSION OF TRUTH COMMISSION EFFECTIVENESS SCORES ON HYPOTHESIZED DETERMINANTS

Variable	Model 1	Model 2	Model 3
Constant	2.29 (0.45)	2.39 (0.51)	2.07 (0.47)
Testimony			
No Testimony	-0.56 (0.34)	-0.34 (0.56)	-0.63 (0.35)
Unknown	0.03 (0.50)	-0.33 (0.40)	0.28 (0.58)
Report Publicly Available			
Not Publicly Available	0.43 (0.41)	0.26 (0.48)	0.34 (0.46)
Unknown	0.20 (0.99)	0.20 (1.12)	0.23 (1.10)
Victim Count Index			
1 - 1000 Victims	-0.08 (0.45)	-0.39 (0.49)	-0.13 (0.46)
1,001 - 10,000 Victims	-0.27 (0.47)	-0.61 (0.53)	-0.34 (0.51)
10,000+ Victims	-0.01 (0.53)	-0.21 (0.58)	-0.17 (0.59)
Perpetrators Names Published			
Names Not Published		0.23 (0.39)	0.40 (0.38)
Unknown		0.25 (0.88)	-0.29 (0.95)
Cases Presented			0.00 (0.00)
<i>R</i> ²	0.09	0.06	0.13
<i>Number of Cases (N)</i>	70	69	70

Standard errors in parentheses.

Significance of standardized regression coefficient (β): * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

Table 5.4 shows the results of the analysis of the regression of commissioner count index and staff member count index on TCEI. With a p-value of 0.86, I cannot make any claims about statistical significance if I consider the effects of the variables at the 95 percent confidence level. Thus, I would conclude that the number of commissioners and truth commission staff members has no observable effect on the TCEI score. I, therefore, use a narrower confidence interval to estimate the effects of the number of truth commissioners and other commission staff on the TCEI score. For truth commissions with a score of 5 on the Commissioner Count Index – truth commissions which have between 21 and 25 commissioners, I observe an effect on TCEI that is significant at an 85 percent confidence level. For truth commissions with a score of 1 on the Commissioner Count Index, I observe that there is a 54 percent chance that having between 1 and 5 commissioners will decrease TCEI by 0.57. There is about a 56 percent chance that having a Commissioner Count Index of 2 will decrease TCEI by 0.60.

There is an 85 percent chance that when a truth commission has between 21 and 25 commissioners, it decreases the TCEI score by 1.27. Additionally, I observe that in situations where truth commissions have between 101 and 150 staff members – that is, they have a score of 3 on the Staff Member Count Index – there is a 94 percent chance that the TCEI score will decrease by 1.5. However, having over 150 staff members appears to have a positive effect on TCEI. There is about a 54 percent chance that having a Staff Member Count Index score of 4 will increase the TCEI score by 0.44.

TABLE 5.4. TRUTH COMMISSION STAFF: REGRESSION OF TRUTH COMMISSION EFFECTIVENESS SCORES ON HYPOTHESIZED DETERMINANTS

Variable	Model
Constant	2.79 (0.73)
Number of Commissioners: Commissioner Count Index	
1 - 5 Commissioners	-0.57 (0.77)
6 - 10 Commissioners	-0.60 (0.78)
11 - 15 Commissioners	-0.18 (0.90)
16 - 20 Commissioners	-1.27 (0.88)
21 - 25 Commissioners	-0.79 (1.45)
36 - 40 Commissioners	-0.79 (1.15)
Number of Staff: Staff Member Count Index	
1 - 50 Staff Members	-0.37 (0.42)
51 - 100 Staff Members	-0.10 (0.43)
101 - 150 Staff Members	-1.53 (0.80)
150+ Staff Members	0.45 (0.60)
<i>R</i> ²	0.13
<i>Number of Cases (N)</i>	70

Standard errors in parentheses.
 Significance of standardized regression coefficient (β):
 * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

In Table 5.5, I present the results of two regression models run to predict TCEI from variables that represent the different types of truth commissions. Model 1 is a regression of domestic commission, international commission, and hybrid

commission on TCEI. Model 2 is used to predict TCEI from domestic commission, international commission, hybrid commission, domestic commission initiated by the executive, domestic commission initiated by the legislature, and domestic commission initiated by the judiciary. Model 1 shows that there is a 73 percent chance that not having a hybrid commission will decrease TCEI by 0.72. Similarly, in Model 2, there is a 73 percent chance that not establishing a hybrid commission will decrease TCEI by 0.72. In cases where a domestic truth commission is initiated by the judiciary, there is a 24 percent chance that TCEI will increase by 0.45.

TABLE 5.5. COMMISSION TYPE: REGRESSION OF TRUTH COMMISSION EFFECTIVENESS SCORES ON HYPOTHESIZED DETERMINANTS

Variable	Model 1	Model 2
Constant	2.56 (0.84)	3.10 (1.12)
Domestic (2)	0.26 (0.62)	-0.28 (1.00)
International (2)	0.16 (0.60)	0.16 (0.60)
Hybrid (2)	-0.72 (0.65)	-0.72 (0.65)
Commission Initiated by Executive (1)		-0.40 (0.79)
Commission Initiated by Legislature (1)		-0.81 (0.75)
Commission Initiated by Judiciary (1)		0.45 (1.50)
<i>R</i> ²	0.02	0.06
<i>Number of Cases (N)</i>	70	70

Standard errors in parentheses.

Significance of standardized regression coefficient (β):

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

How does encouraging participation in the truth and reconciliation process, and making testimony from the truth commission available to the public, affect the Truth Commission Effectiveness Index score? Table 5.6 includes the results of the regression model of these independent variables on TCEI. The model shows that there is a 73 percent chance that not encouraging participation will decrease TCEI by approximately 0.50. There is only a 12 percent chance that if the truth commission does not make testimony public, TCEI will increase by 0.06.

TABLE 5.6. ENCOURAGING PARTICIPATION: REGRESSION OF TRUTH COMMISSION EFFECTIVENESS SCORES ON HYPOTHESIZED DETERMINANTS

Variable	Model
Constant	2.21 (0.28)
Encourage Participation	
No Encouragement	-0.50 (0.44)
Unknown	-0.06 (0.41)
Testimony Made Public	
Not Public	0.06 (0.42)
Unknown	-0.10 (0.37)
<i>R</i> ²	0.02
<i>Number of Cases (N)</i>	69

Standard errors in parentheses.

Significance of standardized regression coefficient (β):

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

5.3 Effects of Truth Commissions on Democratization

Hypotheses 5, 6, 7, 8, and 9 propose a number of conditions under which truth commissions are more likely to have a positive effect on the process of democratization. I hypothesize that democratization is more likely in countries with truth commission mandates that support prosecution (H₅), and in cases where truth commissions release their final reports to the public (H₆). I also hypothesize that domestic truth commissions are more likely to promote democratization than other types of commissions (H₇), that democratization is more likely in countries where a truth commission is established during, or soon after, a democratic transition (H₈), and that truth commissions with broad mandates improve the possibility of democratization (H₉). I use ordered logistic regression to predict the effects of various independent variables on democratization. Democratization is measured using a constructed variable that represents changes in Polity IV scores.

PolityChangeOne represents changes in Polity IV scores for a country between the date its truth commission begins its operations and the date it ends its operations. PolityChangeTwo is the change in the Polity IV score for a country between the date its truth commission begins its operations and 2014 (the date for which the most recent Polity data is available). The Polity IV dataset and variables are described extensively in Appendix E. PolityChangeOne and PolityChangeTwo are coded as follows: 0 = no change; 1 = increase; and 2 = decrease.

TABLE 5.7. SUPPORT FOR PROSECUTION: REGRESSION OF TRUTH COMMISSION EFFECTIVENESS SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1 (PolityChangeOne)</i>	<i>Model 2 (PolityChangeTwo)</i>
Perpetrators Names Published	-0.77 (0.55)	0.04 (0.45)
Support Prosecution	-0.35 (0.57)	-0.59 (0.48)
<i>Pseudo R²</i>	0.04	0.01
<i>Number of Cases (N)</i>	59	64

Standard errors in parentheses.

Table 5.7 includes the results of two regression models of perpetrators names published and support for prosecution on both PolityChangeOne and PolityChangeTwo. The regressions produce 5 iterations and 4 iterations for Model 1 and Model 2, respectively. These multiple iterations show the maximum likelihood for the log of values of the parameters until the log of values converge. Iteration 0 tests the maximum likelihood of the empty model with no predictors. Iteration 1 includes the predictors in the model. The null hypothesis is that none of the independent variables have an effect on the polity change measure. I cannot reject the null hypothesis in either model, because of the low number of observations in the regression model (59 and 64 observations in Model 1 and Model 2, respectively). The p-value for Model 1 is 0.22. This means that I can only say with 78 percent confidence that publishing of perpetrators names and support for prosecution have some effect on the polity change measure in Model 1. The value of the coefficient of each independent variable is the change that I would expect to see in the dependent

variable, given the presence of other independent variables in the regression model. I can say with 83.5 percent confidence that in a model that includes the perpetrators names published variable and the support for prosecution variable regressed on PolityChangeOne, perpetrators names published would change the value of PolityChangeOne by 0.77. This change could be an increase or decrease, but due to the limited data, the results of the statistical tests do not allow me to determine the exact direction of the change.

The p-value for Model 2 is 0.44. For this model, I can say with 55.6 percent confidence, that perpetrators names published and support for prosecution have some combined effect on PolityChangeTwo. In Model 2, however, if perpetrators names are published that could change the value of PolityChangeTwo by only 0.04; however, there is only a 55 percent chance that this would be the case.

I create similar ordered logit models to the ones described above to test the effects of several truth commission indicators on changes in Polity IV rankings at different periods in time. Table 5.8 includes the results of the regression of perpetrators names published, final report, and report publicly available on PolityChangeOne and PolityChangeTwo in separate models. Table 5.9 includes the results from the regression of domestic, hybrid, and international on PolityChangeOne and PolityChangeTwo. The results of the regression of the transition timeframe variable on PolityChangeOne in the first regression model, and PolityChangeTwo in a second model, are presented in Table 5.10. No significant effects can be observed on the dependent variables in any of the regression models.

TABLE 5.8. TRUTH COMMISSION REPORT: REGRESSION OF CHANGE IN POLITY IV SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1</i> <i>(PolityChangeOne)</i>	<i>Model 2</i> <i>(PolityChangeTwo)</i>
Perpetrators Names Published	-0.55 (0.61)	-0.07 (0.50)
Report Publicly Available	-0.68 (0.88)	0.04 (0.56)
Final Report	0.04 (0.98)	-0.35 (0.65)
<i>Pseudo R²</i>	0.04	0.00
<i>Number of Cases (N)</i>	59	64

TABLE 5.9. TRUTH COMMISSION LOCATION: REGRESSION OF CHANGE IN POLITY IV SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1</i> <i>(PolityChangeOne)</i>	<i>Model 2</i> <i>(PolityChangeTwo)</i>
Domestic	-1.23 (1.23)	-1.00 (0.94)
International	-1.58 (1.05)	-0.53 (0.86)
Hybrid	0.29 (1.40)	-0.86 (1.05)
<i>Pseudo R²</i>	0.03	0.01
<i>Number of Cases (N)</i>	59	64

TABLE 5.10. TRANSITION TIMEFRAME: REGRESSION OF CHANGE IN POLITY IV SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1</i> <i>(PolityChangeOne)</i>	<i>Model 2</i> <i>(PolityChangeTwo)</i>
Transition Timeframe	-1.02 (0.42)	0.03 (0.36)
<i>Pseudo R²</i>	0.00	0.00
<i>Number of Cases (N)</i>	59	64

In my last two regression models, to evaluate the effects of hypothesized determinants on changes in Polity IV democracy rankings, I include independent variables that represent different types of crimes that are investigated by truth commissions. The results of the regression analysis are presented in Table 1.11. Again, PolityChangeOne and PolityChangeTwo are estimated in Model 1 and Model 2, respectively. The polity change variable is predicted using mandate scope, abuse pattern, disappearance, death, torture, and other crime. Model 1 shows that there is a 97 percent chance that if the truth commission investigates a pattern of abuses, that could change the value of PolityChangeOne by 2.42. Model 2, on the other hand, shows that there is a 56 percent chance that abuse pattern will change the value of PolityChangeTwo by 0.71.

TABLE 5.11. SCOPE OF MANDATE: REGRESSION OF CHANGE IN POLITY IV SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1</i> <i>(PolityChangeOne)</i>	<i>Model 2</i> <i>(PolityChangeTwo)</i>
Mandate Scope	-2.07 (1.76)	-2.51 (1.51)
Abuse Pattern	2.42 (1.10)	0.71 (0.92)
Disappearance	-0.32 (0.93)	-1.50 (0.85)
Death	-0.41 (0.86)	-0.45 (0.67)
Torture	-0.69 (1.30)	-0.81 (0.97)
Other Crime	-0.34 (0.76)	-0.03 (0.63)
<i>Pseudo R²</i>	0.09	0.05
<i>Number of Cases (N)</i>	59	64

5.4 Truth Commissions and Support for Human Rights

Hypothesis 10 focuses on the truth commission indicators that could affect human rights improvements. I used the Human Rights Index to assess government respect for human rights, and constructed two variables, HRC-One and HRC-Two to represent changes in the Human Rights Index values at different points in time (see Appendix D). The two variables that serve as measures for changes in the Human Rights Index across time are coded as follows: no change = 0; increase = 1; and decrease = 2. I also consider indicators that represent the different types of truth commissions, as well as indicators of truth commission engagement with the community. In Table 5.12, I present the results of two separate regression models.

The p-values for the Model 1 and Model 2 are 0.86 and 0.52, respectively. This means that I am only able to say, with 86 percent confidence and 52 percent confidence, that domestic, international, hybrid, abuse pattern, and mandate scope all have some combined effect on the two measures of change in human rights improvement (HRC-One and HRC-Two) when these five independent variables are included in a regression model. The first model shows that for truth commissions that investigate a pattern of abuses, there is a 55 percent chance that this variable will change HRC-One. In Model 2, however, abuse pattern could change the value of HRC-Two by only 2.17, and there is an 86 percent chance that this would be the case.

The results of my last two regression models are presented in Table 5.13. Public opinion polls and encourage participation are regressed on HRC-One and HRC-Two. These regression models are not useful for making any statistical

predictions because they both have p-values ≈ 1.0 . Thus, I can only say with less than 5 percent confidence that these two variables have any combined effect on the human rights measures, HRC-One or HRC-Two.

TABLE 5.12. HUMAN RIGHTS IMPROVEMENTS: REGRESSION OF CHANGE IN HUMAN RIGHTS INDEX SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1 (HRC-One)</i>	<i>Model 2 (HRC-Two)</i>
Domestic	0.13 (1.08)	-1.46 (1.01)
International	-0.07 (1.02)	-1.13 (1.02)
Hybrid	-0.89 (1.24)	0.66 (1.13)
Abuse Pattern	1.25 (1.66)	-2.17 (1.46)
Scope of Mandate	-0.43 (0.60)	-0.01 (0.97)
<i>Pseudo R²</i>	0.02	0.60
<i>Number of Cases (N)</i>	49	53

TABLE 5.13. HUMAN RIGHTS IMPROVEMENTS: REGRESSION OF CHANGE IN HUMAN RIGHTS INDEX SCORES ON HYPOTHESIZED DETERMINANTS

<i>Variable</i>	<i>Model 1 (HRC-One)</i>	<i>Model 2 (HRC-Two)</i>
Public Opinion Polls	-0.13 (0.49)	0.35 (0.48)
Encourage Participation	0.88 (0.38)	-0.03 (0.37)
<i>Pseudo R²</i>	0.00	0.00
<i>Number of Cases (N)</i>	49	53

5.5 Discussion

In this study, I have attempted to evaluate the relationship between a number of different truth commission indicators and truth commission effectiveness, change in democracy ranking scores, and change in human rights scores. While some studies focus on determining causality, I have concentrated on analyzing if there is any correlation between the dependent variables and independent variables of interest. I present ten separate hypotheses as proposed explanations for what I expect to observe. These hypotheses are connected to three questions: what factors affect truth commission effectiveness, democratization, and human rights improvements? My analysis cannot answer any of these questions with a high degree of certainty. The strength of the relationship between truth commissions, democratization and human rights remains ambiguous.

The following are some key findings that I can comment on with a lesser degree of certainty. When perpetrators do not testify before a truth commission, it lowers their Truth Commission Effectiveness Index (TCEI) score. I cannot make judgements about any specific effect of the number of commissioners and truth commission staff on TCEI, but the type of truth commission that is established appears to have some influence on truth commission effectiveness. I noted a 73 percent chance that not having a hybrid truth commission could decrease truth commission effectiveness. I also observe (but with only about 73 percent confidence) that the TCEI score decreases for truth commissions which do not encourage community members to participate in the truth and reconciliation process.

CHAPTER 6. CROSS-NATIONAL COMPARISONS

“Trying to deal with trauma following conflict, and trying to develop new ways of living together in peace, is an ongoing issue in many developing contexts. Truth and Reconciliation Commissions (TRCs) strive to resolve these situations. It is for this reason that TRCs are linked to democratic governance in terms of trying to figure out how to best deal with past traumas in order to prevent new ones.”

– Philip Oxhorn, Founding Director of the Institute for the Study of International Development

“The truth can be, and often is, divisive. It is only on the basis of truth that true reconciliation can take place. True reconciliation is not easy; it is not cheap.”¹

*– Archbishop Desmond M. Tutu, Chairperson,
South African Truth and Reconciliation Commission*

“The road we travel is equal in importance to the destination we seek. There are no shortcuts. When it comes to truth and reconciliation, we are all forced to go the distance.”

– Justice Murray Sinclair, Truth and Reconciliation Commission of Canada

6.1 History of Conflicts: Country Profiles

Extant research on truth and reconciliation commissions has largely focused on single-country case studies. In this work, I use a cross-national, comparative approach in order to examine the reason for the proliferation of truth commissions as mechanisms to promote transitional justice and democratization around the world in recent decades. A historical examination of transitional justice contexts is important for gaining insight into the reasons countries choose to establish truth and reconciliation commissions. The underlying social and political issues that led to the conflict must temper the approach that a government takes to achieving justice.

¹ Tutu, Desmond M. 1998. “Forward by the Chairperson.” Truth and Reconciliation Commission of South Africa Report. Volume One.

The state is tasked with determining what the best course of action will be for dealing with human rights violations that occurred under a past regime. For scholars and policymakers, it is also critical to understand the historical nature of civil conflict in order to properly assess what justice measures can be most effective in transitional contexts. As Weinstein et al. (2010) note, “we cannot assume that legal justice is desired or the highest priority in all countries after periods of repression or violence. Culture and history may lead to different definitions of justice and different paths for achieving it” (47). The issue, therefore, becomes a question of whether criminal prosecution is the best, and most politically viable, option for achieving justice, and the government needs to take a number of factors into consideration when making this determination. Fletcher et al. (2009) identify eight key factors that influence the manner in which countries in transitional justice contexts have responded to serious human rights violations that were committed by prior regimes. Historical factors that should be taken into consideration include the following: the strength and legitimacy of political institutions; the strength of democracy prior to the conflict; the legacy of colonialism; the character of the country as a failed state; international intervention in the country’s conflict; the commitment of the new government to address the issues of the past; interventions since the transition to democracy to address underlying structures and power inequities that contributed to the conflict; and the time since the onset of the transition period and how that is relevant to addressing the needs of survivors of human rights violations (Fletcher et al. 2009: 190).

As explained in the introductory chapters of this work, truth and reconciliation commissions are charged with unearthing, documenting, and providing the public with an impartial, historical account of serious human rights abuses, in order to promote healing and reconciliation within society. In some of the earliest truth commissions, little effort was made to explore the historical and moral underpinnings of the crimes that had been committed under prior regimes (Rotberg 2000: 4). Grandin (2005) explains how the architects of truth commissions in Latin America became concerned with the historical dimensions of post-conflict justice.

The jurists who designed Latin America's first truth commissions approached historical interpretation with ambivalence, overtly denying, covertly embracing its import. As political liberals, they were suspicious of any effort to impose, softly or severely, a universal conception of the common good or to use history to justify militancy... Truth commissions therefore had to deal with history, but, being largely run by lawyers, they were concerned that too close an attention to realms of human activity comfortably associated with historical inquiry – an examination, say, of economic interests and collective movements, or the unequal distribution of power in society – might grant moral pardons or inflame political passions. In most truth commissions, history was not presented as a network of causal social and cultural relations but rather as a dark backdrop on which to contrast the light of tolerance and self-restraint. (Grandin 2005: 48)

The work of promoting reconciliation that is carried out by truth and reconciliation commissions involves measures that focus on remembering, “so that each citizen can know the history of the abuses of the past and commit to live together in a different way” (Llewellyn and Howse 1999: 379). This focus on memory necessitates an examination of the past, both at the individual and societal level. To this end, truth commissions will generally include a statement in their mandates

about investigations that will consider historical background, as well as sociopolitical contextual factors. For example, the Chairman of the Sierra Leone Truth and Reconciliation Commission explicitly noted the Commission's intention to construct a historical record of the country's conflict, which would include the root cause of the violence (Kelsall 2005: 366). This focus on history has both positive and negative consequences for the work of the truth commission specifically, and the process of reconciliation and democratic consolidation broadly.

On one hand, extracting and documenting a comprehensive historical record of the conflict is an important element of achieving justice. Governments in transitional justice contexts have to navigate the ways in which the national narrative about the history of conflict is created, and ensure that this narrative is accurate and comprehensive, and also address any attempts by the previous regime to conceal the truth about atrocities that occurred in the past. The responsibility of ensuring that accurate historical records are kept is one of the most important for newly instated governments, because "both discourse and definition [of the conflict] fall within limited parameters, allowing the story of guilt and innocence to be retold through the lens of the new institution in a way that will, according to the goal of the institution itself, remain the permanent history of the conflict or regime" (Miller 2008: 281). Systematic oppression under authoritarian regimes leads to a particular narrative about the history of the conflict that is one-sided, biased, and effectively silences the truth about the past, thereby continually harming victims. For victims of human rights abuses, having the opportunity to provide testimony during hearings

organized by the truth and reconciliation commission becomes a powerful way of reconstructing a historical record of events that ensures that their voices are no longer silenced. On the other hand, “the very act of narrowing the parameters within which history is told, reconciliation conceived, the past narrated or justice defined” may actually inadvertently spur conflict (Miller 2008: 290). Consequently, for truth and reconciliation commissions, the historical factors are as important as political factors in determining whether or not the work of the commission will be successful. Consider the case of Rwanda. A close examination of the conflict in Rwanda reveals that ethnic tensions and economic inequities (conflicts based on land and other scarce resources) were central issues that led to the genocide. Much of the discourse about the Rwandan genocide has failed to focus on the issues of “structural violence and economic inequity” (Miller 2008: 284). Given the fact that while resource scarcity played a key role during the Rwandan genocide, the main focus of the conflict was articulated almost exclusively through ethnic tensions, it becomes clear how limiting the sole use of “the language of ethnicity” to describe the political and historical context of the conflict can be; furthermore, inaccurate accounts of history can hinder the processes of creating a reconciled society (Miller 2008: 284).

In a comparative study of this nature, it is imperative to examine and critically assess the contextual political factors that led to the adoption of truth and reconciliation commissions. The following section is comprised of 32 key case studies, in which I provide a brief historical overview of the conflicts that occurred in each of the countries that established the truth and reconciliation commissions

that are the focus of this research project. The majority of country profiles in the following sections are taken directly from the “Truth Commission Digital Collection” published by The United States Institute of Peace (USIP). Other sources referenced are noted where applicable. For purposes of consistency with case studies and quantitative data analysis, the countries profiles included in this study are the same countries for which truth and reconciliation commission data is available from the Transitional Justice Research Collaborative.

6.1.1 Uganda

Two truth commissions have been established in Uganda. The first commission was instituted in 1971, and the second in 1986.

Geographical Region: Africa

Ethnic Groups: Baganda 16.9%, Banyakole 9.5%, Basoga 8.4%, Bakinga 6.9%, Iteso 6.4%, Langi 6.1 %, Acholi 4.7%, Bagisu 4.6%, Lugbara 4.2% Bunyoro 2.7%, other 29.6% (CIA 2015).

Name of Truth Commission: *Commission of Inquiry into the Disappearances of People in Uganda Since 25 January 1971*

Dates of Operation: 6 months in 1974

Historical Background of Conflict: In January 1971, Idi Amin Dada, a commander in the Ugandan Army, led a military coup d'état that deposed the authoritarian regime of President Milton Obote. Shortly after dissolving parliament, Amin instituted his own dictatorship. He promoted himself to field marshal as head of

state, and altered the constitution in order to gain complete political power in Uganda. Amin's regime was characterized by gross human rights violations, ethnic violence, corruption, and economic instability. Ugandan state forces carried out an organized campaign of repression that included extrajudicial killings and disappearances. As growing dissent occurred within the country, the public demanded that an inquiry be conducted into disappearances that had taken place when Amin became head of state. In June 1974, President Amin established the Commission of Inquiry into the Disappearances of People in Uganda, but this did not put an end to the human rights abuses during his eight years in power (USIP 2012).

Name of Truth Commission: *Commission of Inquiry into Violations of Human Rights*

Dates of Operation: 1986-1994 (8 years; the work of the Commission was interrupted in 1987 due to financial constraints).

Historical Background of Conflict: Hundreds of thousands of Ugandan civilians were killed during the period between 1971 and 1985, first under the military dictatorship of Idi Amin between 1971 and 1979, and then under Milton Obote's regime from 1980 to 1985. Yoweri Museveni, who overthrew Obote in 1986, attempted to transform Uganda's reputation for serious human rights abuses, and established the Commission of Inquiry into Violations of Human Rights in May 1986. The Commission focused specifically on arbitrary arrests, detentions and killings from the time of independence in 1962 until Museveni acceded to power in 1986. The National Resistance Army also arrested and prosecuted many soldiers, civilians,

and government officials for crimes committed under the previous political regimes (USIP 2012).

6.1.2 Bolivia

Geographical Region: South America

Ethnic Groups: mestizo (mixed White and Amerindian ancestry) 68%, indigenous 20%, White 5%, cholo/chola 2%, Black 1%, other 1%, unspecified 3% (CIA 2015).

Name of Truth Commission: National Commission for Investigation for Forced Disappearances

Dates of Operation: October 28, 1982 to mid-1984 (the commission was disbanded by the Bolivian government a year short of fulfilling its mandate).

Historical Background of Conflict: In 1964, a military junta took over power in Bolivia. Over the next two decades, Bolivia was governed by a succession of presidents who were picked by military forces. Among these presidents were General Hugo Banzer Suarez (1971-1978) and General Luis García Meza Tejada (July 1980 to August 1981). General Luis García Meza Tejada's regime was notorious for committing serious human rights abuses, and was also marred by drug trafficking, corruption, and economic mismanagement. In 1981, García Meza Tejada was forced from power in a military uprising. Over the next 14 months Bolivia faced serious political and economic instability, and three successive military dictatorships were unable to reestablish peace and security in the country. In October 1982, military forces finally empowered the Bolivian Congress to appoint

Hernan Siles Zuazo as president. As part of his reform agenda, President Zuazo issued a decree to establish the National Commission for Investigation of Forced Disappearances on October 28, 1982. The Commission was mandated to investigate the disappearances of Bolivian citizens from the period between 1964 and 1982 (USIP 2012).

6.1.3 Argentina

Geographical Region: South America

Ethnic Groups: White (mostly Spanish and Italian) 97%, mestizo (mixed White and Amerindian ancestry), Amerindian, or other non-White groups 3% (CIA 2015).

Name of Truth Commission: *National Commission on the Disappeared (Comisión Nacional somber la Desaparición de Personas, CONADEP)*

Dates of Operation: December 16, 1983 to September 20, 1984 (9 months)

Historical Background of Conflict: Following a military coup d'état in Argentina in March 1976, a series of military juntas exercised power in the country. During this time, a dissident leftist guerrilla movement also grew rapidly. A seven-year violent conflict between the military dictatorship and opposition forces resulted in the systematic disappearances, torture, and killings of thousands of Argentinian citizens who the government accused of supporting a left-wing political agenda. In 1983, Reynaldo Benito Bignone's regime was forced to allow general elections to be scheduled because of the country's severe economic crisis, as well as increasing domestic and international pressure. After Raúl Alfonsín was elected president in

December 1983, he established the National Commission on the Disappeared (CONADEP), and repealed the military amnesty that had protected members of the armed forces from investigation and prosecution for human rights violations (USIP 2012).

6.1.4 Uruguay

Geographical Region: South America

Ethnic Groups: White 88%, mestizo 8%, Black 4%, Amerindian (practically nonexistent) (CIA 2015).

Name of Truth Commission: *Commission for Peace (Comisión Para la Paz)*

Dates of Operation: August 2000 to August 2002 (2 years)

Historical Background of Conflict: In 1973, the Uruguayan armed forces took over Congress and gave the elected political leaders the authority to eliminate all leftist opponents; the military officials were part of an orchestrated network, known as Plan Condór, which was at the helm of this political suppression of the opposition. This government takeover led to a period of serious political repression and gross human rights violations. Since military forces completely controlled Uruguay during this period, not much is known about the full of extent of the political repression. By 1984, mounting political pressure led military and government officials to schedule elections, and Julio Maria Sanguinetti became president of Uruguay in 1985. In April of that year, two commissions of inquiry were established to examine the abuses that occurred under the military regimes from 1973 to 1985, as well as the two

political parties in the legislature. *The Investigating Commission on the Kidnapping and Assassination of National Representatives Zelmar Michelini and Hector Gutierrez Ruiz* released its findings in October 1985. *The Commission for the Investigation of the Situation of the Disappeared and Related Events* transmitted its report to the ordinary courts in November 1985. There was no official state response to the findings in either report. In August 2000, the newly elected president, Jorge Batlle, established the Commission for Peace to further investigate the fate of disappeared persons during the period between 1973 and 1985 (USIP 2012).

6.1.5 Zimbabwe

Geographical Region: Africa

Ethnic Groups: Bantu people 99.4% (predominantly Shona; Ndebele is the second largest ethnic group), other 0.4%, unspecified 0.2% (Source: CIA 2015).

Name of Commission of Inquiry: Zimbabwean Commission of Inquiry into the Matabeleland Disturbances (also known as the Chihambakwe Commission of Inquiry)

Dates of Operation: September 1983 to Fall 1984 (approximately 12 months)

Historical Background of Conflict: In 1981, violence broke out in several areas throughout Zimbabwe following tensions between the Zimbabwe People's Revolutionary Army (ZIPRA) and the Zimbabwe African National Liberation Army (ZANLA). Politically motivated violence erupted in Entumbane and led to serious human rights violations, and the massacre of Ndebele people in the Matabeleland region of Zimbabwe who opposed President Robert Mugabe's government. In 1983,

President Robert Mugabe established the Chihambakwe Commission of Inquiry to investigate the massacres of 1,500 political dissidents and civilians in Matabeleland (USIP 2012).

6.1.6 Philippines

Geographical Region: East and Southeast Asia

Ethnic Groups: Tagalog 28.1%, Cebuano 13.1%, Ilocano 9%, Bisaya/Binisaya 7.6%, Hiligaynon Ilonggo 7.5%, Bikol 6%, Waray 3.4%, other 25.3% (CIA 2015).

Name of Truth Commission: Presidential Committee on Human Rights

Dates of Operation: March 18, 1986 to February 2, 1987 (11 months)

Historical Background of Conflict: President Ferdinand Marcos served as the head of state of the Philippines from 1965 and 1986; from the period between 1972 and 1981, Marcos ruled the country under martial law. This period of autocratic rule was marked by serious corruption and brutal human rights violations, including assassinations, extrajudicial arrests and detentions, torture, and the disappearances of civilians and political opponents (CSVR 2012). The Marcos era came to an end in February 1986 after increasing public fury in the Philippines over the human rights abuses, which effectively led to the creation of the nonviolent People Power Revolution and the Snap Elections. The newly elected President Corazon Aquino established the Presidential Committee on Human Rights on March 18, 1986. The Presidential Committee on Human Rights was mandated with investigating the serious human rights violations that took place in the Marcos era, between 1972 and

1986. The scope of investigations was limited to abuses committed by government officials and their agents (CSVN 2012). The Presidential Committee on Human Rights disbanded earlier than expected, after the ratification of a new constitution, leading to the establishment of the Commission on Human Rights, an independent office exclusively tasked with investigating human rights violations, including civil and political rights, in the Philippines. The Commission on Human Rights was also mandated with recommending measures to the government for promoting and supporting human rights efforts in the Philippines. Additionally, the Commission on Human Rights had the authority to “grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by [the Commission] or under its authority” (Commission on Human Rights of the Philippines 1987).

6.1.7 Nepal

Geographical Region: South Asia

Ethnic Groups: Chhettri 16.6%, Brahman-Hill 12.2%, Magar 7.1%, Tharu 6.6%, Tamang 5.8%, Newar 5%, Kami 4.8%, Muslim 4.4%, Yadav 4%, Rai 2.3%, Gurung 2%, Damai/Dholii 1.8%, Thakuri 1.6%, Limbu 1.5%, Sarki 1.4%, Teli 1.4%, Chamar/Harijan/Ram 1.3%, Koiri/Kushwaha 1.2%, other 19% (CIA 2015).

Name of Commission of Inquiry: Commission of Inquiry to Locate the Persons Disappeared During the Panchayat Period

Dates of Operation: 1990-1991

Historical Background of Conflict: In 1960, Nepal's ruling monarch, King Mahendra, established an autocratic state after abolishing the country's democratic government. Many elected government officials, including the prime minister, members of parliament, and political opponents were arrested by the military, and a "partyless" political system, known as the Panchayat ("Council") system was instituted. During the period that the Panchayat system was in place, there was complete political suppression that continued under the rule of King Birendra (the son of King Mahendra), who became Nepal's political leader in 1971. The Panchayat system remained in place until 1990 when civilian protests forced the King to reinstate a multi-party political system. In 1990, Krishna Prasad Bhattarai, Nepal's first prime minister in the post-Panchayat period, established the Commission of Inquiry to Locate Persons Disappeared during the Panchayat Period. However, the Commission was dissolved after a few months following controversy related to the process of appointment of commissioners (USIP 2012).

6.1.8 Chile

The first truth and reconciliation commission in Chile was established in 1990, followed by a commission of inquiry over a decade later, in 2003.

Geographical Region: South America

Ethnic Groups: White and non-indigenous 88.9%, Mapuche 9.1%, Aymara 0.7%, other indigenous groups 1% (includes Rapa Nui, Likan Antai, Quechua, Colla, Diaguita, Kawesqar, Yagan or Yamana), unspecified 0.3% (CIA 2015).

Name of Truth Commission: National Commission for Truth and Reconciliation
(Comisión Nacional de Verdad y Reconciliación, or the “Rettig Commission”)

Dates of Operation: May 1990 to February 1991 (9 months)

Historical Background of Conflict: On September 11, 1973, General Augusto Pinochet Ugarte assumed power in Chile following a military coup d'état that overthrew President Salvador Allende's government. The new military government implemented harsh political measures, and was accused of significantly repressing any opposition groups. Pinochet's seventeen-year dictatorship came to an end in 1989 after a 1988 plebiscite, in which 56 percent of those who went to the polls voted against Pinochet's continued leadership. Patricio Aylwin assumed power and shortly thereafter established Chile's National Commission for Truth and Reconciliation – commonly referred to as “the Rettig Commission” – to investigate human rights violations that had taken place under the Pinochet regime. The Rettig Commission was tasked with documenting human rights abuses that resulted in death or disappearance from the period between September 11, 1973 and March 11, 1990. Human rights abuses that did not result in death were excluded from the scope of the Rettig Commission's mandate (USIP 2012).

Name of Commission of Inquiry: National Commission on Political Imprisonment and Torture (Comisión Nacional Sobre Prisión y Tortura, “Valech Commission”)

Dates of Operation: September 2003 to June 1, 2005 (1 year, 9 months)

Historical Background of Conflict: As described in the preceding section, President Patricio Aylwin established Chile's National Commission for Truth and Reconciliation (the Rettig Commission) in 1990 after he assumed power following a nearly two-decade long dictatorship under General Augusto Pinochet. The Rettig Commission was only mandated with investigating crimes that had resulted in death or disappearance, and many victims pushed for additional measures to address other human rights abuses like unlawful detention and torture that had occurred during the Pinochet era. In 2003, President Ricardo Lagos created the Valech Commission as an advisory body to further document the abuses that did not fall within scope of the Rettig Commission's mandate (USIP 2012).

6.1.9 Chad

Geographical Region: Africa

Ethnic Groups: Sara 27.7%, Arab 12.3%, Mayo-Kebbi 11.5%, Kanem-Bornou 9%, Ouaddai 8.7%, Hadjarai 6.7%, Tandjile 6.5%, Gorane 6.3%, Fitri-Batha 4.7%, other 6.4%, unknown 0.3% (CIA 2015).

Name of Truth Commission: The Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories

Dates of Operation: December 29, 1990 to May 1992 (approximately 17 months)

Historical Background of Conflict: The Chadian Civil War from 1965 to 1979

erupted as a result of riots and insurgency against the authoritarian government of President François Tombalbaye. The war ended with the signing of the Lagos Accord, and a national unity government was established in August 1979. In 1981, fighting broke out between the military forces of President Goukouni Oueddei and Defense Minister Hissene Habré. After Habré deposed Oueddei in a coup d'état on June 7, 1982, he began a campaign of widespread political repression, including torture and killings of innocent civilians. Although French, Zairian (Congolese), and Libyan forces tried to intervene in the volatile political situation in Chad, they failed to oust Habré. In December 1990, Idriss Deby, one of Habré's former generals, fled to Sudan and gained Libyan backing to successfully overthrow Habré's government. Deby became the president of Chad in February 1991 and established the country's truth commission to investigate crimes committed during Habré's eight-year rule. The commission's mandate was broad in its scope, covering the years between 1982 and 1990, and included the investigation of civilian deaths, assassinations of government officials, disappearances, torture, illegal detentions, narcotics trafficking, corruption, and embezzlement of state funds (USIP 2012).

6.1.10 Germany

Geographical Region: Europe

Ethnic Groups: German 91.5%, Turkish 2.4%, other 6.1% (made up largely of Greek, Italian, Polish, Russian, Serbo-Croatian, and Spanish) (CIA 2015).

Name of Truth Commission: Study Commission for Working Through the History and Consequences of the SED Dictatorship in Germany (Die Enquete-Kommission des 12. Deutschen Bundestages "Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland")

Dates of Operation: May 1992 to June 1994 (2 years)

Historical Background of Conflict: Germany was divided into four military zones after World War II: one eastern zone became the German Democratic Republic, and the three western zones comprised the Federal Republic of Germany, which was governed by the Allies (United States, Britain, France, Netherlands, Greece, Australia, USSR, Belgium, South Africa, Brazil, Canada, China, Denmark, New Zealand, Poland, Yugoslavia, and Norway). The eastern zone was controlled by the Socialist Unity Party (Sozialistische Einheitspartei Deutschlands, SED), which severely restricted the economic, political, and social freedoms of people in the region. SED eliminated all the members of its party who identified as social democrats and liberals, making it one of the most hard-line political parties in the Soviet bloc. In 1989, Erich Honecker, the Head of State of the German Democratic Republic, was forced to resign because of increasing civil unrest in East Germany. In 1990, East and West Germany were reunified after the fall of the Berlin Wall; the concrete and barbed

wire Berlin Wall had been the defining symbol of the Cold War. In March 1992, the German Parliament set up the Study Commission for Working Through the History and Consequences of the SED Dictatorship in Germany to investigate and document human rights abuses that occurred under communist rule in East Germany between 1949 and 1989. The Commission was also mandated with assessing the economic, ideological, politico-historic, and societal factors of the dictatorship in Communist East Germany, as well as the misuse of environmental resources (USIP 2012).

6.1.11 El Salvador

Geographical Region: Central America and Caribbean

Ethnic Groups: mestizo 86.3%, White 12.7%, Amerindian 0.2% (includes Lenca, Kakawira, Nahua-Pipil), Black 0.1%, other 0.6% (CIA 2015).

Name of Truth Commission: *Commission on the Truth for El Salvador (Comisión de la Verdad Para El Salvador, CVES)*

Dates of Operation: July 1992 to March 15, 1993 (8 months)

Historical Background of Conflict: The Salvadoran Civil War occurred between 1979 and 1992. The conflict took place during a period of social upheaval in El Salvador, and dissention between the military-led government and the Frente Farabundo Martí para la Liberación Nacional (FMLN). In the 1970s, there was increasing public support for leftist political movements in El Salvador. During that same time period, political repression also increased significantly, and the government created a “death squad” to eliminate any opposition groups. The civil

conflict in El Salvador mirrored similar unrest that was taking place in other Latin American countries at the time. In 1980 a series of failed military juntas seized power in El Salvador, but this did not bring an end to the civil conflict. By 1981, five left-wing guerrilla groups had joined forces to form the umbrella organization known as the Farabundo Martí National Liberation Front (in Spanish: Frente Farabundo Martí para la Liberación Nacional, FMLN). The 1980s was marred by a deadly civil war between the FMLN and the U.S.-backed Salvadoran military forces. The United Nations intervened in the civil conflict after international attention spurred the U.S. Congress to launch an investigation into the violence in El Salvador. The United Nations brokered a peace agreement that led to the end of the civil war and the establishment of The Commission on the Truth for El Salvador soon thereafter. The Commission was mandated to investigate serious acts of violence that had occurred since 1980, and recommended measures to promote peace and national reconciliation (USIP 2012).

6.1.12 Sri Lanka

Geographical Region: South Asia

Ethnic Groups: Sinhalese 74.9%, Sri Lankan Tamil 11.2%, Sri Lankan Moors 9.2%, Indian Tamil 4.2%, other 0.5% (CIA 2015).

Name of Commission of Inquiry: *Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons* (Three “Zonal Commissions” were established:

three commissions for different geographic parts of Sri Lanka and one “All Island” Commission to follow up on investigations).

Dates of Operation: Three Zonal Commissions: January 1995 to September 1997 (1 year and 3 months); “All Island” Commission: 1998 to 2000 (2 years)

Historical Background of Conflict: Ethnic conflict has marred the Sri Lankan political landscape for 25 years. Attempts to quell violent tensions between Sri Lankan Tamils, who traditionally reside in the northern and eastern regions of Sri Lanka, and Sinhalese, primarily concentrated in the central and southern regions, have proved unsuccessful. The Sri Lankan Civil War began in July 1983 as an uprising by the Liberation Tigers of Tamil Eelam (LTTE) against the Sri Lankan government. Anti-Indian nationalist sentiment in the southern region of Sri Lanka fueled the uprising, which was met with harsh government repression. In 1990, President Ranasinghe Premadasa ordered Indian peacekeeping forces to leave the country, and reestablished negotiations with the LTTE. The peace talks were unsuccessful and the internal conflict escalated. The LTTE bombed central government targets and captured territory in the north and east of the country, while the government response involved extrajudicial killings and disappearances of suspected guerillas. On December 9, 1994, President Chandrika Bandaranaike Kumaratunga issued three Presidential Proclamations and appointed three Commissions of Inquiry to investigate the “Involuntary Removal or Disappearance of Persons” over the course of the Sri Lankan Civil War (USIP 2012).

6.1.13 Haiti

Geographical Region: Central America and Caribbean

Ethnic Groups: Black 95%, mulatto and White 5% (CIA 2015).

Name of Truth Commission: National Truth and Justice Commission (Commission Nationale de Vérité et de Justice): 1994-1996

Dates of Operation: April 1, 1995 to February 1996 (11 months)

Historical Background of Conflict: In September 1991, General Raoul Cédras led a military coup d'état to overthrow President Jean Bertrand Aristide. After becoming the *de facto* leader of Haiti, General Cédras, however, did not serve as head of state; other politicians served in the official capacity of president of the country. The Organization of America States (OAS) and the United Nations imposed an arms embargo on Haiti and leveled international sanctions against the country in response to the coup d'état. Cédras' regime was marked by many serious human rights violations, which raised serious concerns among the international community and human rights organizations. Thousands of Haitians were killed during the period of military rule. In July 1994, with the backing of the United Nations and 20,000 U.S. troops, President Aristide was reinstated as president of Haiti. The National Truth and Justice Commission was created in Haiti following an executive order by President Aristide in December 1994. The Commission was mandated to investigate human rights abuses that occurred over a three-year period, beginning with the September 30, 1991 coup d'état that deposed President Aristide until he reclaimed power in September 1994 (USIP 2012).

6.1.14 Burundi

Geographical Region: Africa

Ethnic Groups: Hutu (Bantu) 85%, Tutsi (Hamitic) 14%, Twa (Pygmy) 1%, Europeans 3,000, South Asians 2,000 (CIA 2015).

Name of Commission of Inquiry: *International Commission of Inquiry for Burundi (Commission d'Enquête Internationale sur les violations des droits de l'homme au Burundi depuis le 21 Octobre 1993)*

Dates of Operation: September 1995 to July 1996 (10 months)

Historical Background of Conflict: Ethnic tensions have brewed in Burundi for decades. From 1962 until 1993, Burundi – a country in which the Hutu population was in the majority – was ruled by the Tutsi dominated army and a series of military dictators. The struggle between Hutu and Tutsi political elites over land and power fueled ethnic conflict in the country, resulting in widespread violence and genocide in 1965, 1972, 1988, and 1993-2003. In June 1993, Melchior Ndadaye, leader of the Hutu-dominated Front for Democracy in Burundi (FRODEBU), became Burundi's first elected President and also the first Hutu head of state. Ndadaye was assassinated by Tutsi soldiers in October 1993, leading to heightened violence between the Hutu and Tutsi. The genocide in neighboring Rwanda in 1994 also resulted in the deaths of many Burundian Tutsis. Hundreds of thousands of people, mostly civilians, were murdered. In 1995, the United Nations Security Council set up a Commission of Inquiry to investigate the assassination of former president

Melchior Ndadaye as well as the massacres and “other related serious acts of violence” committed after October 21, 1993 (USIP 2012).

6.1.15 South Africa

Geographical Region: Africa

Ethnic Groups: Black African 80.2%, White 8.4%, Colored 8.8%, Indian/Asian 2.5% (CIA 2015).

Name of Truth Commission: *Commission of Truth and Reconciliation (TRC)*

Dates of Operation: December 1995 to 2002 (7 years; the original mandate ended in 1998 but was extended)

Historical Background of Conflict: Apartheid was a system of legally enforced, systematic racial segregation in South Africa, in which the White Afrikaner minority population had complete political, social, and economic power from the period between 1948 and 1990. During the apartheid era, the ruling National Party (NP) formalized and expanded segregationist policies that had existed, albeit less formally, since colonial rule. All non-Whites were stripped of their civil and political rights, and the government instituted segregated public services such as education and health care, providing only inferior services to Blacks and other non-Whites. All internal resistance to the apartheid regime was suppressed with police brutality, administrative detention, torture, and limitations on freedom of expression. Opposition groups, like the African National Congress (ANC), were banned and anti-apartheid leaders were imprisoned. As political unrest and violence increased in

South Africa, the government found it increasingly difficult to maintain the apartheid regime. Along with significant internal resistance, international sanctions and the international political climate – the end of the Cold War – eventually led then President F.W. de Klerk to agree to a series of negotiations between the National Party and ANC leaders from 1990 to 1993, which brought an end to apartheid. Democratic elections were held in 1994 and an interim constitution was passed. The South African Truth and Reconciliation Commission was set up by the newly elected parliament and was endorsed by President Nelson Mandela and other prominent South African leaders. The South African TRC was mandated with investigating gross human rights violations, including abductions, killings, and torture that occurred under the apartheid regime from 1960 to 1994 (USIP 2012).

6.1.16 Guatemala

Geographical Region: Central America and Caribbean

Ethnic Groups: Mestizo (mixed Amerindian-Spanish – in local Spanish called Ladino) and European 59.4%, K'iche 9.1%, Kaqchikel 8.4%, Mam 7.9%, Q'eqchi 6.3%, other Mayan 8.6%, indigenous non-Mayan 0.2%, other 0.1% (CIA 2015).

Name of Truth Commission: *Commission for Historical Clarification (Comisión para el Esclarecimiento Histórico)*

Dates of Operation: February 1997 to February 1999 (2 years)

Historical Background of Conflict: During the period between the mid-1950s and the 1970s, Guatemala was embroiled in political violence resulting from systematic

state suppression and repression against Mayan Indians, which occurred in response to the rising unrest led by a number of militia groups. The civil conflict escalated in 1982 after the Guatemalan government implemented a “scorched earth” policy² against the newly formed Revolutionary National Unity of Guatemala (URNG). In the Mayan region of Guatemala, buildings were demolished and vandalized, crops and livestock were destroyed, and there was widespread genocide of the Mayan population. In 1987, the first government-URNG peace negotiations were convened in Spain, yet URNG guerillas continued their subversive activities during this time, further weakening the Guatemalan government. The Guatemalan government and the URNG returned to peace talks facilitated by the United Nations in 1993, which were ultimately successful. The Commission for Historical Clarification was established on June 23, 1994, as part of the peace agreement between the Guatemalan government and the URNG. The Commission was tasked with investigating human rights abuses that occurred over a 36-year period, and mandated with establishing measures to foster tolerance and preserve the memory of the victims of the genocide. Two years later, the parties to the conflict signed the Accord for Firm and Lasting Peace (USIP 2012).

² A scorched earth policy is a military strategy that involves the complete destruction of any resources or property, including houses, crops, and factories that may be useful to the enemy, while advancing or withdrawing from a particular area.

6.1.17 Nigeria

Geographical Region: Africa

Ethnic Groups: There are over 250 ethnic groups in Nigeria. The largest and most politically influential ethnic groups are: Hausa and the Fulani 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5% (CIA 2015).

Name of Truth Commission: *Human Rights Violations Investigation Commission*
(later called *The Judicial Commission for the Investigation of Human Rights Violations*)

Dates of Operation: June 14, 1999 to May 2000 (2 years, 11 months)

Historical Background of Conflict: After Nigeria gained independence from Great Britain in 1960, the country faced increasing violence and civil unrest linked to ethnic, cultural, religious and social tensions, despite efforts by local political leaders to create a unified democratic state. Thousands of ethnic Igbo were persecuted and murdered in 1966 as tensions increased between the Biafra and the Northern-dominated federal government. This led to a secession effort of the Biafra from Nigeria, and the Nigerian Civil War – also known as the Biafran War – that lasted from July 6, 1967 to January 15, 1970. Military coups in 1975 and 1983, as well as economic crises, impeded democratization and efforts at constitutional reform. In August 1993, General Ibrahim Babangida annulled the elections in an attempted to remain in power. Riots erupted in the country until the defense minister, General Sani Abacha, ousted Babaginda's government in a coup d'état in November 1993. Abacha's regime was a dictatorship, also marked by significant human rights violations. Dissent soon grew among the population, and fears of another coup led

Abacha's security forces to orchestrate secret tribunals that executed former political leaders and opposition activists. Following Abacha's death in June 1998, General Abdulsalami Alhaji Abubakar became Nigeria's head of state until May 29, 1999. Under Abubakar's leadership, Nigeria adopted a new constitution that made provisions for multi-party elections. Olusegun Obasanjo, a former Nigerian army general, was democratically elected as president, and served as head of state from 1999 to 2007. In June 1999, Obasanjo established a Human Rights Violations Investigation Commission known as the "Oputa Panel" to probe human rights violations that occurred in Nigeria between 1994 and 1999 (USIP 2012).

6.1.18 Indonesia

Geographical Region: East and Southeast Asia

Ethnic Groups: Javanese 40.1%, Sundanese 15.5%, Malay 3.7%, Batak 3.6%, Madurese 3%, Betawi 2.9%, Minangkabau 2.7%, Buginese 2.7%, Bantenese 2%, Banjarese 1.7%, Balinese 1.7%, Acehnese 1.4%, Dayak 1.4%, Sasak 1.3%, Chinese 1.2%, other 15% (CIA 2015).

Name of Truth Commission: *Commission for Human Rights Violations in Timor-*

Leste

Dates of Operation: 1999

Historical Background of Conflict:³ Timor-Leste declared its independence from Portugal on November 28, 1975. In December 1975, Indonesia launched "Operation

³ See Section 6.1.30 for a complete overview of the historical background of the conflict in Timor-Leste.

Komodo” and began its illegal occupation of Timor-Leste. Indonesian’s 24-year military occupation of Timor-Leste was characterized by severe political repression, war crimes, and gross human rights violations, including torture, killings, and the disappearances of tens of thousands of Timorese citizens. “Indonesia’s annexation of Timor-Leste was by far one of the most brutal military occupations in the latter half of the twentieth century” (The Center for Justice & Accountability 2014). After Indonesian forces retreated from Timor-Leste, following intervention from the United Nations in 1999, Indonesia’s National Commission on Human Rights established the National Commission of Inquiry on Human Rights Violations in East Timor (Komisi Penyelidik Pelanggaran HAM di Timor Timur, or KPP-HAM) to investigate human rights abuses that occurred during the occupation of Timor-Leste (Nautilus Institute for Security and Sustainability 2008).

6.1.19 South Korea

Two truth commissions have been established in South Korea, the first in 2000 and the second in 2005.

Geographical Region: East and Southeast Asia

Ethnic Groups: homogeneous (except for approximately 20,000 Chinese) (CIA 2015).

Name of Truth Commission: *Presidential Truth Commission on Suspicious Deaths*

Dates of Operation: First term; October 2000 to September 16, 2002 (24 months);
Second term: July 1, 2003 to August 2004 (12 months)

Historical Background of Conflict: In May 1961, Major General Park Chung-Hee led a successful military coup d'état that ousted the Korean Second Republic. Park's regime was a decidedly authoritarian one, marked by strict martial law, a powerful intelligence apparatus, restricted freedoms for the people of South Korea, and the detention and torture of political opponents. After Park's assassination in 1979, Lieutenant General Chun Doo Hwan became head of state, and he maintained an authoritarian regime similar to the previous one. Growing dissent among the population led to clashes with the government, and in 1987 mounting public pressure led to the restoration of civilian rule in South Korea. During the 1990s, South Korea held three different presidential elections; Kim Dae-Jung was elected president in the third election in 1997. On January 15, 2000, President Kim enacted the Special Act to Find the Truth on Suspicious Deaths. The Presidential Truth Commission on Suspicious Deaths was created on October 17, 2000, and was mandated to investigate the death of citizens in South Korea between 1975 and 1987. Individual citizens could file petitions to request an investigation by the Commission (USIP 2012).

Name of Truth Commission: *Truth and Reconciliation Commission (Committee on Clearing Up Past Incidents for Truth and Reconciliation)*

Dates of Operation: December 2005 to December 31, 2010 (5 years)

Historical Background of Conflict: The geographical region that makes up the two autonomous states of Korea has a relatively recent history of civil conflict and

violence. At the beginning of the twentieth century Japan was an occupying power in Korea, until 1945 when Japan was defeated in World War II. Korea split into two separate political regions, and in 1948 two independent governments were formed for North and South Korea. Each government claimed to govern both Korean entities. In 1950, North Korean forces invaded South Korea, leading to the three-year long Korean War. From 1966 to 1969, a series of low-intensity armed clashes took place between North Korean armed forces and the military forces of South Korea, backed by the United States. The conflict, which occurred in the Korean Demilitarized Zone, is called the Korean DMZ Conflict (also referred to as the Second Korean War). After the end of the war, civil unrest and violence against the opposition and military regime ensued, lasting for several decades. Public support for democracy increased in South Korea, particularly in the late 1970s after the government executed demonstrators and dissidents. In 1997, Kim De-Jung, a long-time human rights advocate, was elected President of South Korea. Kim Dae-Jung established the Presidential Truth Commission on Suspicious Deaths in 2000.⁴ After the Commission completed its work in 2004, the Parliament established a second commission that was to be broader in scope to include an examination of Japanese colonialism, the partition of the Korean Peninsula (by the United States), and the anticommunist dictatorships that had ruled the country for decades. In 2005, the South Korean Assembly established the Truth and Reconciliation Commission,

⁴ Refer to the previous section on historical background of conflict for *Presidential Truth Commission for Suspicious Deaths*, which outlines contextual, relevant information.

which was tasked with investigating human rights abuses that had occurred from the period of Japanese occupation of South Korea to the fall of authoritarian regimes in South Korea. The mandate of the Commission covered a timespan of approximately one hundred years (USIP 2012).

6.1.20 Panama

Geographical Region: Central America and Caribbean

Ethnic Groups: mestizo (mixed Amerindian and White) 65%, Native American 12.3% (Ngabe 7.6%, Kuna 2.4%, Embera 0.9%, Bugle 0.8%, other 0.4%, unspecified 0.2%), Black or African descent 9.2%, mulatto 6.8%, White 6.7% (CIA 2015).

Name of Truth Commission: *Panama Truth Commission (Comisión de la Verdad de Panamá)*

Dates of Operation: January 2001 to April 2002 (1 year, 3 months). A follow-up office operated until December 2004.

Historical Background of Conflict: In October 1968, General Omar Torrijos led a military coup d'état that ousted the government of President Arnulfo Arias Madrid. As head of state, Torrijos held the titles of "Maximum Leader of the Panamanian Revolution" and "Supreme Chief of Government." Torrijos's regime was characterized by corruption and serious human rights abuses, as well as continued suppression of the guerilla movement that had backed the former Panamanian president. After Torrijos died in a plane crash – in what was suspected to be an assassination plot – in 1981, the Panama Defense Forces, led by General Manuel

Noriega, assumed control of the government, and Noriega established a dictatorship in Panama that lasted from 1983 to 1989. During this time period, the political environment in Panama became increasingly unstable and there was severe repression of all political opponents. In 1987, the United States government imposed economic sanctions on Panama in an effort to force Noriega out of power. Panama held elections in May 1989, but the election results were annulled after they revealed the public's lack of support for the military regime. In December 1989, following the annulment of the election results, the United States armed forces intervened in Panama in an attempt to suppress violent riots and heightened political instability in the country. Noriega's regime was effectively overturned, and Panama's election commission confirmed the results of the May 1989 elections. In 1999, Mireya Moscoso, the widow of Arnulfo Arias Madrid, was elected president of Panama. After human remains were discovered at a former Panamanian National Guard base on the outskirts of Panama City (the capital city), President Moscoso appointed a truth commission to conduct a probe into activities that had taken place at that site and other military bases. The Commission was tasked with investigating human rights abuses that occurred under the military dictatorships of Torrijos and Noriega between 1968 and 1989. The Commission could only investigate and document abuses, and was explicitly prohibited from making conclusions about the legal responsibilities of individual perpetrators (USIP 2012).

6.1.21 Peru

Geographical Region: South America

Ethnic Groups: Amerindian 45%, mestizo (mixed Amerindian and White) 37%, White 15%, Black, Japanese, Chinese, and other 3% (CIA 2015).

Name of Truth Commission: *Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación, CVR)*

Dates of Operation: July 13, 2001 to August 28, 2003 (2 years, 1 month)

Historical Background of Conflict: In 1980, the Communist Party of Peru (more commonly referred to as the Shining Path), a Maoist guerilla insurgent organization, began a violent uprising against Peru's military dictatorship to protest widespread social and economic inequalities in (what the Shining Path considered to be) the bourgeois democracy. In 1982, the conflict further escalated when the Túpac Amaru Revolutionary Movement (MRTA) also began fighting against the military and engaged in an internal violent conflict with the Shining Path. The civil war disproportionately affected the remote Ayacucho Region of Peru, where 40 percent of an estimated 70,000 deaths and disappearances occurred. After the Peruvian police captured Abimael Guzmán (the leader of the Shining Path) in 1992, the activities of the insurgent group diminished significantly. The Peruvian government's participation in the conflict also ended when President Alberto Fujimori was forced from office in November 2000 after a major corruption scandal. In December 2000, Interim President Valentín Paniagua approved the establishment of a national truth commission. The commission was inaugurated on July 13, 2001

and began its work after President-elect Alejandro Toledo took office later that month. The Commission was mandated to investigate the root causes of political violence in Peru, and outline recommendations for reparations for victims of human rights abuses (USIP 2012).

6.1.22 Timor-Leste

Geographical Region: East and Southeast Asia

Ethnic Groups: Austronesian (Malayo-Polynesian), Papuan, small Chinese minority (CIA 2015).

Name of Truth Commission: Commission for Reception, Truth and Reconciliation (more commonly referred to by its Portuguese acronym, CAVR: Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste)

Dates of Operation: Commission set up in 2001; functioned from 2002 to December 2006

Historical Background of Conflict:⁵ The Commission for Reception, Truth and Reconciliation in Timor-Leste was an independent, statutory truth commission that was established in 2001 by the United Nations Transitional Administration in East Timor (UNTAET). CAVR was mandated by UNTAET Regulation 2001/10 with investigating “human rights violations committed on all sides, between April 1974 and October 1999,” and instituting measures to promote national reconciliation and justice in Timor-Leste. The Commission released a report titled “Chega!”

⁵ See section 6.1.30 for a complete overview of the historical background of the conflict in Timor-Leste.

(Portuguese: “no more, stop, enough”) that documented serious human rights violations, including killings and disappearances, detention, torture, sexual violence, and forced displacement (CAVR n.d.).

6.1.23 Serbia and Montenegro

Geographical Region: Europe

Ethnic Groups: Serb 83.3%, Hungarian 3.5%, Romany 2.1%, Bosniak 2%, other 5.7%, undeclared or unknown 3.4% (CIA 2015).

Name of Truth Commission: Truth and Reconciliation Commission for Serbia and Montenegro, also called the Yugoslav Truth and Reconciliation Commission (Komisija za istinu i pomirenje)

Dates of Operation: February 2002 to February 2003 (12 months; Commission disbanded two years short of the timeframe for operation outlined in its mandate).

Historical Background of Conflict: The former Yugoslavia was established after World War I in 1918, under the name Kingdom of Serbs, Croats and Slovenes. The newly established state, which federalized a mix of many ethnic populations – including Albanians, Bosnians, Croats, Kosovars, Montenegrins, Serbs, and Slovenians – was a merger of the independent Kingdom of Serbia and the provisional State of Slovenes, Croats and Serbs. Josip Broz Tito was the authoritarian leader of Yugoslavia from March 1939 until his death on May 4, 1980. After Tito’s death, ethnic tensions escalated and Yugoslavia started to disintegrate. The President of Serbia, Slobodan Milošević, wanted to reestablish Serbian

sovereignty over the autonomous regions of Kosovo and Vojvodina. In 1991, multi-party elections led to the secession of Croatia and Slovenia from Yugoslavia. After unification negotiations failed, Milošević led the Yugoslav Army in a four-year campaign of ethnic cleansing in Bosnia, Croatia, and Slovenia. Bosnian and Croat forces were also complicit in the genocide and other atrocities during the conflict. In November 1995, the United States brokered the Dayton Peace Accords, which brought an end to the Yugoslav War. Parliamentary and municipal elections were held in 1996, and despite very little popular support, Milošević maintained control of the parliament and security forces. In 1998, Milošević's regime instituted measures to suppress the ethnic Albanian population in Kosovo in the name of the Serbian minority. A NATO-led military intervention in March 1999 defeated the Serbian forces, and Milošević was ousted from power. On February 22, 2002, Vojislav Koštunica, the then President of Yugoslavia, established the Yugoslav Truth and Reconciliation Commission to investigate war crimes and human rights violations that were committed in Slovenia, Croatia, Bosnia and Kosovo. The Commission was mandated to investigate the social, inter-communal and political conflicts that occurred between 1980 and 2000, and was also mandated to institute measures to promote peace and foster cooperation with related commissions in neighboring states (USIP 2012).

6.1.24 Ghana

Geographical Region: Africa

Ethnic Groups: Akan 47.5%, Mole-Dagbon 16.6%, Ewe 13.9%, Ga-Dangme 7.4%, Gurma 5.7%, Guan 3.7%, Grusi 2.5%, Mande 1.1%, other 1.4% (CIA 2015).

Name of Truth Commission: National Reconciliation Commission

Dates of Operation: January 14, 2003 to October 14, 2004 (21 months)

Historical Background of Conflict: On March 6, 1957, Kwame Nkrumah declared the establishment of Ghana (formerly the Gold Coast) as an autonomous state from Great Britain. After gaining independence, Ghana, a parliamentary democracy, has had a political history marked by periods of civilian as well as military rule. Since February 1966, Ghana experienced four military coup d'états and a series of civilian regimes that have been accused of committing serious human rights violations. Three periods of unconstitutional rule, characterized by military takeovers, occurred from 1966 to 1969; 1972 to 1979; and 1981 to 1993. Ghana also faced serious economic crises that were exacerbated by severe droughts in 1982 and 1983 that resulted in widespread food shortages. In 1993, following his resignation from the Armed Forces a year earlier, Jerry John Rawlings – the popular leader of previous military takeovers in 1979 and in 1981 – was elected president of Ghana. Rawlings, who had initially come to power after a coup d'état in 1979, implemented draconian anti-corruption measures, reformed the economy, but did not tolerate any political opposition. After two terms in office, Rawlings endorsed his vice-president, John Atta-Mills, as the flag-bearer and presidential candidate for the

National Democratic Congress (NDC) in the 2000 elections. John Agyekum Kufuor of the New Patriotic Part (NPP) was elected president with 56.9% of a run-off vote, marking the first peaceful democratic transition of power in Ghana since independence. After becoming president, Kufuor put measures in place to create the National Reconciliation Commission to investigate human rights abuses committed during unconstitutional and undemocratic past regimes, a pledge he had originally made in his election manifesto. The mandate also tasked the Commission with promoting national reconciliation among Ghanaians and fostering an environment of transparency and accountability in the government (USIP 2012).

6.1.25 Sierra Leone

Geographical Region: Africa

Ethnic Groups: Temne 35%, Mende 31%, Limba 8%, Kono 5%, Kriole 2%

(descendants of freed Jamaican slaves who were settled in the Freetown area in the late-eighteenth century; Kriole are also known as Krio), Mandingo 2%, Loko 2%, other 15% (includes refugees from Liberia's recent civil war, and small numbers of Europeans, Lebanese, Pakistanis, and Indians) (CIA 2015).

Name of Truth Commission: *Truth and Reconciliation Commission*

Dates of Operation: November 2002 to October 2004 (2 years)

Historical Background of Conflict: Sierra Leone gained independence from Great Britain in 1961. In the following decades, periods of poor governance led to internal conflict in the country. In 1990, President Joseph Saidu Momoh amended Sierra

Leone's constitution to allow multi-party presidential elections. The Revolutionary United Front (RUF), a rebel group led by Foday Sankoh, opposed multi-party politics and fought for control of the government and Sierra Leone's lucrative diamond mining industry. The civil war in neighboring Liberia also played a significant role in the outbreak of violence in Sierra Leone, with the RUF receiving substantial support from Liberian President Charles Taylor's regime. Although the brutal civil war between the government and the RUF was predominantly fought in the eastern part of Sierra Leone, the conflict put tremendous stress on the entire political and social system. The RUF was known for its horrific torture tactics and for committing heinous crimes and human rights abuses including physical mutilations, killings, rape, and the heavy recruitment of child soldiers. In March 1996 civilian rule was reestablished in Sierra Leone with the election of Ahmad Tejan Kabbah. President Kabbah negotiated a ceasefire in November 1996, but his government was overthrown in a coup d'état by the Armed Forces Revolutionary Council (AFRC) on May 25, 1997. Kabbah's administration was reinstated in early 1998 after ECOMOG forces overthrew the junta government. After the AFRC attempted another coup d'état in 1999, the United Nations intervened by sending peacekeepers to restore order and disarm the rebels. On July 7, 1999 the government of Sierra Leone and the RUF signed a peace agreement, which called for the establishment of a truth and reconciliation commission. Sierra Leone's Truth and Reconciliation Commission was tasked with producing a report on human rights violations beginning in 1991. The Commission was also mandated with outlining measures to promote reconciliation

in the country, and provide recommendations on ways to prevent future human rights violations (USIP 2012).

6.1.26 Central African Republic

Geographical Region: Africa

Ethnic Groups: Baya 33%, Banda 27%, Mandjia 13%, Sara 10%, Mboum 7%, M'Baka 4%, Yakoma 4%, other 2% (CIA 2015).

Name of Commission of Inquiry: *National Reconciliation Forum*

Dates of Operation: September 9, 2003 to October 27, 2003 (6 weeks)

Historical Background of Conflict: The Central African Republic (CAR) gained independence from France in 1960. In the years following independence, the country was ruled by a series of autocratic leaders, and the political climate was greatly unstable because of a number of military insurgencies and foreign interventions until 1993, when public calls for a democratic government led to multi-party elections. Ange-Félix Patassé became president of CAR in 1993, but his government was deposed in a coup d'état in 2003, led by Army General François Bozizé (Center for American Progress 2015). Bozizé's administration had promised "speedy democratization," and CAR remained relatively stable for several years (Berg 2008: 22). In October 2003, Bozizé held a national dialogue in an effort to bring an end to the military crises, civil unrest, and economic decline in CAR (Eriksson and Wallensteen 2004: 628). Bozizé established the Central African Republic's National Reconciliation Forum in 2003 on the recommendation of the

National Transition Council (CSVR 2012). The objective of the National Reconciliation Forum was to institute measures to promote dialogue and reconciliation between different social, political, and religious groups in the Central African Republic (CSVR 2012). Recommendations were also made to establish a Truth and Reconciliation Commission to investigate human rights violations committed between 1960 and 2003. In 2004 fighting broke out between government forces and Union of Democratic Forces for Unity (UFDR) rebels, in what became the Central African Republic Bush War. This conflict displaced thousands of people. The political climate remained relatively stable for several years, but by 2012 fighting erupted between government forces and religious factions, leading to widespread ethnic cleansing and population displacement. Many rebel groups were active in the northern regions of CAR, and in 2012, these juntas formed an alliance known as the Séléka, predominantly comprised of civilians from northern CAR. In March 2013, the Séléka, with support from heavily armed mercenary fighters from Chad and Sudan, ousted the Bozizé government (Center for American Progress 2015).

6.1.27 Paraguay

Geographical Region: South America

Ethnic Groups: mestizo (mixed Spanish and Amerindian) 95%, other 5% (CIA 2015).

Name of Truth Commission: *Truth and Justice Commission (Comisión Verdad y Justicia)*

Dates of Operation: June 2004 to August 2008 (4 years, 2 months). The Commission's original mandate ended in December 2005, and was extended until August 2006. Later, the mandate was extended again until August 2008.

Historical Background of Conflict: Paraguay overthrew the colonial Spanish government and gained its independence from Spain in 1811, but the country's contemporary history has been fraught with political instability. The country had thirty-one presidents between 1904 and 1954, and most of their administrations were overthrown by military force. This period was also marked by the Chaco War between Paraguay and Bolivia in the 1930s, and the Paraguayan Civil War of 1947. After coming to power in 1954, Alfredo Stroessner established a relatively stable dictatorship and remained in power until 1989. Under Stroessner's 34-year rule, political freedom was limited, any dissent was suppressed, and strict assimilation policies were implemented for indigenous populations, including banning indigenous languages from the educational system. Increasing international isolation, an economic downturn, and general public discontentment with the government led to anti-regime protests. In February 1989, military forces, led by General Andrés Rodríguez, overthrew Stroessner's government in a coup d'état. As president, Rodríguez instituted economic and political reforms, which included the adoption of a new constitution. After the 1992 constitution put in place a democratic system of government, Juan Carlos Wasmosy was elected president in 1993, and he

became Paraguay's first civilian president in almost 40 years. Political infighting continued to plague the country, but an attempt by then Army Chief General Lino Oviedo to depose Wasmosy's government in April 1996 was unsuccessful. In August 2004, Paraguay instituted the Truth and Justice Commission after Dr. Martin Almada, a Paraguayan lawyer and human rights activist, accidentally uncovered intelligence documents (commonly referred to as the Archive of Terror) that exposed the role of Paraguayan security forces in the establishment of "Operation Condór," a covert transnational military network that enabled Chile, Argentina, Uruguay, Bolivia, Paraguay, Brazil, and later Peru and Ecuador to monitor, torture, disappear, or execute political opponents. The records also revealed General Stroessner's involvement in Operation Condór. The Commission was mandated to investigate individuals involved in human rights violations and determine the official number of people that were "disappeared" under Stroessner's regime (USIP 2012).

6.1.28 Algeria

Geographical Region: Africa

Ethnic Groups: Arab-Berber 99%, European less than 1%. The majority of Algerians are Berber in origin (not Arab), however, only about 15% of the population identify themselves as Berber. The Berbers are also Muslim but identify with their Berber cultural heritage, rather than Arab cultural heritage; Berbers have long agitated, sometimes violently, for political autonomy from Algeria (CIA 2015).

Name of Commission of Inquiry: *Ad Hoc Inquiry Commission in Charge of the*

Question of Disappearances (Commission d'Enquête ad hoc chargée de la question des disparus)

Dates of Operation: September 21, 2003 to March 31, 2005 (18 months)

Historical Background of Conflict: In January 1992, the Algerian military cancelled national elections when it became clear that the Islamist opposition party would win the majority of votes and gain political power. Protests and violent attacks led by Islamist militias erupted in response to the cancellation of the election. The Islamist armed groups began their attacks on the military and police forces, but soon began indiscriminately targeting civilians. Algerian Security Forces declared a state of emergency and began clamping down on the militias, leading to the “disappearances” of thousands of individuals who were suspected of supporting the paramilitary groups. After being elected president of Algeria in April 1999, Abdelaziz Bouteflika instituted several measures to restore political stability and promote peace in the country. First, Bouteflika organized a referendum that allowed him to pass a law granting amnesty to Islamist guerrillas who turned in their weapons. Secondly, in 2001, Bouteflika established a National Human Rights Institution, and later created the Ad Hoc Inquiry Commission in Charge of the Question of Disappearances in 2003. The Ad Hoc Inquiry Commission was tasked with investigating the killings of over 150,000 people, as well as documenting the fate of more than 7,000 people who were disappeared during the seven-year civil conflict in Algeria (USIP 2012).

6.1.29 The Democratic Republic of the Congo (DRC)

Geographical Region: Africa

Ethnic Groups: There are over 200 ethnic groups in the Democratic Republic of the Congo, the majority of which are Bantu; the four largest tribes - Mongo, Luba, Kongo (all Bantu), and the Mangbetu-Azande (Hamitic) make up about 45% of the population (CIA 2015).

Name of Truth Commission: *Truth and Reconciliation Commission (Commission Vérité et Réconciliation)*

Dates of Operation: July 2003 to February 2007 (3 years, 10 months)

Historical Background of Conflict: The Democratic Republic of the Congo (DRC) gained its independence from Belgium in 1960 under the name République du Congo. At different periods in history, the country has been variously known as Congo Free State, Belgian Congo, Republic of Congo (Léopoldville), Republic of Zaire, and Democratic Republic of Congo. During the period between 1960 and 1966, the political climate in the DRC was marked by political instability and protracted violence that led to the deaths of over 100,000 people. Shortly after independence, a secessionist war erupted between the DRC's new leadership and the provinces of Katanga and South Kasai. The war was exacerbated by colonial proxy conflicts between the United States and the Former Soviet Union. A large United Nations peacekeeping mission that was sent to the DRC to intervene in the conflict was initially unable to maintain peace and restore security, but in January 1963 the Katanga session was ended with assistance from the United Nations forces. In 1965,

Colonel Mobutu Sese Seko (born Joseph-Desiré Mobutu) became head of State of the DRC (then Zaire) after ousting the government in a coup d'état. Mobutu established a single-party state and remained in power for 32 years. His regime was notorious for corruption, nepotism, and embezzlement, as the political elite plundered the country's natural wealth and resources for personal gain. In May 1997, with the support of Rwandan allies, Laurent Kabila led a rebellion that ousted Mobutu's government. Kabila then began a campaign to purge all ethnic Tutsi politicians from the government. By 1998, Kabila's former allies had turned against him, and Congolese Tutsi rebels instigated violence and civil unrest in Zaire, with the assistance of Rwandan troops. Laurent Kabila was assassinated by one of his bodyguards on January 16, 2001. His son, Joseph Kabila succeeded him, becoming president eight days later. Joseph Kabila called for unilateral peace talks to bring an end to the violence in the DRC, and in 2003 a transitional government was established. Despite the presence of United Nations forces in the country, civil unrest, characterized by serious human rights violations, continued in the eastern provinces of the DRC. In July 2006, the United Nations Mission in the Democratic Republic of Congo (MONUC) helped organize Congo's first democratic elections. The DRC established a truth and reconciliation commission in 2003 as part of a peace agreement. Apart from examining human rights violations, the commission was mandated to investigate the economic crises and political conflicts that had taken place in the country since its independence in 1960 (USIP 2012).

6.1.30 Indonesia (Timor-Leste)

Geographical Region: East and Southeast Asia

Ethnic Groups: Javanese 40.1%, Sundanese 15.5%, Malay 3.7%, Batak 3.6%, Madurese 3%, Betawi 2.9%, Minangkabau 2.7%, Buginese 2.7%, Bantenese 2%, Banjarese 1.7%, Balinese 1.7%, Acehnese 1.4%, Dayak 1.4%, Sasak 1.3%, Chinese 1.2%, other 15% (CIA 2015).

Name of Truth Commission: *Commission on Truth and Friendship of Timor-Leste and Indonesia (CTF)*

Dates of Operation: August 2005 to July 2008

Historical Background of Conflict: Timor-Leste (Timór Lorosa'e) or East Timor, has had a long and troubled political history (Charlesworth 2002: 325). Timor-Leste was a Portuguese colony from the 16th century until the Revolutionary Front for an Independent East Timor (Fretlin) declared Timor-Leste's independence from Portugal on November 28, 1975. On December 7, 1975, the Indonesian military invaded and began its occupation of Timor-Leste. The Indonesian occupation of Timor-Leste lasted for twenty-four years, until 1999, when a popular consultation⁶ resulted in a vote for independence. "On August 30, 1999, some 98% of East Timorese voters had gone to the polls and decided, by a margin of 21.5% to 78.5% to reject autonomy for East Timor, proposed by the Republic of Indonesia, and to

⁶ A popular consultation, or popular suffrage, is a mechanism that facilitates a form of political participation in democratic contexts, whereby the public deliberates about a specific political issue. The process is conducted through the democratically elected legislature. Popular consultations include elections and ballots, citizens' initiative decisions, petitions, plebiscites, recall referendums, and referendums.

begin instead, a process of transition toward independence” (Strohmeyer 2001: 46). However, the periods before and after the vote were marked by widespread unrest and severe violence, with an estimated 400,000 people being displaced, between 1,200 and 1,500 people killed, and about 70 percent of buildings in the territory destroyed (TRIAL 2005). In response to the conflict, several domestic and international institutions were set up: a special Commission of Investigation in Indonesia, two United Nations Commissions of Inquiry, the United Nations Special Panels for Serious Crimes in Dili, and the Commission for Reception, Truth and Reconciliation in East Timor (TRIAL 2005). On December 14, 2004, the Presidents of Indonesia and Timor-Leste signed a bilateral agreement that led to the creation of the Commission on Truth and Friendship of Timor-Leste and Indonesia (CTF) in 2005. The CTF was the first truth commission of its kind to be established. Prior to the establishment of the CTF, prosecutions by the Special Panels for Serious Crimes had taken place in Timor-Leste, as well as in Indonesia before the Jakarta Ad Hoc Human Rights Court. These prosecutions were for crimes related to the violence that occurred in 1999 in conjunction with a referendum in Timor-Leste that led to independence in that country (War Crimes Studies Center 2015).

6.1.31 Morocco

Geographical Region: Africa

Ethnic Groups: Arab-Berber 99%, other 1% (CIA 2015).

Name of Truth Commission: National Commission for Truth, Equity and Reconciliation (Commission Nationale pour la Vérité, l'Équité et la Réconciliation, or Instance Équité et Réconciliation, IER)

Dates of Operation: December 2004 to November 30, 2005 (12 months)

Historical Background of Conflict: In April 1956, Sultan Mohammed V participated in political negotiations to secure Morocco's complete independence from France and Spain. In the months after independence, Mohammed V established a constitutional monarchy in Morocco and facilitated economic growth and political reform. Mohammed V was very cautious with political measures because he feared that political opponents would overthrow his government; he, therefore, swiftly suppressed any dissenting movements. On March 3, 1961, following the sudden death of his father, Hassan II became King of Morocco. The regime of Hassan II was also marked by significant political unrest and suppression of opposition groups. In 1965, after an opposition party won a small block in the legislature, King Hassan II assumed full legislative and executive power, repealing an earlier promise of legislative independence. The ruthless government responses to oppositional movements in the country included arbitrary arrests, disappearances, and secret detentions, and this period became commonly known as the "years of lead" (les années de plomb). After mounting public protests in response to widespread corruption, human rights violations, and government malfeasance, Hassan II created the National Consultative Council on Human Rights in 1990 and began releasing detainees. After King Hassan II died in 1999, his son, Crown Prince Sidi Mohammed

VI ascended the throne. King Mohammed VI enacted a number of political and economic reforms to modernize Morocco, and also established The Independent Commission of Arbitration/Indemnity Commission, a mechanism for providing reparations for past abuses. Many victims of human rights violations were not satisfied with the measures that had been put in place to investigate and document past crimes. Concerned with escalating public displeasure, Mohammed VI established the Equity and Reconciliation Commission on January 7, 2004. The Commission was mandated to investigate forced disappearances and arbitrary detentions that took place in Morocco between 1956 and 1999 (USIP 2012).

6.1.32 Liberia

Geographical Region: Africa

Ethnic Groups: Kpelle 20.3%, Bassa 13.4%, Grebo 10%, Gio 8%, Mano 7.9%, Kru 6%, Lorma 5.1%, Kissi 4.8%, Gola 4.4%, other 20.1% (CIA 2015).

Name of Truth Commission: *Truth and Reconciliation Commission (TRC) of Liberia*

Dates of Operation: February 20, 2006 to June 22, 2009 (3 years, 4 months; Public hearings did not begin until January 2008, due to many delays).

Historical Background of Conflict: The Republic of Liberia is a former colony of the American Colonization Society. The country declared its independence from the American Colonization Society on July 26, 1847, but the United States government only formally recognized this independence on February 5, 1862. In recent decades, Liberia's history has been marred by political upheaval. Liberia's constitution was

suspended from 1980 to 1989 after Master Sergeant Samuel Doe assassinated President William Tolbert, Jr. in a coup d'état on April 12, 1980. Doe's regime was marked by a failed counter-coup, ethnic killings, and suppression of political opponents. In 1989, Charles Taylor, the leader of the National Patriotic Front of Liberia (NPFL), instigated the First Liberian Civil War. The 14-year long civil war, one of the bloodiest in recent history, "directly affected approximately 85% of the Liberian population through forced displacement, torture, killings, and other violations of human rights" (CSVR 2012). Approximately 200,000 people were killed and more than one million were displaced. In 1991, the Economic Community of West African States (ECOWAS) and the Economic Community of West African States Monitoring Group (ECOMOG) created a military task force to intervene in the conflict, and bring Liberia's civil war to an end. Between June 1990 and August 1996, fourteen peace accords were negotiated, but the political climate in Liberia remained extremely unstable. In 1997, the warring factions reached a peace deal and Charles Taylor was elected president of Liberia. Violence erupted again in the country in 1999, as Taylor's government faced an armed insurrection from a rebel group called Liberians United for Reconciliation and Democracy, leading to the Second Liberian Civil War. In March 2003, another rebel group, the Movement for Democracy in Liberia, also launched an insurgency against Taylor's government. In June 2003, Liberian government officials, leaders of Liberia's opposition parties, and the main rebel groups met in Accra, Ghana and brokered a comprehensive peace agreement. After a transitional government was established in Liberia, the United

Nations Security Council authorized the United Nations Mission in Liberia to provide security and monitor the peace accord. The Accra Agreement called for Liberian political leaders to establish an independent national commission on human rights, and a truth and reconciliation commission. The Accra Agreement also called for the reform of the Liberian police force, and reorganization of the National Elections Commission. In May 2005, the Truth and Reconciliation Act was passed to implement the terms of the Accra Agreement. In 2005, Ellen Johnson-Sirleaf, a former World Bank official, was elected president of Liberia. The Truth and Reconciliation Commission of Liberia was mandated “to promote national peace, security, unity and reconciliation” by investigating and documenting gross human rights violations and economic crimes that occurred between January 1979 and October 2003 (USIP 2012).

6.2 Mapping Ethnic Diversity and Truth Commission Establishment

In Chapter 2, I explained the value of applying a group identity framework for analysis of truth commissions. I also briefly discussed the relationship between ethnic heterogeneity and the possibilities of democratization in transitional justice contexts. In this chapter, I have included summary information about the ethnic make-up for each of the country case studies under consideration. Evidence suggests that truth commissions are more likely to be established in countries that have experienced civil conflict that is connected to ethnic tensions. To support this assertion, I present two maps that highlight the relationship between ethnic

diversity and truth commission adoption. Figure 6.1 maps ethnic diversity in countries around the world. Fisher (2013) created this map using data on ethnic diversity from the Harvard Institute for Economic Research. The data, collected by Alesina et al. (2002), measure ethnic, linguistic and religious fractionalization (diversity) in approximately 190 countries. Figure 6.2, a modified version of the map in Figure 6.1, indicates the locations of truth commissions around the world, and clearly shows that most truth commissions are established in more ethnically diverse nations.

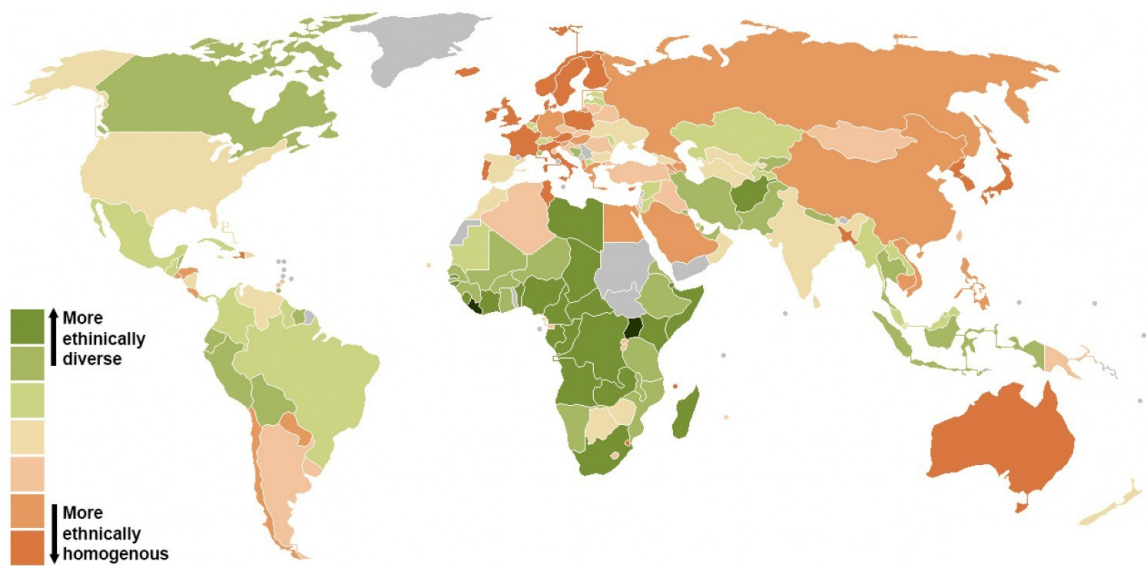


Figure 6.1. Map of the World's Most and Least Ethnically Diverse Countries ⁷

⁷ Source: Fisher (2013)

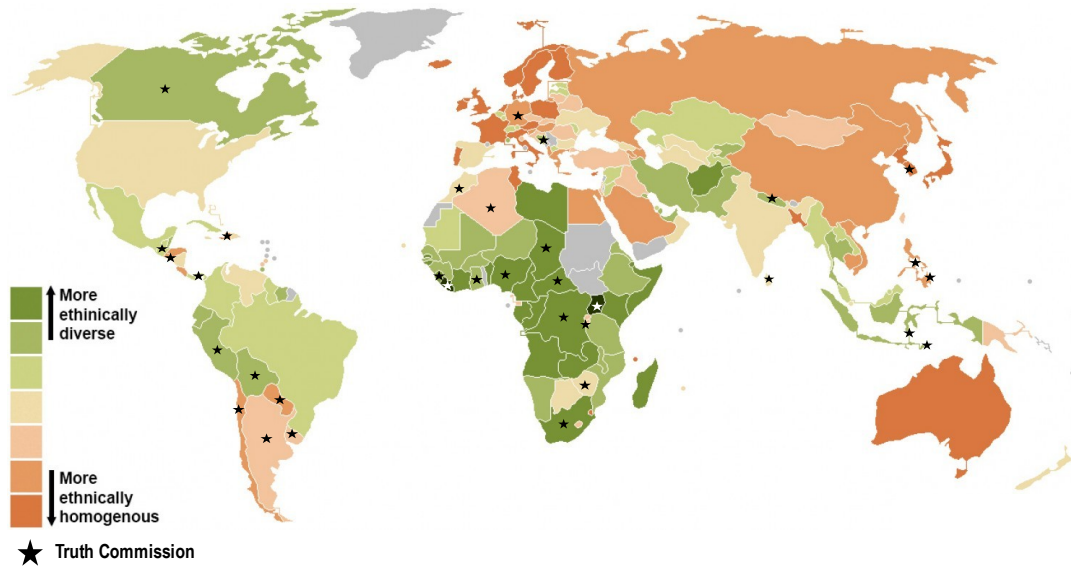


Figure 6.2. Map of the World's Most and Least Ethnically Diverse Countries Indicating Locations of Truth Commissions ⁸

6.3 Time Frame of Conflicts: Period of Investigation

Truth and reconciliation commissions, often touted as highly effective transitional justice mechanisms, are generally established during periods of political transition. Thus, understanding the historical, political context for the adoption of these commission allows us to determine whether or not establishing truth commissions in other political contexts will be a viable measure for facilitating transitional justice efforts or democratization. Furthermore, in order to provide accurate commentary on the cases in which truth commissions can be successfully implemented, an examination of the causes and duration of conflicts is important. Questions about how and why political conflicts occur, cannot be answered without

⁸ Modified world map from Fisher (2013)

also considering factors related to the duration of the conflict. Research on duration of peace in post-conflict societies suggests that the length of the conflict, as well as other regime characteristics, influences democratization and post-conflict peace and stability (Gates et al. 2007). “Temporality is central to causal inference and to the logic of historical explanation” (Grzymala-Busse 2010: 2). Truth commission mandates always include a temporal element; by their very definition, truth commissions are tasked with investigating human rights abuses and other atrocities that occurred over *a period of time*. “The job of truth commissions is to examine patterned, systematic abuses of human rights, not isolated events, [and] most truth commissions have, in fact, examined the full length of a civil war or the entire tenure of a brutal crime” (Dancy et al. 2010: 59). In order to make accurate inferences and assessments about truth commissions in post-conflict societies, analyses of these investigative bodies must, therefore, take the specific time frame of the conflict into account.

The epistemological limitations related to the conceptualization of “truth” is only one of a number of definitional issues for scholars conducting research on truth and reconciliation commissions. Empirical studies of truth and reconciliation commissions have largely reached inconclusive results about the circumstances under which these commissions are most likely to be adopted, and why the establishment of truth commissions has become an increasing political phenomenon in recent decades. There is no comprehensive list of truth commissions currently available for researchers, partly because of definitional ambiguities. Brahm (2009)

notes that while the majority of existing truth commission datasets are compiled from information collected by non-governmental organizations like Amnesty International and the International Center for Transitional Justice, researchers do not explain why some cases are included in the core list of truth commissions and others are not. As different scholars use different criteria for determining what constitutes a truth commission, it inevitably leads to variable results in empirical studies and the analysis of truth commissions. Although the majority of truth commissions have been mandated with investigating a pattern of abuses or atrocities committed over a period of time, rather than focusing a single event, definitional ambiguities in the classification of what constitutes a “pattern of abuse” also creates some variation in what investigative bodies researchers will choose to include in their list of truth commissions (Brahm 2009b: 7). Figure 6.3 (from Dancy et al. 2010) provides a comparative illustration of the period of investigation covered by 32 truth commissions. The mandate of a truth and reconciliation commission states the timeframe for its operations. This period will vary with each commission, and can be relatively long or short. The timeframe that is outlined in the mandate for the truth commission to complete its work can prevent the commission from being completely thorough in its investigations (Brahm 2007: 22). For example, in the case of El Salvador, the Commission established a short, six-month deadline in its mandate, which affected the number of atrocities that could be investigated (Buergenthal 1994: 506).

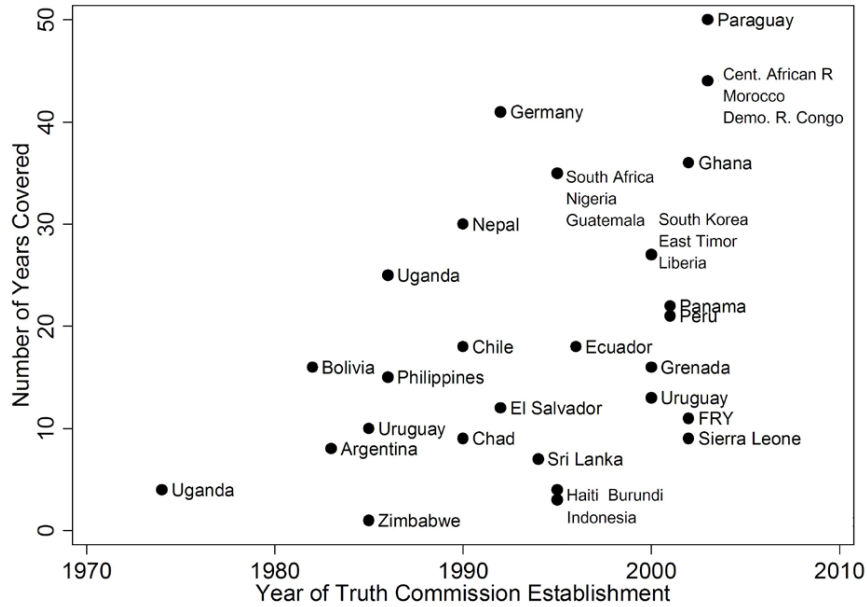


Figure 6.3. Number of Years Investigated by Truth Commissions ⁹

6.4 Mandates

Every truth and reconciliation commission is created on an ad hoc basis, and the mandate of the commission is a clear reflection of this (Hayner 1996a). The mandate of a truth and reconciliation commission is the official document, or legal framework, that guides the actions of the commission within a number of parameters. The mandate outlines how the commission must proceed with establishing the truth about past human rights violations by documenting the nature of the abuses, the causes, and the extent to which crimes occurred (Stahn 2001: 962). A truth commission mandate articulates the means through which the goals and objectives of the commission will be pursued (Shea 2000: 51). The

⁹ Source: Dancy et al. (2010)

mandate also provides a commission with the parameters that will determine the scope of its investigations in terms of the time period that will be covered, as well as the types of human rights abuses that will be examined (Brahm 2007: 16). These parameters include, normative and policy orientations, which guide the work of the commission; the object of inquiry that outlines the facts about the crimes that the commission will investigate, including who the victims are, who the perpetrators are, and the context of the conflict, as well as what time periods and geographical areas will be included in the investigation; the mandate also outlines the powers and procedures that the commission must comply with in order to achieve its goals. The parameters of investigation outlined in a truth commission's mandate can have specific and significant consequences for the outcomes of the commission's work. For example, Mamdani (2002) argues that the ways in which the mandate of the South African Truth and Reconciliation Commission defined key terms such as "victim" and "perpetrator" had important implications for the conclusions the Commission reached. Mamdani (2002) notes:

A leading researcher for the Commission once remarked to me in a private conversation: "I could not believe that most perpetrators of apartheid were black." The observation raises a question the Commission never posed. If not only most victims, but also most perpetrators, were black people, was this "crime against humanity" primarily a "black-on-black" affair, whose principal perpetrator was the [Inkatha Freedom Party] IFP, and third major perpetrator the ANC? Were the apologists of apartheid right in claiming that their order was a necessary check on "black-on-black" violence, or was the violence produced by the order called apartheid? I suspect the Commission never posed the question because it was in no position to answer it. (Mamdani 2002: 2)

The functions and powers – also described as the operational aspects – of a truth and reconciliation commission are outlined in the commission’s mandate (González 2013: 3). Table 6.1 includes seven key functions that are characteristic of every truth and reconciliation commission mandate.

TABLE 6.1. FUNCTIONS OUTLINED IN TRUTH COMMISSION MANDATES

- Prepare and submit a report of its findings and recommendations to national authorities and the public.
- Receive and compile information provided by direct statements, as well as from archives and other documentary sources.
- Conduct investigations and research.
- Protect the integrity and well-being of victims and witnesses.
- Conduct public communication activities, such as public hearings, educational events, etc.
- Support other transitional justice policies, such as trials, reparations, and vetting.
- Carry out events promoting reconciliation, at the national or local level.

Source: González (2013)

The executive or legislative arm of government, a parliamentary decree, a treaty, or similar institutional mechanism can create a truth commission’s mandate. In every case, regardless of which institutional instrument authorizes the formation of a truth commission and outlines the commission’s mandate, certain key elements must be incorporated into the mandate to ensure that its objectives are clear. Each commission’s mandate should be tailored to make it appropriate for the political context in which it is to be applied, and flexible enough to allow the members of the commission to interpret the mandate completely and accurately. Hayner (1996) contends that “it is far preferred that a commission’s mandate does not list specific

events to be investigated, instead [the commission should use] more general language to allow [it] to shape its investigations and report around the facts and patterns revealed” (179). Although every truth commission has its own unique mandate, these mandates “are generally constituted to establish a historical record of abuse and to investigate the causes and consequences of these abuses using a variety of methodologies,” including, but not limited to, fact-finding missions, public hearings, and collecting statements from victims, perpetrators and witnesses (Evenson 2004: 731).

The mandates of truth commissions may differ in terms of the types of abuses that will be investigated, and can include crimes committed by government officials as well as opposition forces; the truth commission mandate may also limit the kinds of abuses that are investigated (Hayner 2006b: 175). Nonetheless, every mandate has to address similar challenges and be in compliance with internationally established human rights norms (González 2013: 1). One of the most fundamental elements that can determine how successful a truth and reconciliation commission will be is which individuals will serve as commissioners. The mandate specifies the number of commissioners who will serve on the commission, the conditions of service, the process of appointment or nomination, the demographic make-up of commissioners, and whether or not the commissioners have to be nationals of the country (González 2013: 13). All mandates also have important stipulations on the qualifications of individuals who can serve as commissioners.

Mandates usually demand a record of integrity, experience, and political independence. Sometimes mandates indicate elements that would disqualify a person from becoming a member of the commission, such as active political affiliation or personal involvement in abuses. In some mandates, commissioners are directly appointed by the head of state. Other mandates establish a selection mechanism, including nomination of candidates, vetting, and final appointment. (González 2013: 13)

International support is also a crucial factor in whether or not a truth commission will be able to successfully carry out its objectives as outlined by its mandate.

“Without a significant international presence in a country, or a new government, a truth commission will find it extremely difficult to discharge its mandate”

(Buergethal 1994: 542).

By definition, truth and reconciliation commissions are mandated to “look at the past, rather than the present” (Hayner 1994: 608). This means that the commission cannot focus on issues and activities under a current political regime. The mandate may include information that dictates the internal organizational structure of the commission, and outlines what the funding sources for the commission’s work will be. Furthermore, truth commission mandates must be structured in such a way that the rights of victims are fully taken into account. González (2013) maintains that when a mandate is well-crafted, the truth commission will be more likely to accomplish its goals, and the processes of national reconciliation and democratic consolidation can progress satisfactorily.

Well-crafted mandates set the stage for productive cooperation among institutions and allow civil society to fully understand the nature and potential of the truth-seeking exercise. A mandate that is incomplete, obscure, or contradictory to fundamental human rights

standards can cripple the truth commission... forcing it to waste valuable time and resources in defining the parameters of its task, causing critical contradictions within the commission, and diminishing the capacity of key stakeholders to cooperate effectively with the commission. (González 2013: 1)

Truth commission mandates can be broad or restrictive in terms of the scope of human rights violations that will be covered by the investigations. For example, the mandate of the Rettig Commission in Chile only gave the commission investigative powers in cases where human rights abuses led to the death of the victim. Similarly, the mandate of the National Reconciliation Commission in Ghana authorized this commission to conduct several different activities in order to achieve its objectives. In some cases, the functions stipulated within the mandate were specific: “the commission was tasked with investigating events, but also determining whether [these events] were the result of a plan by a public institution,” organization, or people acting in some official government capacity (González 2013: 7). In Chad, on the other hand, the mandate of the truth commission was much broader and included inquiries into corruption charges, in addition to examining human rights abuses (Brahm 2007: 30). The mandate of Uganda’s Commission of Inquiry into Violations of Human Rights was also extremely broad and vague, and covered the investigations of every type of human rights violation that had been committed between the time of independence in 1962 until President Yoweri Museveni and the National Resistance Movement (NRM)¹⁰ acceded to power in 1986, a nearly twenty-

¹⁰ The National Resistance Movement (NRM) is the ruling political organization in Uganda, and was formerly known as the National Resistance Army (NRA). The name was changed under Yoweri Museveni’s government, after Idi Amin’s government was overthrown.

five year period of severe atrocities (Quinn 2004). The general consensus among scholars and policymakers is that the truth commission mandate must be *sufficiently* broad to allow the commission flexibility in its decision-making process of the crimes that it will investigate (Hayner 1994).

The mandate of a truth commission often expressly states its goal of reducing the likelihood, or preventing the reoccurrence, of human rights abuses (Hayner 1994: 609). “Drafting the mandate of a truth commission, therefore, is a critically important step in the truth-seeking process that should be undertaken in a serious, well-thought-out manner” (González 2013: 1). Each truth commission has a different set of goals outlined in its mandate, based on the country’s specific political and historical context, as well as the particular circumstances under which the human rights abuses occurred. “Therefore, depending on the extent to which the truth commission accomplishes what the mandate has instructed it to do, it could be considered a success” (Brahm 2007: 17). The type of mandate given to a truth commission can limit the types of crimes and human rights abuses that the commission can investigate. Consequently, the type of mandate that will be instituted essentially determines the “truth” that will be unearthed and documented as part of the commission’s proceedings (Brahm 2007: 18). “Because they are vested with a general mandate to investigate human wrongs committed during a specific political conflict, truth commissions can amass a more comprehensive and diversified record of past injustices than individual trials” (Stahn 2001: 954). While truth commissions can make recommendations about prosecutions, and submit

documents related to their investigation to trial courts, the mandates generally prevent commissions from playing an active role in decisions to prosecute or grant amnesty to perpetrators of human rights abuses (Hayner 1994: 604). Table 6.2 lists some general investigative powers of truth commissions.

TABLE 6.2. INVESTIGATIVE POWERS OUTLINED IN TRUTH COMMISSION MANDATES

- Power to summon persons, including government officials, to appear before the commission and produce articles or documents.
- Authorization to conduct inspections in places of interest, such as prison facilities and military barracks, and initiate exhumations in accordance with the law and in coordination with law enforcement.
- Authorization to obtain official cooperation to ensure the security proceedings, office, and persons related to the commission.

Source: González (2013)

The objectives outlined in a truth commission's mandate generally fall into three categories. First, a commission may be tasked with establishing the truth about crimes and abuses, and situating this information within the historical and political context of a country. Second, the commission is responsible for protecting and restoring the dignity, well-being, and human rights of victims. Third, a commission's mandate can include goals that the society should aim for, including post-conflict reconciliation, government accountability, institutional reform, an end to violence, or social justice (González 2013). "Another common goal of truth commissions is to help ease a state's transition from civil war and unrest toward a more democratic or participatory form of government" (Niebur 2003: 222). In order for the mandate of a truth commission to be effective, it needs to be clearly

structured, designed to be implemented in such a way that the commission can properly carry out its investigations, and give the commission the necessary power or authority to operate (González 2013: 1). Table 6.3 lists the functions or activities that are generally included in every truth commission mandate, either in whole or in part. The mandate also outlines whether the truth and reconciliation commission must release a report to the public at the end of its investigations. The mandate can also specify the structure of the report. For instance, Ethiopia's commission of inquiry provides a good example of how a commission mandate can specify the format in which the report will be made available to the general public. In 1992, the Office of the Special Prosecutor for Ethiopia was specifically mandated to create a computerized, historical record that documented the human rights violations that occurred under the Mengistu regime. This computerized record was to be made publicly available and easily accessible to anyone who was interested in obtaining the information (Scharf 1996: 401).

TABLE 6.3. KEY FEATURES OF TRUTH COMMISSION MANDATES

Mandate Components	Issues
Scope of Investigation	<ul style="list-style-type: none"> • A truth commission must identify the victims and the perpetrators. • A truth commission should prioritize cases for investigation against the following criteria: legal weight; number of victims; the meaning attributed to them by society; their impact on the conflict dynamic and future reconciliation. • In a civil war context, a delicate balance of investigation into abuses committed by both sides is important in avoiding allegations of bias against the truth commission. • The temporal scope of investigations should take into account the resources available and the lifespan of the mandate: a shorter mandate should entail a narrower scope of investigation. • A truth commission should investigate complicity of international actors, like foreign governments, in past violations.
Legal Authority	<ul style="list-style-type: none"> • A truth commission will benefit from having legal authority to search and seize documents from government departments and agencies, specifically the military and police. • Most truth commissions do not have the power to subpoena witnesses, since they are not judicial bodies. Notable exceptions are truth commissions in South Africa and Sierra Leone. South Africa's Commission has been criticized for playing the role of a quasi-court, and thus undermining the rights of perpetrators to due process in a formally constituted court. • Truth commissions are more effective in preventing future human rights violations if the government heeds their recommendations. Thus, recommendations should be made legally binding, as provided by their founding statute.
Investigation of International Actors	<ul style="list-style-type: none"> • Investigation into the roles of international actors, like foreign governments, is important for exposing the full truth. Agreements with foreign governments for access to key files will facilitate the truth commission's work.

Mandate Components	Issues
Timing	<ul style="list-style-type: none"> <li data-bbox="625 283 1380 493">• Ideally, a truth commission should be established soon after a regime transition or the signing of a peace accord, to prevent the commission from losing track of witnesses, reduce the risk of evidence being lost or tampered with, and ensure that public support for the work of the commission does not wane. <li data-bbox="625 504 1380 609">• Rapid establishment of a truth commission can act as an effective confidence-building measure for newly instated governments.
Individual Responsibility	<ul style="list-style-type: none"> <li data-bbox="625 630 1380 787">• Naming individual perpetrators in a truth commission report presents the potential risk of violating their right to due process under the law, since truth commissions are not formally constituted courts. <li data-bbox="625 798 1380 966">• In contexts where individual responsibility for certain acts is blatant common knowledge, naming names might be instrumental in providing victims and society with a sense of comprehensive, official truth (for example, in the case of El Salvador).
Impartiality	<ul style="list-style-type: none"> <li data-bbox="625 987 1380 1134">• Commissioners appointed to truth commissions should be people of high moral integrity, with respect for human rights, and must be acceptable to all parties and groups being investigated. <li data-bbox="625 1144 1380 1281">• The public needs to be aware of a truth commission's role and rationale. A public information campaign will dispel any misinformation about this purpose and increase public involvement in the process by building confidence.
Witness Identity	<ul style="list-style-type: none"> <li data-bbox="625 1302 1380 1480">• Concealing the identities of witnesses from individuals who are under investigation by the truth commission present the potential risk of violating the human rights of those under investigation. All people have the right to know who their accusers are. <li data-bbox="625 1491 1380 1587">• A level of security should be provided for people who testify and confess. Witness relocation programs may be an option in some contexts.

Mandate Components	Issues
Amnesty	<ul style="list-style-type: none"> • A truth commission's decision to grant amnesty is a political one; whenever possible, courts should review each case. • Amnesty is often granted in post-conflict contexts where the judicial system is incapable of responding to a vast number of potential indictments, or when perpetrators still wield significant power. Granting amnesty may be a realistic, second-best option. • Blanket amnesty fosters a culture of impunity and undermines efforts to prevent future human rights violations.
Public Involvement	<ul style="list-style-type: none"> • A rigorous public information campaign should accompany the establishment of a truth commission, since stakeholders need to know the commission's purpose, role, and limitations. This will foster greater cooperation and dispel unrealistic expectations.
Prosecution Link	<ul style="list-style-type: none"> • International law requires the prosecution of genocide, crimes against humanity, certain war crimes (grave breaches), and torture. • Truth commission investigations can provide a sound basis, as well as important leads, for future criminal investigations and legal proceedings. • Truth commission sponsors should assess the risk that prosecution might pose to stability and reconciliation, especially in cases where perpetrators retain a power-base.

Source: Hingorani (1998)

To further highlight differences in truth commission mandates, the following section describes key features in commission mandates instituted in two countries: El Salvador and South Africa (also see summary Table 6.4). A more comprehensive list from Hayner (1994), comparing the mandates of fifteen truth commissions that were established between 1974 and 1994, is presented in Table 6.5.

TABLE 6.4. COMPARING THE TRUTH COMMISSIONS OF EL SALVADOR AND SOUTH AFRICA ¹¹

Country	Truth Commission	Created	Duration	Mandate	Report
El Salvador	Commission on the Truth for El Salvador	Peace Accord	1992-1993 (8 months)	1980-1991	Yes 1983
South Africa	Truth and Reconciliation Commission	Parliament	1995-2000	1960-1994	Yes 1998

Source: Dancy et al. (2010)

The Commission on the Truth for El Salvador was formally established on July 15, 1992, pursuant to the provisions of the Salvadoran Peace Accords, a series of negotiations that took place between 1989 and 1992 under the auspices of the United Nations. The mandate of the Commission stated that three individuals would be appointed as commissioners (Buergenthal 1994: 499). During peace negotiations between the Salvadoran government and the Farabundo Martí National Liberation Front (FMLN),¹² both sides to the conflict specified which atrocities they wanted the Commission to investigate. This led to a deadlock between the different parties since they were unable to agree on which cases the Commission would investigate. The Commission's mandate "[spoke] merely of 'serious acts of violence... whose

¹¹ See Table 3.3 (Chapter 3) for a complete list of Truth Commission.

¹² The FMLN was formed as an umbrella organization of five leftist insurgent groups, on October 10, 1980. The FMLN was comprised of: The Fuerzas Populares de Liberación Farabundo Martí (FPL), Ejército Revolucionario del Pueblo (ERP), the Resistencia Nacional (RN), the Partido Comunista Salvadoreño (PCS) and the Partido Revolucionario de los Trabajadores Centroamericanos (PRTC). The FMLN was one of the main participants in the civil war in El Salvador, but in 1992 all the FMLN armed units disbanded, and the organization became a left-wing political party.

impact on society urgently [required] that the public should know the truth,” (Buergenthal 1994: 504). The Commission, therefore, had to come up with its own list of cases to investigate. The mandate of the Salvadoran truth commission also did not specify the legal norms that would be applied to determine what crimes would be classified as “serious acts of violence” (Buergenthal 1994: 526). “The legal principles that defined the scope of [the Commission’s] mandate were to be found in those rules of international human rights law and international humanitarian law binding on the state of El Salvador, its government, and the insurgents seeking to defeat it” (Buergenthal 1994: 526). The Commission’s mandate further stipulated that the Commission would “not function in the manner of a judicial body,” and all of its activities would be “conducted on a confidential basis;” this meant that witnesses could request that their testimony be kept confidential (Buergenthal 1994: 510).

The Salvadoran commission’s mandate required that commissioners prepare a report to document serious acts of violence that had been committed in El Salvador. Names of the perpetrators of human rights abuses (as well as the names of officials who ordered that these acts be committed) were published in this final report. As parties to the Peace Accords, the FMLN and the Salvadoran government “had it in their power to amend the Commission’s mandate” and require that no names be published, but after an extensive debate, the commissioners decided that names need to be published in order to facilitate the reconciliation process (Buergenthal 1994: 521). Thomas Buergenthal, a specialist in international and

human rights law who served on the Salvadoran commission, describes the debate that took place regarding the publication of names in the Commission's report.

Until the issue became the subject of a heated debate in and outside of El Salvador towards the end of our investigation, it had certainly never occurred to me that the Report would not name names. On first reading the Commission's mandate, I concluded that one of our tasks was to identify those who had committed the serious acts of violence we were required to investigate. My colleagues, as I learned later, had reached the same conclusion. After all, the Parties to the Peace Accords wanted "the complete truth to be known." For that purpose, they empowered the Commission to investigate "the serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth."
(Buergethal 1994: 519)

The mandate of El Salvador's truth commission included recommendations for legal, administrative, and political measures that the government could put into place following the Commission's investigations, to facilitate national reconciliation and prevent future atrocities and civil conflict (Buergethal 1994: 533).

The South African Truth and Reconciliation Commission was mandated to investigate gross human rights violations that took place under South Africa's apartheid regime from 1960 to 1994. The mandate covered human rights abuses committed by the apartheid government and anti-apartheid liberation groups. The fundamental difference between the South African Truth and Reconciliation Commission and other truth commissions is that the South African TRC was the first to be given the power through its mandate to grant amnesty to individual perpetrators (Truth and Reconciliation Commission 1998). In order to fully pursue its mandate, the South African Truth and Reconciliation Commission had to broaden

its scope: “to work for a *social* reconciliation between perpetrators and victims required that the relationship between the state and the entire South African people be addressed” (Mamdani 2002: 34). Shea (2000) describes the mandate of the South African Truth and Reconciliation Commission as one of the most ambitious mandates that has been established by a truth commission to date. In its mandate, the South African TRC was charged with the following:

- Establishing as complete a picture as possible of the causes, nature, and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;
- Facilitating the granting of amnesty to persons who make full disclosure of all relevant facts relating to acts associated with a political objective and comply with the requirements [outlined within the mandate].
- Establishing and making known the fate and whereabouts of victims and restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and recommending reparation measures in respect of them;
- Compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission, which contains recommendations and measures to prevent the future violations of human rights. (Truth and Reconciliation Commission 1998: 55)

The mandate of the South African Truth and Reconciliation Commission did not grant the TRC the power to make final decisions about reparations or other financial disbursements or compensations for victims. This power was reserved for the government, in consultation with Parliament (Shea 2000).

TABLE 6.5. COMPARISON OF FIFTEEN TRUTH COMMISSION MANDATES, 1974-1994**

Country	Date of Commission	Name of Commission	Mandate Stipulations
Uganda	1974	Commission of Inquiry into 'Disappearances' of People in Uganda Since the 25 th of January, 1971	Investigate the accusations of disappearances at the hands of military forces during the first years of the Amin government.
Bolivia	1982-1984	National Commission of Inquiry into Disappearances	Investigate disappearances that occurred between 1967 and 1982. The mandate prevented full investigation of the truth, as incidents of torture, illegal and prolonged detention, and other abuses.
Argentina	1983-1984	National Commission on the Disappeared (Comisión Nacional para la Desaparición de Personas, or CONADEP)	Investigate the violence of the seven-year Argentine military regime, between 1976 and 1983.
Uruguay	1985	Investigative Commission on the Situation of 'Disappeared People and its Causes'	Investigate and report on the disappearances that occurred during the years of military rule, and provide evidence regarding the involvement of the Uruguayan security forces. The limited mandate prevented investigation into illegal imprisonment or torture.
Zimbabwe	1985	Commission of Inquiry	Investigate atrocities that occurred in the Matabeleland region of Zimbabwe, as a result of brutal government repression of "dissidents."
Uganda	1986-	Commission of Inquiry into Violations of Human Rights	Investigate human rights violations that occurred from Uganda's independence in 1962 up to January 1986, when Yoweri Museveni came to power.
Philippines	1986-1987	Presidential Committee on Human Rights	Investigate both past and present abuses, covering acts that had taken place since 1972, the beginning of martial law in the Philippines.

Country	Date of Commission	Name of Commission	Mandate Stipulations
Chile	1990-1991	National Commission for Truth and Reconciliation (Comisión Nacional para la Verdad y Reconciliación)	Investigate abuses resulting in death or disappearance over the previous seventeen years of military rule. The mandate of the commission excluded abuses that did not result in death or disappearance, such as torture.
Chad	1991-1992	Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories	Investigate the illegal imprisonments, detentions, assassinations, disappearances, tortures, and practices of acts of barbarity, the mistreatment, the other attacks on the physical or mental integrity of persons, and all violations of human rights and illicit trafficking. Preserve the condition of torture chambers and the equipment utilized in human rights abuses.
South Africa (ANC I)	1992	Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees	Full and thorough investigation of the complaints of former detainees that were held at ANC detention camps located throughout Southern Africa, including Angola, Tanzania, and Zambia. Recommendations on action that might be taken by the ANC based on the commission's findings.
Germany	1992-	Study Commission for the Assessment of History and Consequences of the SED Dictatorship in Germany	Study the methods that the communist regime used to remain in power and evaluate whether the policies of past West German governments strengthened communist rule and blocked the growth of the prodemocracy movement.

Country	Date of Commission	Name of Commission	Mandate Stipulations
El Salvador	1992-1993	Commission on the Truth for El Salvador	Investigate serious acts of violence that occurred since 1980 whose impact on society urgently demands that the public know the truth. The mandate granted the commission six months to write a report.
Rwanda	1993	International Commission of Investigation on Human Rights Violations in Rwanda Since 1 October 1990	Investigate accusations of mass burials, other rampant atrocities and egregious human rights violations carried out mainly by government officials.
South Africa (ANC II)	1993	Commission of Enquiry into Certain Allegations of Cruelty to Human Rights Abuses Against ANC Prisoners and Detainees by ANC Members	Investigate structural causes and patterns of abuse in ANC detention camps.
Ethiopia	1993-	Office of the Special Prosecutor	Create a historical record of abuses of the Mengistu regime and bring those criminally responsible for human rights violations to justice. The mandate covers the full seventeen years President Mengistu Haile-Mariam was in power.

** NOTE: This table is a compilation of information on fifteen truth commissions that were established around the world between 1974 and 1994, and serves as a representative sample of commission mandates, rather than an exhaustive list. Many truth commissions have been established since 1994, including the South African Truth and Reconciliation Commission in 1996, following the end of apartheid. Information from Hayner (1994) pp. 601-603.

Source: Hayner (1994)

6.5 Amnesty

Amnesty refers to the act of official pardon that is given by a sovereign power to absolve individuals from the criminal offenses that they committed (Scharf 1999: 508). The term *amnesty* is derived from the ancient Greek word *amnestia*, which means “forgetfulness” or “oblivion” (Lessa and Payne 2012: 3). Table 6.6 provides examples of amnesty measures instituted in different countries between 1977 and 2008. Amnesty provides immunity from civil and criminal liability to an individual who committed a serious crime (van Zyl 1999). In transitional justice situations, the amnesty process has often proven to be very controversial for transitional governments, and decisions about whether or not granting amnesty should be part of the truth and reconciliation process remains a hotly debated issue (Slyomovics 2001). International conventions and laws, as well as many human rights organizations, including Amnesty International, expressly forbid the granting of amnesty in cases involving crimes against humanity (Gibson 2002: 541). To this end, a number of commentators and human rights groups contend that “customary international law not only establishes permissive jurisdiction over perpetrators of crimes against humanity, but also requires their prosecution and prohibits amnesty for such persons” (Scharf 1999: 519). A commonly held conception is that “amnesty subverts retributive justice” (Gibson 2002: 544). Consequently, critics of amnesty provisions for transitional justice situations lament that perpetrators of human rights abuses commit crimes with impunity and are not punished. Exchanging amnesty as part of the deal in peace negotiations has been possible for governments

in transitional justice contexts that have chosen this judicial instrument, because there are generally no international legal constraints in such situations. As Scharf (1999) explains, because there is no international duty to prosecute crimes against humanity, or war crimes in an internal conflict, transitional governments that choose to broker an amnesty for peace deal would not be in violation of international law (526).

As part of the process of achieving democratic consolidation, some transitional governments have found it necessary to grant amnesty to perpetrators of atrocities and human rights abuses (Gibson 2002: 540). Newly instated governments in a number of countries, including Argentina, Cambodia, Chile, El Salvador, Guatemala, Haiti, South Africa, and Uruguay have granted amnesty to perpetrators of crimes that were committed under past regimes (Scharf 1999: 508). While the South African Truth and Reconciliation Commission made amnesty decisions on a case-by-case basis for individuals who provided complete testimony about their involvement in atrocities under the apartheid regime, in Argentina and Chile, blanket amnesty was granted without the perpetrators of human rights violations having to testify before a truth commission (Graham 2003; Lansing and King 1998). Although the political need for amnesty and the humanitarian need for justice, reform, and community healing appear to be contradictory, decisions to grant amnesty are carefully weighed because the ultimate goal for transitional governments is to ensure that peace and stability are restored (Graham 2002: 12).

Granting amnesty is often viewed as a tradeoff for peace, exposing the truth about the past, restoring peace, establishing a democratic government, and also an important step towards achieving reconciliation (Gibson 2002; Scharf 1999).

Nonetheless, decisions by transitional governments to grant amnesty come with a price. "One important cost is that the expectations of retribution are unsatisfied." (Gibson 2002: 540). Thus, in the truth and reconciliation process, all decisions to grant amnesty must take distributive justice considerations into account.

"Distributive justice is concerned with the fair allocation of resources among diverse members of a community. Fair allocation typically [focuses on] the total amount of goods to be distributed, the distributing procedure, and the pattern of distribution that results" (Maiese 2013). Providing reparations or some form of compensation to victims of human rights abuses is an important counterbalance in cases where amnesty has been granted to perpetrators. "Those who designed the amnesty process placed a great deal of emphasis on compensating the victims of apartheid for their losses" (Gibson 2002: 542). When provisions for amnesty are "accompanied by the establishment of a truth commission, victim compensation, and lustration," amnesty becomes a suitable option for dealing with past atrocities because it is granted in the interest of promoting justice (Scharf 1999: 523). Truth commissions have the authority to deny amnesty in cases where crimes do not comply with some provisions that have been set forth, and are not deemed to have been politically motivated (Lansing and King 1998).

In the case of South Africa, amnesty became one of the most important bargaining chips during negotiations to end apartheid. “The National Party and the leaders of other powerful white-dominated institutions (e.g. the security forces) made amnesty a nonnegotiable centerpiece of their demands” (Gibson 2002: 541). Without an amnesty deal, the negotiations to end apartheid would have completely collapsed, leading to further violence and political unrest (van Zyl 1999). South Africa’s Parliament authorized the TRC to grant amnesty to individuals who committed politically-motivated atrocities under the apartheid regime. Amnesty provisions included in the TRC mandate were tied to stipulations for granting amnesty in exchange for truthful testimony (Llewellyn and Howse 1999: 367). Amnesty was, therefore, used as “a tool for excavating the truth about the past” (Graham 2003: 11). Individuals who committed human rights abuses for “personal gain or out of ‘personal malice, ill will or spite’ were not eligible for amnesty” (Gibson 2002: 541). The TRC received approximately 7,000 amnesty applications, and granted amnesty in only about 20 percent of the cases considered. Amnesty was denied in cases where no political motive could be attached to the crimes for which the perpetrators were seeking amnesty (Gibson 2002). The Commission’s amnesty decisions were binding of the traditional judicial system; thus, perpetrators who were granted amnesty could not be prosecuted later for the same crimes. Furthermore, in cases where amnesty was denied, information that had been collected by the Commission and used during proceedings could not be used for legal prosecution in traditional courts (Lansing and King 1998: 767-768). The

amnesty hearings conducted by the Truth and Reconciliation Commission “revealed atrocities almost beyond belief” and many South Africans questioned why the individuals who committed such horrendous crimes could receive amnesty (Gibson 2002: 542). “Amnesty is not equivalent to impunity,” and the decision to grant amnesty did not mean that perpetrators of human rights violations would forego any accountability or victims would not receive some form of redress (Scharf 1999: 512). Furthermore, blanket amnesty was not a possibility in South Africa. The Truth and Reconciliation Commission heard testimonies and made determinations about amnesty in individual cases, and the policy was to grant amnesty only in cases where perpetrators fully disclosed information about their involvement in politically-motivated atrocities within a specific time frame (Hayner 2000a; Lansing and King 1998; Slyomovics 2001). In both South Africa and Haiti, victims of human rights violations were given reparations, and perpetrators were subject to employment bans and purges (lustration policies) that kept them out of positions of public trust (Scharf 1999: 512).

TABLE 6.6. CROSS-NATIONAL COMPARISON OF AMNESTIES, 1977-2008**

Country	Year(s)	Sponsor	Truth Commission	Amnesty Details
Spain	1977	Prime Minister		Applies to politically motivated crimes committed before June 15, 1977.
Chile	1979	Legislature	Yes 1990-1991	Passed by previous regime; applies only to 1973-1978.
Brazil	1979	Military Regime	No	Declared by previous government; reaffirmed in 1985.
Zimbabwe	1980	Legislature		Members of security forces and war veterans.
	1988	Legislature	Yes 1985	Political dissidents and violators of human rights since 1980.
Turkey	1983	Former Military Government	No	Introduction of civilian government contingent on immunity of generals.
Argentina	1983	Interim Military Government		Immunity for military and police; repealed in 1983.
	1987	Legislature	Yes 1983-1984	Exempted low-level officers from prosecution ("due obedience" law).
Uruguay	1985	Legislature	Yes 1985	Acts with political motives or in fulfillment of orders; retained 1989 referendum.
Guatemala	1986	Military Regime	Yes 1997-1999	Declared by previous government.
Namibia	1989	Administrator-General		Covers all native-born individuals living outside the country, as well as their families.
	1990	Administrator-General	No	1989 amnesty extended to members of the South African and South-West African military and police who committed offenses in the performance of their duties.
Tunisia	1989	President		Led to the release of thousands of imprisoned activists, including some convicted of plotting against previous president; also exempted some of previous president's closest associates from prosecution.
			No	

Country	Year(s)	Sponsor	Truth Commission	Amnesty Details
Nicaragua	1990	Previous Government	No	Passed by Sandinistas after surprise loss in 1990 election.
São Tomé	1990	President	No	Applies to individuals involved in March 1988 coup attempt.
El Salvador	1991	Negotiating Parties	Yes 1992-1993	Part of negotiated accords.
	1993	Legislature		Passed after publication of truth commission report.
Honduras	1991	Legislature	No	Applies to political crimes committed before the law's enactment; excludes crimes against diplomats.
Lebanon	1991	Legislature	No	Applies to political crimes committed before the law's enactment; excludes crimes against diplomats.
Philippines	1991	President	Yes 1986-1987	Immunity for security forces.
Togo	1991	Government and Opposition	No	Adopted in advance of national conference, primarily to permit return of elites.
Lithuania	1991	Government	No	Available to KGB agents who signed declaration of loyalty or resigned, as well as KGB collaborators who reported to the police.
Cameroon	1992	Legislature	No	Applies to subversion, detention, and offenses of a political nature.
Ghana	1992	Constitution	Yes 2002-2004	Includes provisions pertaining to those involved in past military coups and regimes.
Mozambique	1992	Legislature		Applies to "crimes against the state."
South Africa	1992	Legislature	Yes 1995-2000	Exempted political officials, military, and police from prosecution; superseded by truth commission legislation (1995).
	1995	Legislature		Requires application that provides the "full truth" and proof of a political motive regarding specific gross violations; subject to public hearings, at which the victims or surviving family members had an opportunity to testify and express their views.

Country	Year(s)	Sponsor	Truth Commission	Amnesty Details
Mauritania	1993	Legislature	No	Covers those responsible for killings, torture, and other violence from the period between 1989 and 1992.
Cambodia	1994	Legislature	No	Requires end to membership in Khmer Rouge.
Chad	1994	President	Yes 1990-1992	Applies to everyone except former President Habré.
Haiti	1994	Negotiating Parties	Yes 1995-1996	Part of negotiated accords.
Panama	1995	Legislature	Yes 2001-2002	Applies to crimes against individual freedom and politically motivated offenses.
Peru	1995	Legislature	Yes 2001-2003	Applies to members of security forces; includes pardon for those already convicted.
Sierra Leone	1996	Negotiating Parties	Yes 2003	Exempted members of Revolutionary United Forces from legal action.
	1999	Negotiating Parties		Part of negotiated accords.
Morocco	1998	Government	Yes 2004-2005	Applies to individuals involved in secret detentions, unfair trials, and torture.
Algeria	1999	Legislature	Yes 2003-2005	Requires a formal application from individual seeking amnesty.
	2005	Legislature		Excludes collective massacres, rapes, and use of explosives in public places.
Niger	1999	Constitution	No	Applies to individuals involved in 1996 and 1999 coups.
Uganda	2000	Legislature	Yes 1986-1995	Applies to individuals involved in conflict since 1986, who must apply and demobilize.
Guinea Bissau	2002	President	No	Applies to soldiers involved in plotting 2001 coup.
	2008	Legislature		Applies to coup leaders and political prisoners for crimes committed between 1980 and 2004.

Country	Year(s)	Sponsor	Truth Commission	Amnesty Details
Macedonia	2002	Legislature	No	Applies to ethnic Albanian rebels; excludes crimes already indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY).
Côte d'Ivoire	2003	Negotiating Parties	No	Applies to military personnel accused of threatening state security and to soldiers in exile.
	2003	Legislature		Applies to acts of rebellion; excludes violations of international law.
	2007	President		Applies to crimes against state security; excludes international and economic crimes.
Madagascar	2004	President	No	Applies to individuals sentenced to less than three years imprisonment for offenses during 2002 political crisis, and not found guilty of torture, murder, or corruption.
Liberia	2005	Legislature	Yes 2005-2010	Truth and Reconciliation Commission has discretion to grant amnesty to specific individuals; recommendations binding on the president.
Kenya	2007	Legislature	No	Applies to acts of corruption committed before May 2003.
Democratic Republic of the Congo	2008	Legislature	No	Applies to anyone who has engaged in acts of war and rebellion in eastern provinces.
Iraq	2008	Legislature	No	Intended especially for suspected insurgents in detention.
Central African Republic	2008	Negotiating Parties	Yes 2003-2005	Ex-president Bokassa (sentence previously reduced to life imprisonment).

** Note: This table is an edited version of "Amnesties, Pardons, and Other Limits on Accountability" from Backer (2009) pp. 45-49. Only countries that instituted amnesties are included in this table. An additional column has been added to indicate the countries that adopted truth and reconciliation commissions. The amnesty measures outlined here do not necessarily indicate that amnesty was granted based on recommendations from the truth commissions. The list excludes pardons for former political prisoners that are implemented as a measure of symbolic reparation.

Source: Backer (2009)

6.6 National and International Responses to Truth Commissions

In order to successfully meet the objectives outlined in their mandates, most truth commissions need support from the state, non-governmental domestic actors and international actors. Newly established regimes should allow truth commissions to function independently without concerns about manipulation from the state (Rushton 2006: 129). International backing is also vital for a truth commission to effectively reach its goals, and may come in the form of political, technical, moral, or financial support (González et al. 2014: xiii). The estimated financial cost of establishing a truth commission ranges between US\$5 million and US\$10 million, and often exceeds this amount (OHCHR 2006: 6). International actors including foreign governments, the United Nations, particularly the Office of the United Nations High Commissioner for Human Rights (OHCHR), and international non-governmental organizations have supported the work of different truth commissions around the world in a number of ways. The contributions of international actors have included:

- Providing comparative information on how other truth commissions have operated.
- Introducing a truth commission's members and staff to other staff in truth commissions operating elsewhere, and facilitating an exchange of information and ideas.
- Bringing in experts from past truth commissions to offer their perspectives on lessons learned on operational and policy issues.
- Providing legal analysis and advice pertaining to difficult operational or policy issues related to carrying out the commission's work.
- Providing training to commissioners and other commission staff.

- Providing comparative information that is needed to support a dynamic consultative process, and working closely with national organizations. (OHCHR 2006: 24)

Truth commissions may also receive support from non-profit, non-governmental organizations like the International Center for Transitional Justice (ICTJ). These organizations are involved in conducting research on truth commissions, and are therefore able to act in an advisory role. For example, ICTJ has supported the work of truth commissions in twelve countries, and has advised the truth commission in Morocco, as well as the Greensboro Truth and Reconciliation Commission (an unofficial truth seeking initiative) in Greensboro, North Carolina in the United States.

Truth commissions have sometimes faced backlash from individuals and groups in the military, political sector, or private sector, who are either threatened by the commission's work, or do not view it as a legitimate investigative body. For example in Peru, "the Commission was strongly attacked in the press by those whose interests were most threatened by its strong investigations" (Office of the United Nations High Commissioner for Human Rights 2006: 24). Historically, members of the international community have made decisions to discontinue backing some truth commissions in response to changes in the supporting state's own national policy or some internal crisis (González et al. 2014: xiii). Lack of support for the work of truth commissions has also come from scholars and policymakers who believe that human rights violations should be prosecuted criminally in traditional courts, or by international legal bodies like the International Criminal Court (ICC). The ICC was established as part of an

international effort to address “the persistent climate of impunity” that enabled perpetrators of human rights abuses to get away with their crimes (Robinson 2003: 482). On the other hand, some political commentators have suggested that the International Criminal Court must defer to truth commission initiatives in cases “where such initiatives are legitimate and necessary mechanisms for a transition from repression or violence to a stable democracy” (Robinson 2003: 482). For those who support the International Criminal Court’s approach to dealing with human rights violations, the problem is not with truth and reconciliation efforts per se, “but rather the fact that serious international crimes are going unpunished” (Robinson 2003: 484). Nevertheless, the general consensus remains that in post-conflict, transitional justice societies, support from both domestic and international actors will allow a truth commission to more effectively fulfill its goals as outlined in its mandate.

6.7 Strengths and Weaknesses of Truth and Reconciliation Commissions

The question of how individual states and the international community should address serious human rights violations is a complex and multifaceted one. While criminal prosecution has historically been the norm in the majority of cases, transitional justice mechanisms, like truth commissions, have been instituted around the world as alternatives to traditional retributive justice approaches. Truth commissions have been recommended as alternative responses to criminal prosecutions in post-conflict societies where human rights abuses occurred as

countries were embroiled in “racial, ethnic, class, or ideological conflicts over justice and power” (Niebur 2003: 222). Often, many newly democratic states or transitional governments do not have the “power, popular support, legal tools, or conditions necessary to prosecute effectively” (Landsman 1996: 84). While truth commissions do not have powers of prosecution, they can serve as a signal to the country and to the international community that the new government is breaking away from its history of impunity, and will no longer tolerate blatant disregard for the rule of law (Brahm 2004). Proponents of transitional justice hold that transitional justice mechanisms like truth commissions can offer many important benefits, including “promoting reconciliation and psychological healing, fostering respect for human rights and the rule of law,” and also maintaining peace, stability, and democracy in post-conflict societies (Thoms et al. 2010: 1). Critics, on the other hand, contend that truth-seeking initiatives, which involve identifying perpetrators of human rights abuses, can lead to more conflict and sharpen societal divisions. Furthermore, transitional justice processes can negatively affect peace negotiations, particularly in cases where powerful stakeholders refuse to be part of the negotiations for fear of retribution (Thoms et al. 2010: 2).

Truth commissions are not only mandated to investigate human rights abuses, atrocities and other crimes, but are also required to document the findings of their investigations. These findings are generally released in a report that is made available to the public. Truth commissions are also able to identify victims and perpetrators of human rights abuses. “The record a truth commission can develop is

the most powerful tool available to inoculate society against dictatorial methods” (Landsman 1996: 88). By publicly exposing the truth about human rights abuses that occurred in the past, truth commissions can “provide a deterrent for the future and end collective denial” about a country’s history (Brahm 2004). The legitimacy of truth commissions is rarely called into question because they are official investigative bodies that are created to be impartial, siding with none of the parties involved in the conflict. Furthermore, “since a commission is not necessarily designed to convict anyone, its reports may make a strong claim to impartiality” (Landsman 1996: 88). Through their work, truth commissions can also reinforce respect for the rule of law, because they can be mandated to focus on thoroughly investigating crimes of the past (Landsman 1996: 88).

Although the adoption of truth commissions can offer many benefits during the transitional justice process, truth commissions are not without their problems. Most truth commissions do not have the power to punish perpetrators of human rights abuses, or provide some form of compensation to victims. Furthermore, many truth commissions “have lacked the transparency necessary for a credible proceeding” (Scharf 1996: 376). In some cases, the work of the truth commission can re-traumatize victims of human rights abuses. For some victims, testifying before a truth commission may be therapeutic, while for others it can reopen wounds and trigger post-traumatic stress (Brahm 2004). Furthermore, victims may fear for their safety when testifying before a truth commission. In El Salvador, for example, the commissioners realized that witnesses were unwilling to publicly

testify during Commission hearings because of fears of reprisal. The El Salvador Truth Commission did not have police powers, and was unable to provide significant protection to witnesses or guarantee the confidentiality of their testimonies (Buerghenthal 1994: 511). Obtaining confidential information while protecting witnesses posed some serious challenges for the El Salvador Truth Commission.

Critics of truth commissions have also argued that the reports published by these commissions encourage “premature closure” to complex, long-standing societal conflicts (Phelps 2004: 9). In some senses, truth and reconciliation commissions can be perceived to be “wiping the slate clean” (Brahm 2004). Indeed, there is still debate about the extent to which the work of truth commissions constitutes an erasure of history as opposed to a way to stir a country’s collective memory and create a more complete and accurate narrative about the past. Additionally, most truth commissions have been “woefully underfunded” (Scharf 1996: 376). This makes it difficult for the majority of truth commissions to completely and successfully achieve the objectives outlined in their mandates.

6.8 Summary

A comparative, cross-national approach to examining truth and reconciliation commissions is valuable because the increasing rate of adoption of these commissions around the world in recent decades reveals changing trends in conflict and post-conflict measures that scholars, practitioners, and governments

must carefully consider.¹³ Furthermore, the variety of approaches employed by countries in the establishment of truth and reconciliation commissions as part of the transitional justice process indicates that a one-size-fits all model is not only undesirable, but also impossible to implement. Consequently, in this study, I have found it particularly important to provide some historical analysis of the political contexts of conflicts that lead to the establishment of truth and reconciliation commissions.

In all the cases examined in this work, significant human rights violations have occurred in conflict situations or under authoritarian regimes. In each of the countries highlighted in this chapter, truth and reconciliation commissions were established to investigate these human rights abuses and institute measures to prevent atrocities and violence in the future. Table 6.7 provides information that shows trends in the adoption of truth commissions in countries around the world, and highlights differences in the overall objectives of truth commissions (that is, whether or not achieving reconciliation is specifically noted as an end goal), as well as the different means by which truth commissions are established – whether by law, decree, peace agreement, or some other measure (also see Figure 6.4).

¹³ According to some measures, over 40 truth commissions have been established around the world. Definitional ambiguities about which investigative bodies can be classified as truth commissions means the number of truth commissions can vary depending on the definition used by researchers or policymakers for data collection or compilation of lists of truth commissions. See Appendix C (compiled by Brahm 2009b) for a list that highlights the variations in compilation of truth commission cases in extant literature.

**TABLE 6.7. TRUTH COMMISSIONS CREATED AFTER A TRANSITION, SINCE 1983
(IN CHRONOLOGICAL ORDER, BY DATE OF ESTABLISHMENT)**

Country	Date of Establishment*	Start of Transition	Time Elapsed (Years)	Founding Document	Reconciliation as Goal
Argentina	December 1983	October 1983	0.2	Decree	No
Uruguay (1 of 2)	April 1985	November 1984	0.4	Law	N/A
Chile (1 of 2)	May 1990	December 1989	0.4	Decree	Yes
Chad	December 1990	December 1990	0.1	Decree	No
Germany (1 of 2)	May 1992	August 1990	1.8	Law	No
El Salvador	July 1992	January 1992	0.5	Peace Agreement	Yes
Guatemala	June 1994	June 1994	0	Peace Agreement	No
Haiti	April 1994	July 1994	0.8	Decree	Yes
Germany (2 of 2)	June 1995	August 1990	4.8	Law	No
South Africa	December 1995	April 1994	1.7	Law	Yes
Ecuador (1 of 2)	September 1996	August 1996	0.1	Ministry of Police	N/A
Nigeria	June 1999	February 1999	0.4	Decree; Statutes	No
Sierra Leone	February 2000	July 1999	0.6	Peace Agreement **	Yes
Uruguay (2 of 2)	August 2000	November 1984	15.8	Decree	No
South Korea (1 of 2)	October 2000	June 1987	12.3	Decree	N/A
Panama	January 2001	December 1989	10.2	Decree	No
Peru	June 1	November 2000	0.6	Decree	Yes
Ghana	January 2002	January 1993	9.0	Law	Yes
East Timor	February 2002	August 1999	2.5	UN Mission	Yes
Congo	July 2003	December 2002	0.6	Peace Agreement	Yes

Country	Date of Establishment*	Start of Transition	Time Elapsed (Years)	Founding Document	Reconciliation as Goal
Chile (2 of 2)	September 2003	December 1989	13.8	Decree	No
Paraguay	October 2003	February 1989	14.7	Law	No
Morocco	April 2004	July 1999	4.8	Royal Decree**	Yes
South Korea (2 of 2)	May 2005	June 1987	17.9	Law	Yes
Liberia	February 2006	August 2003	2.3	Peace Agreement**	Yes
Ecuador (2 of 2)	May 2007	January 2007	0.4	Decree	No
Solomon Islands	August 2008	October 2000	7.8	Law	Yes
Kenya	October 2008	December 2002	5.8	Peace Agreement	Yes
Togo	February 2009	February 2005	4.0	Decree	Yes
Honduras	April 2010	October 2009	0.5	Decree	Yes
Thailand	July 2010	December 2007	2.6	Decree	Yes
Cote d'Ivoire	July 2011	April 2011	0.3	Decree	Yes
Brazil	November 2011	October 1988	22.1	Law	Yes

* By Law/Decree or Date of Operation if Before Law/Decree

**Followed by Legislation

Source: González (2014)

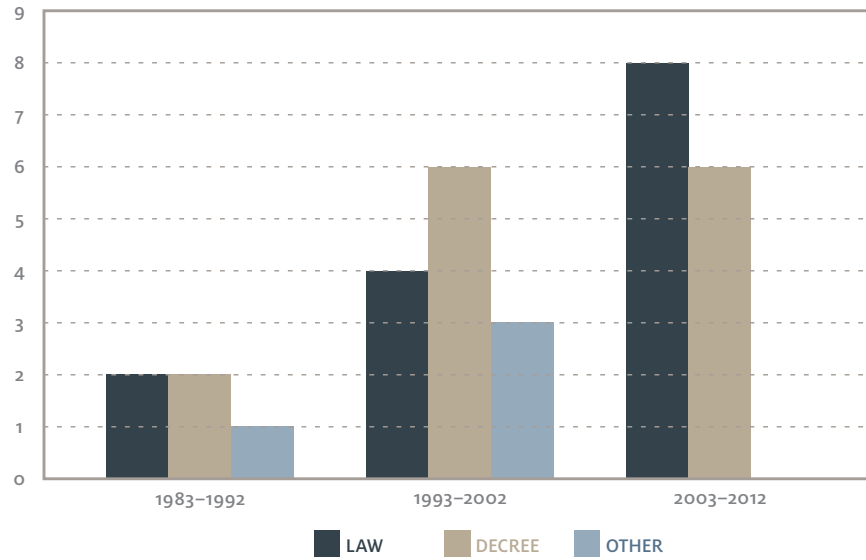


Figure 6.4. Means of Establishing a Truth Commission, By Decade ¹⁴

¹⁴ Source: González (2014)

PART III

“Though conflicts end and guns are silenced, the memories of pain persist. Victims and survivors of gross human rights violations continue to carry scars on their bodies or wounds in their souls. Their agony is intensified when perpetrators deny their guilt or try to trivialize the severity of the violation that they have inflicted... Many so-called democracies have skeletons in their closets. There are several historical acts of national shame that will not go away until the wounds are cut open and addressed, not to seek vengeance, but understanding, not for retaliation but for reparation, not to victimize perpetrators but to heal wounded memories.”¹

– Bongani Finca, Commissioner, South African Truth and Reconciliation Commission

CHAPTER 7. TOWARDS A NEW CONCEPT OF JUSTICE AND RECONCILIATION

7.1 Review of Quantitative Analysis

Quantitative analysis is important in research on truth and reconciliation commissions because it enables us to make more rigorous assessments about commonly held assumptions related to the effects of truth commission establishment, as well as understand the political conditions under which truth commissions are more likely to be adopted. From the empirical analysis of truth commission indicators based on key dependent and independent variables that are evaluated in Chapter 5, the following observations are clear. Given the deficiencies and limitations in the amount and type of data that is currently available on truth and reconciliation commissions, I have to take a precautionary approach when interpreting the results from the statistical analysis. As such, the design of my study and the methods used to establish internal and external validity will be reassessed

¹ Quote from Bongani Finca’s foreword to *Learning from Greensboro: Truth and Reconciliation in the United States* (2008) by Lisa Magarrell and Joya Wesley.

as more data is collected and analysis is done to expand upon this work. In light of this, there are important constraints on the generalizability of my findings that cannot be ignored.

In this work, I present ten hypotheses in order to evaluate the relationships between a number of variables that represent truth commission effectiveness, human rights, and democracy. None of the statistical tests achieve statistical significance; however, by interpreting the signs of the coefficients and analyzing the variables at lower confidence intervals, I am able to observe some interesting trends, even without making definitive judgments about correlations between different variables. Nonetheless, the analytical methodologies used in this work are clearly useful for evaluating different truth commission indicators. Thus, the value of conducting more comparative empirical studies such as this one cannot be negated. As more data on truth and reconciliation commissions becomes available, we can be able to predict, with more confidence, the effects of different factors on the effectiveness of truth commissions and other transitional justice mechanisms.

In previous chapters, I have discussed the difficulty in developing measures that accurately gauge truth commission success or effectiveness. Scholars and practitioners agree that each truth commission can only be evaluated on its own terms. In other words, a truth commission can be described as effective if it is able to achieve the objectives that it has outlined in its own mandate. In this study, truth commission effectiveness is evaluated based on an aggregate measure, the Truth Commission Effectiveness Index (TCEI) that is constructed from five key variables.

In addition to a measure of this type, a new index could be constructed from the qualitative analysis of truth commission final reports to determine the extent to which each truth commission is able to achieve its stated goals and objectives. Media reports and public opinion polls could also be used to assess perceptions of truth commission effectiveness among the general public. An important caveat that must be noted here is that if public opinion polls are used to evaluate truth commissions, a temporal variable to measure success or effectiveness must be considered. Data on public perceptions of, and feelings about, truth commissions can reveal varying levels of support at different times, depending on when public opinion polls are conducted.

7.2 Discussion of Qualitative Analysis

In Chapter 6, I use a qualitative research approach to examine 32 different case studies ($n = 32$). The 32 cases considered represent 32 countries, and provide background information about the history and political context in which 70 different truth commissions were established.² Truth and reconciliation projects are established based on the philosophy that “confronting and reckoning with the past is necessary for successful transitions from conflict, resentment and tension to peace and connectedness” (Greensboro Truth and Reconciliation Commission 2016b). Table 7.1 includes a comparative assessment of national truth commissions

² A brief note on case selection. The 32 case studies were selected because they correspond with the 70 truth commissions for which data is available from the Transitional Justice Research Collaborative (TJRC). Each truth commission is represented in one of the case studies. In some countries, more than one truth commission was established.

around the world. Using data from the Transitional Justice Research Collaborative (TJRC) truth commission dataset, I have evaluated 70 truth commissions based on 22 different indicators.

Truth commissions can be authorized or set up under the directive of different kinds of political institutions. Truth commissions can be sanctioned by domestic or international actors, and in some cases the commissions are set up following collaborative efforts between domestic and international actors. 87 percent of the truth commissions in the sample were initiated by domestic actors. 61 percent of domestic truth commissions (that is, truth commissions initiated by domestic actors) were created through presidential decree or legislation (or by a head of state such as a prime minister or monarch), 29 percent of truth commissions in the sample were initiated by a legislative body, and only one truth commission – Zambia’s Human Rights Commission of Inquiry (Munyama Human Rights Commission) – was established following directives from the judiciary. Additionally, 14 percent of the truth commissions from the sample were initiated by international actors, while about 6 percent of the truth commissions can be described as hybrid commissions; in other words, these are truth commissions that were initiated because of efforts from both domestic and international actors. Hybrid truth commissions have been established in Nigeria, Grenada, Sierra Leone and Uruguay (Investigative Commission on the Kidnapping and Assassination of Former National Representatives Zelmar Michelini and Hector Gutierrez-Ruiz).

Scholars and policymakers generally agree that truth commissions should be established during, or soon after, democratic transitions in order to facilitate the process of democratic consolidation. Only about 21 percent of the truth commissions in the sample were established within five years of a democratic transition. The timeframe for truth commission establishment is important, because as time passes witnesses may forget key details about events. In cases where truth commissions are established decades after the political transition, there may be no witnesses to give testimony before the commission. Furthermore, it may be more difficult to collect evidence after a long period of time has passed (Brahm 2004).

Countries generally establish truth and reconciliation commissions to address issues related to broad patterns of human rights violations rather than focusing on a single event. An important goal of the work of truth commissions is to understand why crimes occurred and then determine what measures can be put in place to prevent future atrocities from taking place (Schmid 2012: 2). The vast majority of truth commissions in the sample, 90 percent, were established to specifically investigate a systematic pattern of abuses or a series of gross human rights violations. As Hayner (1996b) notes, “it is far preferred that a commission’s mandate does not list specific events to be investigated, instead using more general language to allow the commission to shape its investigations and report around the facts and patterns revealed” (179). In terms of the types of crimes that different truth commissions focused on examining, 49 percent of the truth commissions investigated forced disappearances, 64 percent investigated murders and extra-

judicial killings, and approximately 33 percent of truth commissions investigated reports of torture. Only about 29 percent of the truth commissions in the sample could be classified as having broad mandates. For the purpose of this study, I describe a truth commission's mandate as being broad if the mandate expressly covered the investigation of more than one kind of crime; this implies that the commission's mandate covered the investigation of disappearances, death, torture, or at least two of these crimes in addition to another type of crime.

Truth commissions can also be classified by taking into account the total number of victims of human rights violations that are included in the individual commission's investigations. 34 percent of the truth commissions in the sample focused on examining abuses in which there were less than 1,000 victims, 26 percent of truth commissions focused on conflicts in which there had been between 1,001 and 10,000 victims, and 14 percent of the truth commissions investigated human rights violations in which over 10,000 people had been victimized. While the ratio of deaths to population may be a more meaningful measurement and accurate way of assessing levels of state-sponsored violence, in this study I simply consider base numbers that are consistent with commonly used cut-off points for evaluating conflict intensity. For example, less violent conflicts are those in which there are less than 25 conflict-related deaths per year, conflicts in which there are between 25 and 1000 deaths are categorized as more violent, and conflicts with over 1,000 casualties are described as very violent (Skaar et al. 2015: 36).

The global trend in truth commission adoption is not uniform. More truth commissions have been established in Africa and South America than in other regions of the world. The global distribution of truth commissions considered in this work is as follows: Africa \approx 38 percent; South America \approx 21 percent; East and South East Asia \approx 18 percent; South Asia \approx 6 percent; Europe \approx 6 percent; Central America and the Caribbean \approx 12 percent. In a study of the political determinants of the onset of truth and reconciliation commissions, Dancy and Poe (2006) find evidence of regional diffusion, but no support for a norm of global truth commission diffusion. This means that truth commissions are most likely to be established in neighboring countries in the same geographical region. Furthermore, truth commissions in the same geographical region often have similar structural frameworks or models. Sikkink (2008) also provides support for the notion of truth commission diffusion. "While the explanations for this regional concentration is unclear, it appears that the diffusion of ideas and practices is more fluid in regions than between regions. The Argentine truth commission was especially influential in the Americas, and the South African truth commission appears to have had the same catalyst effect in Africa" (Sikkink 2008: 8).

As truth commissions work to create stable societies and promote peace, justice, and reconciliation, they not only have to provide a platform to give a voice to the victims of human rights abuses, but they also have to determine how they will deal with the perpetrators of violence. In the aftermath of the demise of authoritarian regimes, repression, political conflict, or civil unrest, societies often

have to deal with the fact that the fate of many victims is undetermined, and only the perpetrators of human rights violations know the complete truth about what happened to the victims. Victims, their families, and the entire community have the right to know the truth about circumstances surrounding forced disappearances, murders, torture, and other atrocities (González and Varney 2013). Truth commissions are responsible for uncovering the truth and they have to put measures in place to encourage perpetrators to testify. Given the importance of perpetrator testimony, it is interesting to observe from the data that perpetrators gave written or verbal testimony before truth commissions in only 36 percent of truth commissions in the sample. Additionally, 36 percent of truth commissions published perpetrators' names in their final report, and 33 percent of the truth commissions supported prosecution of perpetrators of atrocities.

Truth commissions must be proactive about providing information about the truth and reconciliation process to victims, witnesses, and the general public so that the entire community will have full confidence in the restorative justice process. Among other things, "interaction with the community may be fostered through town hall-style meetings, internet resources, rural fairs, radio programs, and cultural activities" (González and Varney 2013: 49). 63 percent of the truth commissions in the sample actively encouraged participation from members of the community, and in 31 percent of the cases, testimony before the truth commission – from victims, perpetrators, and witnesses – was made public.

It is important that truth commissions document and publicize their work by writing and publishing a final report, which includes major findings from their investigations as well as policy recommendations. Widely disseminating the final report among the public becomes a way of ensuring that accurate historical narratives become a part of the community. Truth commission reports attempt “to provide clearer, more complete, and more easily understandable information on the facts than what is currently available to the public, in a format that can serve as a reference for years to come” (Magarrell and Wesley 2008: 118). Consequently, apart from publishing and distributing a final report, measures should be put in place to store and preserve archives and other relevant information that is connected to the work of the truth commission (Hayner 1996b: 174). Of the 70 truth commissions evaluated, only about 77 percent of the commissions issued a final report, and of the truth commissions that were mandated to document the work of the commission in a final report, approximately 69 percent made the report available to the public.

In the TJRC dataset, information about public opinion polls is available for only four of the 70 truth commissions in the sample: The Lebanese-Syrian Commission (Lebanon), the International Independent Investigation Commission Established Pursuant to Security Council Resolution 1595 (Lebanon), the Truth and Reconciliation Commission of Sierra Leone, and Commission on the Truth for El Salvador. In Sierra Leone, for example, a poll was conducted to gauge public opinion about the functions and structure of the Sierra Leone Truth and Reconciliation Commission even before it began its official operations.

TABLE 7.1. COMPARATIVE SUMMARY OF TRUTH COMMISSIONS

Truth Commission Indicators	Number (N = 70)	Percentage (%)
Truth commissions initiated by domestic actors	61	87.14
Domestic truth commissions initiated by the Executive branch of government (president, or other head of state)	43	61.43
Domestic truth commissions initiated by the Legislature	20	28.5
Domestic truth commissions initiated by the Judiciary	1	1.43
Truth commissions initiated by international actors	10	14.29
Hybrid truth commissions; initiated by domestic and international actors	4	5.71
Truth commissions established within 5 years of a democratic transition	15	21.43
Truth commissions that investigated a pattern of abuses	63	90.00
Truth commissions that investigated disappearances	34	48.57
Truth commissions that investigated death (murders, extra-judicial killings)	45	64.29
Truth commissions that investigated torture	23	32.86
Truth commissions with broad mandates (covered disappearances, death, torture, or at least two of these crimes and other types of crime)	20	28.57
Truth commissions categorized by number of victims:		
1 to 1,000 victims	24	34.29
1,001 to 10,000 victims	18	25.71
Over 10,000 victims	10	14.29
Perpetrators gave written or verbal testimony before truth commission	25	35.71
Truth commissions that encouraged community participation	44	62.86
Testimony from truth commissions were made public	22	31.43
Truth commissions that issued a final report	54	77.14
Perpetrators names were published in the final report	25	35.71
Final report was made publicly available	48	68.57
Truth commissions that supported prosecution of perpetrators	23	32.86
Commissioner count:		
Truth commissions with 1 to 5 commissioners	23	32.86
Truth commissions with 6 to 10 commissioners	28	40.00
Truth commissions with more than 10 commissioners	16	22.86
Truth commissions for which there are public opinion polls	4	5.71

7.3 Reconciliatory Democratization Paradigm in Comparative Perspective

In Chapter 2, I describe a theoretical framework for examining the political processes that must be in place in order for democratic transformation to occur in countries that have histories of civil conflict and gross human rights violations. The reconciliatory democratization paradigm is especially useful for qualitative analysis of truth commissions, because it outlines key indicators that must be considered when attempting to make critical assessments about the transitional justice process.

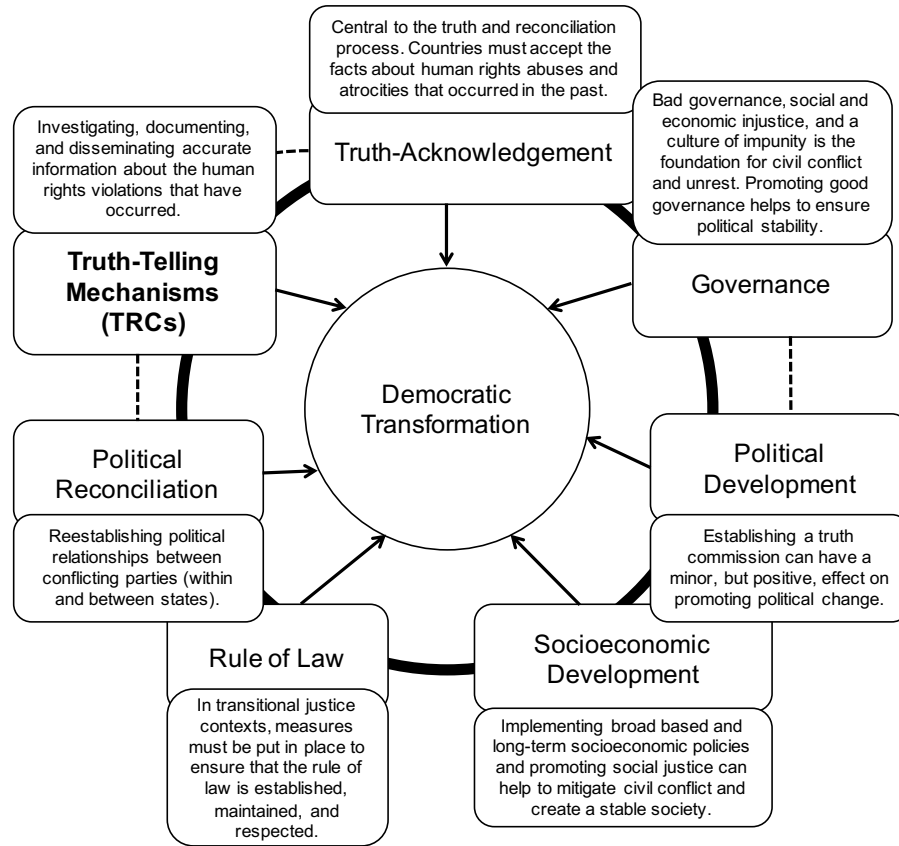


Figure 7.1. Reconciliatory Democratization Model -- Explained

When discussing transitional justice and its associated mechanisms, it is important to look beyond simply examining the factors at play during political transitions, and also focus on the elements that are needed for democratic transformation to occur in a society. In countries with a history of unrest, civil conflict, and political instability, the process of democratic consolidation is directly tied to democratic transformation. Democratic transformation can be a very difficult undertaking. Figure 7.1 is a representation of the reconciliatory democratization paradigm, and shows how the truth and reconciliation process is directly tied to democratic transformation in countries that have a history of violence and serious human rights violations. In Chapter 6, I provide case studies that include country profiles that outline the history of the conflicts in all the countries in which truth commissions have been established. With the reconciliatory democratization paradigm, I use the case studies to make comparisons about the possibility of democratic transformation after a period of conflict in the different countries that have adopted truth commissions by focusing on seven important indices: governance, political development, socioeconomic development, rule of law, truth-telling (via mechanisms like truth commissions or commissions of inquiry), and truth-acknowledgment.

As the case studies in Chapter 6 indicate, protracted civil conflict and gross human rights violations occur as a result of the breakdown in the rule of law. In many situations, power struggles that were directly tied to racial or ethnic tensions led to serious violence, such as was the case in South Africa, Uganda, Sri Lanka,

Burundi, Nigeria, Serbia and Montenegro, the Central African Republic, the Democratic Republic of Congo, and Liberia. Furthermore, a running thread that is apparent from many of the case studies is the significant level of political instability that led to the assassination or ousting of heads of state. In several countries, including Chile, Uganda, Argentina, Chad, Haiti, Nigeria, South Korea, Panama, Ghana, Sierra Leone, Central African Republic, the Democratic Republic of Congo, Paraguay, and Liberia, the heads of state were deposed in coup d'états. In situations like these, democracy becomes fragile or completely collapses.

In order for democratic transformation to occur, good governance must be a priority for political leaders. Good governance is foundational to political stability in any nation. "To a large extent, democracy and good governance are two complementary and interdependent concepts" (Santiso 2001: 11). The state must take primary responsibility for strengthening civil society, and promoting and protecting the interests of all citizens. Good governance encompasses a number of significant social, economic, and political elements, namely:

Full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, and efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance. (OHCHR 2016)

Political development and socioeconomic development are directly tied to issues of good governance. Implementing broad-based and long-term socioeconomic policies and promoting social justice can help to mitigate civil conflict and create a stable

society. Political institutions must work to promote the rights and interests of disadvantaged populations and marginalized groups. In South Africa, for example, the system of apartheid was based on a struggle for political and economic power, which was driven by racist ideologies. Thus, beyond establishing a truth commission to promote healing and reconciliation in the country, it was important for South Africa's newly established Government of National Unity to directly address the economic repression facing so many of its citizens, even as it focused on political reconciliation.

In several of the countries in which truth commissions were established, civil conflict escalated due to ethnic tensions because minority groups did not believe that their political and economic interests were adequately represented. For example, in the case of Uganda, Idi Amin's regime was characterized by ethnic violence and economic instability; in Bolivia, Luis García Meza Tejada's regime was marred by economic mismanagement and instability; in Argentina, Reynaldo Benito Bignone's regime faced severe economic crisis; after World War II, people in the eastern zone of Germany, which was controlled by the Socialist Unity Party (SED), had severely restricted economic freedoms; and in Peru, the Shining Path (a Maoist guerilla group) began a violent uprising to protest widespread social and economic inequalities. As several of the case studies indicate, in many countries, economic crises played a central role in the political instability that led to civil conflict.

Reconciliation involves telling the truth about the past, putting in place measures to restore communities, and creating “a society within which the chances of reoccurrence of the kinds of gross human rights violations that occurred in the past are reduced to a minimum” (Henrard 2002: 18). By extension, political reconciliation is connected to truth-telling and truth-acknowledgment in the political sphere, so that the political relationships between all conflicting groups can be reestablished, and all political groups can work together to promote positive political change. The reconciliatory democratization paradigm also highlights how truth-telling and truth-acknowledgement, which are central to the truth and reconciliation process, are important for democratic transformation.

While the reconciliatory democratization paradigm is presented in this work primarily as a theoretical framework through which some qualitative comparisons can be made about factors that will affect democratic transformation in post-conflict societies, the paradigm can also be used as the foundation for quantitative studies. Using quantitative analytical techniques, each truth commission could be assessed on the different elements of the paradigm, and predictions can be made and conclusions drawn about the relationships between the seven indicators that make up the reconciliatory democratization paradigm framework.

7.4 Focusing on Race and Racism: Comparing the South African Truth and Reconciliation Commission and the Greensboro Truth and Reconciliation Commission

In Chapter 2, I discuss why referencing the concept of group identity is important in research on truth and reconciliation projects. For the majority of countries with truth and reconciliation commissions, ethnic tensions played a significant role in civil conflict. In South Africa, however, racism was at the crux of the oppressive apartheid government. The South African Truth and Reconciliation Commission, arguably the most well-known truth and reconciliation project, focused on atrocities connected to racial violence. A decade later, grassroots efforts led to the establishment of a truth and reconciliation commission in Greensboro, North Carolina in the United States. Since the Greensboro Truth and Reconciliation Commission was modeled after the South African TRC, I find it useful to discuss how these two commissions addressed issues of race and racism.

While a national, government-sponsored truth commission has never been established in the United States, several truth commissions, commissions of inquiry, and truth projects have been adopted at the local level in several parts of the country; namely the Greensboro Truth and Reconciliation Commission (GTRC), the Mississippi Truth Project (MTP), the Winter Soldier Investigation,³ the 1898 Wilmington Race Riot Commission, the 1921 Tulsa Race Riot Commission, the

³ The Winter Soldier Investigation was a three-day media event held in Detroit in 1971. The event was sponsored by the Vietnam Veterans Against the War (VVAW) to publicize war crimes and human rights violations by the United States Armed Forces and their allies during the Vietnam War. Over one hundred Vietnam War veterans testified during the event.

Rosewood Massacre Commission,⁴ Brown University Steering Committee on Slavery and Justice, Boston's Union of Minority Neighborhoods,⁵ and The Housing Project: Truth and Justice⁶ (The Civil Rights and Restorative Justice Project 2016). The Greensboro Truth and Reconciliation Commission is the first truth commission of its kind to be established in the United States. The story behind the adoption of the GTRC mirrors the experiences of other truth commissions.

The Greensboro Truth and Reconciliation Commission was purposefully modeled on the work of the South African Truth and Reconciliation Commission and other truth commissions in countries around the world that were seeking to address legacies of human rights abuses. "Its proponents argued that a U.S. city could learn something from the global South about the value of revealing and acknowledging the truth about political violence" (Magarrell and Wesley 2008: 4). The Greensboro Truth and Reconciliation Commission spent more than two years conducting investigations, uncovering information, reviewing documents, and listening to testimonies as part of its truth and reconciliation process to address the causes and consequences of the 1979 Greensboro shootings.

⁴ The Rosewood Massacre Commission was created in 1993 to document the history of the violent, racially motivated destruction of the town of Rosewood in Levy County, Florida, and the murder of six of its Black citizens in January 1923.

⁵ Boston's Union of Minority Neighborhoods is a truth project developed through the collaborative efforts of The Civil Rights and Restorative Justice Clinic (Northeastern University School of Law) and the Boston Busing/Desegregation Project (BBDP). This community-driven truth process seeks to document and share the history of busing and school desegregation in Boston.

⁶ The Housing Project: Truth and Justice is a three-phase truth project that was implemented to educate the public about racial inequalities and segregation in Detroit's housing system due to the policies of the Federal Housing Administration (FHA). The project began in 2009, with the first phase involving a mock trial, the second phase focusing on the creation of a truth commission, and the third phase using the findings of the truth commission to implement housing policy changes in Detroit.

7.4.1 Background

To present a comprehensive, comparative description of the similarities and differences between the South African Truth and Reconciliation Commission and the Greensboro Truth and Reconciliation Commission, I first consider the sociopolitical contexts in which both commissions were established. In Chapter 2 and Chapter 6, I have provided a broad overview of the history of the South African truth and reconciliation process, and will, therefore, only briefly mention that history in this section. The circumstances surrounding the creation of the Greensboro Truth and Reconciliation Commission are described in greater detail.

The South African Truth and Reconciliation Commission is the direct product of political compromises and negotiations. South Africa's truth commission, established by the Government of National Unity, was instituted soon after the end of apartheid to enable the country to address and document the truth about the brutal violence and human rights violations that had occurred under the apartheid regime. "South Africa's mostly peaceful transition from a racist authoritarian state to a multicultural democracy stands as one of the most surprising political developments of the twentieth century" (Gibson 2015). Dullah Omar, South Africa's former Minister of Justice, remarked that the South African TRC was "a necessary exercise to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation" (Department of Justice and Constitutional Development 2009). In 1990, then president F.W. de Klerk, ended the ban on anti-apartheid and liberation movements in South Africa, lifted the

state of emergency in the country, and took part in negotiations that led to the release of Nelson Mandela from prison. The negotiations also culminated in South Africa's first democratic elections in 1994, and the establishment of an interim constitution, which included provisions for amnesty for some criminal actions of government officials during the apartheid era. "The strength of the amnesty deal was that it was part of a package of initiatives contained in the interim constitution that set the country on the road to becoming a democratic, constitutional state" (Tutu 2016). The primary focus of the South African Truth and Reconciliation Commission was to allow the victims to tell their stories. South Africa's truth commission was also mandated with granting amnesty, investigating and documenting a historical record of the human rights abuses that had occurred, drafting a reparations policy, and providing recommendations of measures that the government could put in place to prevent human rights violations in the future (Tutu 2016).

The Greensboro Truth and Reconciliation Commission (GTRC) was established to investigate the "context, causes, sequence, and consequences" of issues surrounding state responsibility and government involvement in the 1979 Greensboro massacre. It is the first truth and reconciliation commission to be created and operated solely by community organizations (Androff 2010: 269). In its mandate, the GTRC was charged with seeking and documenting the truth in order to foster healing and reconciliation in the community. Magarrell and Wesley (2008) note that the residents of Greensboro who were not directly connected to the

massacre in some way, or who had not been present at the rally where the shootings occurred, “were caught between the conflicting tales, usually crafting their own personal stories, choosing among the many facts, myths, half-truths, and outright lies floating around about the incident” (18). Thus, one of the primary objectives of the GTRC was establishing the truth and documenting the facts about what had occurred in Greensboro on November 3, 1979.

Unlike most truth commissions which are tasked with examining a systematic pattern of human rights violations, the Greensboro Truth and Reconciliation Commission was mandated to investigate a single event – the Greensboro massacre. The GTRC did, however, consider the widespread consequences of the massacre. Two other important distinctions between the GTRC and other truth commissions examined in this study is that the Greensboro truth and reconciliation process had grassroots origins, and the commission operated in a stable democracy, rather than during a transition to democracy, or following some type of civil conflict (Magarrell and Wesley 2008: 40).

On November 3, 1979, a coalition of people gathered in a low-income, Black neighborhood in Greensboro, North Carolina as part of a rally to protest racial and economic injustice in the city. The rally was planned by the Communist Workers Party (CWP), which had been organizing Black industrial workers in the community. Many people had come from neighboring communities to support the cause. A nine-car caravan of White supremacists, members of the Ku Klux Klan and the American Nazi Party, confronted the protestors who were preparing for the “Death to the Klan”

rally in the Morningside Homes public housing community of Greensboro. Five demonstrators were killed and at least ten others were wounded. As the White supremacists shot into the crowd, the entire incident was captured by four local television news crews. While a total of forty Klansmen and neo-Nazis were involved in the shootings, sixteen out of that number were arrested, and only five Klansmen were charged with murder. Despite eyewitness accounts and videotaped evidence of the murders, the Klansmen and neo-Nazis claimed self-defense in two separate criminal trials and were acquitted of all charges by all-White juries. During a third civil trial in 1985, the Greensboro Police Department, and the Klan and Nazi members were found liable for one of the deaths (Jovanovic 2006: 3).

Survivors of the Greensboro massacre had noted their surprise at the lack of police presence at the demonstration on that fateful day in 1979. "Although they were keenly aware of the injustices that had plagued the lives of poor people and workers in their central North Carolina communities, they still were naïvely surprised by the absence of the police" (Magarrell and Wesley 2008: 13). The protestors and the members of the Greensboro community had expected some level of police presence and protection that day, since police had been present at similar rallies to monitor and prevent the outbreak of any violence.

The main similarity between the Greensboro Truth and Reconciliation Commission and the South African Truth and Reconciliation Commission is the focus on addressing human rights violations that are directly tied to racially-motivated violence. With this strong focus on transforming race relations and promoting

community reconciliation efforts, the GTRC and the South African TRC are valuable frameworks for considering what factors affect truth commission effectiveness in locales in which issues of group identity, specifically as they relate to race relations, are center stage. Both truth commissions also focused on implementing restorative justice measures. Some existing studies have provided evidence that both truth commissions facilitated processes of reconciliation. Using an exploratory qualitative research methodology that included in-depth interviews with victims of the Greensboro massacre, Androff (2010) found that in Greensboro, North Carolina, the work of the GTRC contributed to interpersonal reconciliation among the victims of the Greensboro massacre who participated in the city's truth and reconciliation process. Similarly, South Africa's truth and reconciliation project had a positive effect on promoting reconciliation in the country after the end of apartheid. Gibson (2004a) uses survey data to examine if knowledge about the truth about the past can lead to reconciliation in the future, and found that individuals who accepted the truth about South Africa's apartheid past were more likely to hold reconciled racial attitudes.

7.4.2 Process of Establishing the the GTRC and South African TRC

Over twenty years after the 1979 Greensboro massacre, a group of survivors and other Greensboro residents gathered to discuss the legacy of racism in their community. They recognized that many of the unresolved problems in Greensboro – including racism, anti-Semitism, poverty and labor struggles – were linked to the

1979 tragedy (Greensboro Truth and Reconciliation Commission 2016a). “Activities commemorating the twentieth anniversary of the shooting led the survivors to decide that an effort was needed to recover more of the truth and to find a way to make the truth more widely felt and understood in Greensboro” (Magarrell and Wesley 2008: 44). After receiving a grant from the Andrus Family Fund, the Beloved Community Center of Greensboro and the Greensboro Justice Fund collaborated with the International Center for Transitional Justice (ICTJ) to initiate the Greensboro Truth and Community Reconciliation Project (GTCRP), which later led to the creation of the Greensboro Truth and Reconciliation Commission. The GTCRP was invested in challenging the deep untruths and information that had been spread in the community about the 1979 massacre.

The commission interviewed survivors, contemporaries and witnesses, police, judges and lawyers, former Klansmen and Nazis, and held public hearings. In May 2006, the Commission presented its final report on the events of 1979, and their causes and consequences. The Commission found that the decision of the police to stay away was a critical factor in the violent outcome, that juries unrepresentative of the community contributed to impunity for the killings, and that the police department and key city managers “deliberately misled” the public about what had happened in order to shift responsibility away from the police. (International Center for Transitional Justice 2016)

Greensboro’s truth and reconciliation process was a painful, but liberating process for many of the individuals who participated. The GTRC conducted public hearings, put in place community forums, took statements from survivors and witnesses, and released a report of its findings in 2006.

The South African Truth and Reconciliation Commission was set up under the Promotion of National Unity and Reconciliation Act, No. 34 of 1995. The Commission was based in Cape Town, and was mandated to investigate and record information about human rights abuses that occurred during the apartheid era. Unfortunately, the truth and reconciliation commission did not focus on the crime of apartheid itself. The TRC began its hearings in April 1996 and officially concluded its operations in July 1998. Along with thousands of ordinary citizens, numerous high level political officials, including former president F.W. de Klerk and Winnie Madikizela-Mandela, provided testimony before the South African TRC. The Commission publicly released a report of its findings in October 1998, despite last minute attempts by the African National Congress (ANC) to prevent publication of the report (BBC News 1998).⁷

Both the South African Truth and Reconciliation Commission and the Greensboro Truth and Reconciliation Commission successfully created platforms in which survivors, the families of victims, perpetrators of violence, witnesses, and other community members could openly discuss the human rights abuses that had occurred. Community healing and restorative justice were core objectives of the South African TRC and the GTRC, and both truth commissions also encouraged community members to participate in truth and reconciliation efforts. Neither

⁷ The ANC was concerned about certain sections of the report that implicated the party in human rights abuses during the apartheid era.

commission had the power to prosecute perpetrators for their involvement in committing human rights abuses.

An important distinction between the two commissions, however, is the fact that the GTRC did not have powers to subpoena individuals to testify before the Commission, and it also did not have the power to grant amnesty for crimes committed. Another important point of note is the fact that the GTRC was mandated to investigate a single historical event, while the South African TRC was mandated to investigate a pattern abuses over a long period of time. The South African TRC received over 7,000 applications for amnesty, held more than 2,500 amnesty hearings, and granted amnesty to only about 21 percent of perpetrators who submitted applications (Tutu 2016).

7.4.3 Funding: National and International Support

Truth and reconciliation commissions rely on support from national and international actors in order to carry out their duties. Since the majority of truth commissions are officially sanctioned by the state, they have a direct connection to the government in terms of financial backing, as well as technical and logistic support. For example, in addition to assistance from the South African government, the South African Truth and Reconciliation Commission also received a lot of international support. The TRC had an annual budget of about US\$18 million that was funded by money from South African taxpayers and foreign donors (Legal Information Institute 2016). Foreign donors did not play a direct role in the

formation of the South African TRC, but they widely approved the Commission's mandate. For those who had supported the anti-apartheid movement, supporting the work of the South African Truth and Reconciliation Commission was a natural follow-up and an important step to ensuring that democratic consolidation occurred in South Africa (McPherson 2001). Aud Marit Wiig, a Norwegian donor representative, noted that providing financial support to the TRC "was seen as a continuation of the struggle" (McPherson 2001). Although the United Nations had played an instrumental role in fighting human rights abuses under the apartheid regime in South Africa, it did not play a significant role in the truth and reconciliation process in terms of providing financial support. Nevertheless, the United Nations, along with international NGOs like Amnesty International, supported the work of the TRC from the sidelines.

As an unofficial truth seeking project, the Greensboro Truth and Reconciliation Commission did not have direct support from the U.S. Federal Government or state institutions in North Carolina. In fact, some commentators have suggested that there is evidence that points to state involvement in, and cover-up of, the 1979 massacre. Thus, government officials would have no interest in supporting an investigative body that was looking into the events that led up to the Greensboro Massacre. The Greensboro Truth and Reconciliation Commission was funded through a combination of foundation grants and private donations. Over the course of its operations, the total cost of the GTRC was around US\$437,000. A significant portion of the funds came from the JEHT Foundation and the Andrus

Family Fund (AFF), 13 percent of funding came from regional donors, and another 8 percent came from grassroots donors (Magarrell and Wesley 2008: 74). The International Center for Transitional Justice (ICTJ) provided invaluable technical support to the GTRC, and the Commission's work was also supported by "a dedicated core of volunteers and interns" (Magarrell and Wesley 2008: 76). Comparing the budget and funding sources of the Greensboro Truth and Reconciliation Commission and the South African Truth and Reconciliation Commission reveals that, regardless of the size of a truth commission, financial and technical support are crucial elements for a truth commission's success.

7.4.4 Truth Commissioners

Peter Storey, who was Nelson Mandela's prison chaplain, and appointed by President Mandela to help in the selection process of commissioners for the South African Truth and Reconciliation Commission, notes that "to get a commission that has broad acceptance, you have to involve the widest number of different constituencies, but the problem is where and how to involve them" (Magarrell and Wesley 2008: 57). Seventeen truth commissioners – nine men and eight women – served on the South African TRC. Archbishop Desmond Tutu served as chair of the commission. "The commissioners were selected through an open countrywide nomination process and publicly interviewed by an independent selection panel comprising representatives of all political parties, civil society, and the religious bodies in the country" (Tutu 2016). The work of the commissioners was supported

by approximately 300 staff members. The commission was divided into three separate committees: The Human Rights Violations (HRV) Committee, Amnesty Committee, and the Reparations and Rehabilitations (R&R) Committee.

The Greensboro Truth and Reconciliation Commission had seven highly qualified individuals – two men and five women – serving as commissioners. The commissioners were a diverse group that represented the various stakeholders in the Greensboro community. Three of the commissioners were Black, another three were White, and one was South Asian (Magarrell and Wesley 2008: 65). The commissioners were appointed after a community-wide nomination process, and they were supported by a five-member staff, as well as volunteers and interns.

7.4.5 Testimonies

In both South Africa and Greensboro, public hearings were an essential part of the truth and reconciliation process. In the case of South Africa, hundreds of public testimonies were covered and broadcast by national media agencies (Magarrell and Wesley 2008: 100). The Human Rights Violations (HRV) Committee in the South African Truth and Reconciliation Commission heard testimony from over 21,000 victims; 2,000 individuals provided testimony before public hearings (Legal Information Institute 2016).

The Greensboro Truth and Reconciliation Commission also welcomed and encouraged news organizations to cover the public hearings and other events related to the work of the Commission. Public hearings were conducted over a

period of about two years. As part of its investigative efforts, the Greensboro Truth and Reconciliation Commission was able to secure hundreds of testimonies from survivors, victims' families, Greensboro residents, lawyers, activists, the police, neo-Nazis, and members of the Ku Klux Klan (Williams 2007, 2009).

7.4.6 Key Recommendations

The Greensboro Truth and Reconciliation Commission came up with several recommendations to address the direct harm of those who were “killed, wounded or psychologically traumatized,” as well as the indirect harms suffered by members of the community (Greensboro Truth and Reconciliation Commission 2006). The GTRC's recommendations⁸ included the following:

- The City should formally recognize the events of November 3, 1979, and should make a proclamation that lifts up the importance of that date in the history of the city.
- Individuals who were responsible for any part of the tragedy on November 3, 1979 should reflect on their role and apologize – publicly and/or privately – to those harmed.
- The Greensboro Police Department and the City of Greensboro should issue public apologies for their failure to protect the public – specifically, the Communist Workers Party demonstrators, Morningside Homes residents, media representatives and others present at the shooting site. These institutions also should issue an apology to the city residents for not appropriately acknowledging the event and taking the necessary steps for community healing.
- Citizens, as well as city and state officials, should push for enabling legislation, if necessary, to create a community justice center in Greensboro, then make sure its existence is well-publicized.
- Citizens, as well as city and state officials, should push for enabling legislation to expand the pool of potential jurors to be more representative of the community as a whole.

⁸ Source: Greensboro Truth and Reconciliation Commission (2006b).

- In response to unresolved crises or lingering issues in the community, such as issues surrounding the events of November 3, 1979, city officials, religious leaders and civic organizations, should play an active role in acknowledging, investigating and providing open forums for discussion.
- The current investigations into the alleged corruption in the Greensboro Police Department, including the surveillance of citizens, should be thoroughly and expeditiously completed. The reports of these investigations should be publicly released once they are finalized and a town hall meeting held to solicit citizen questions and feedback. If appropriate, criminal prosecutions or civil action should be pursued to help heal the damaged credibility of the police department and reassure the citizens that there is accountability for illegal acts done by the city's agents.
- Individuals, like institutions, can benefit from anti-racism and diversity education programs, and people should be encouraged to take advantage of predesigned programs that are first evaluated for both breadth and depth.

The truth and reconciliation process in South Africa was geared towards achieving several important social and political transformations, including reforming “faith communities, businesses, the judiciary, prisons, the armed forces, health sector, media and educational institutions in a reconciliation process” (United States Institute of Peace 2015). The South African Truth and Reconciliation Commission, which regarded the reconciliation process as a vital element for promoting enduring peace and stability in South Africa, presented numerous recommendations⁹ in its final report, including the following:

- Accept our own need for healing.
- Reach out to fellow South Africans in a spirit of tolerance and understanding.
- Work actively to build bridges across the divisions of language, faith and history.

⁹ Source: South African Truth and Reconciliation Commission (1998), page 304.

- Strive constantly, in the process of transformation, to be sensitive to the needs of those groups which have been particularly disadvantaged in the past, specifically women and children.
- Encourage a culture of debate so that, together, we can resolve the pressing issues of our time.
- Initiate programmes of action in our own sphere of interest and influence, whether it be education, religion, business, labour, arts or politics, so that the process of reconciliation can be implemented from the grassroots level.
- Address the reality of ongoing racial discrimination and work towards creating a non-racial society.
- Call upon leaders in local, provincial and national government to place the goal of reconciliation and unity at the top of their respective agendas.

The South African Truth and Reconciliation Commission also recommended the prosecution of perpetrators of human rights abuses in cases where amnesty was not sought or in situations where amnesty was denied. Furthermore, the Commission was vested in taking measures to promote healing and also mitigate the suffering of victims. To this end, South Africa's Truth and Reconciliation Commission recommended that a reparations program – including financial, symbolic and community reparations – be instituted, where each victim (or their family members) would receive approximately US\$3,500 each year for six years (United States Institute of Peace 2016). The South African TRC also recommended that its work be preserved by archiving all documents related to its investigations.

The Greensboro Truth and Reconciliation Commission and the South African Truth and Reconciliation Commission were interested in encouraging community dialogue as a way to address issues of race and racism. Both truth commissions also highlighted the important responsibility that state and government institutions have

for putting in place concrete measures to document the truth about societal racism and prevent the recurrence of human rights violations.

7.4.7 Public and Community Responses to the GTRC and the South African TRC

The Greensboro Truth and Reconciliation Commission successfully brought survivors of the massacre, victims' families, and perpetrators to public forums where the different parties talked openly about the events on November 3, 1979, and discussed issues related to systematic racism in the community. Public response to the work of the GTRC was divided. "Although the TRC sought the support of the city of Greensboro, ultimately, the predominantly white City Council rejected the TRC process and the commission's 500-page report – in the end only offering a statement of regret" (Collins and Watson 2015). Additionally, many opponents of the GTRC who rejected its final report alleged that the Commission's work was biased because survivors of the 1979 massacre played a central role in the creation of the truth commission (Williams 2009: 145).

The 1979 massacre had been interpreted by some members of the Greensboro community as a "shootout between two hate groups" (Greensboro Truth and Reconciliation Commission 2006a: 19). Moreover, some members of the community were unwilling to acknowledge the lasting legacy of racism in Greensboro, and city leaders were also very concerned that the work of the Greensboro Truth and Reconciliation Commission would paint a negative image of the city (Magarrell and Wesley 2008: 176). Despite the painstaking work of the

GTRC to uncover the truth about the Greensboro massacre, the Commission's recommendations ultimately "fell on deaf ears" (Collins and Watson 2015). Nevertheless, the GTRC viewed truth-seeking, rather than community reconciliation, as its primary objective, and the investigations and publication of a final report that documented the Commission's findings, which was eventually released to the public indicates that the work that had been done by the GTRC was not in vain. Furthermore, as a recent study of the Greensboro truth and reconciliation process has shown, for some survivors and community members, interpersonal reconciliation did occur as a result of their participation in the truth and reconciliation process (Androff 2010).

Did the establishment of a truth and reconciliation commission in South Africa change the trajectory of race relations in the country? While the majority of South Africans "believe that race relations in the country are gradually improving,"¹⁰ it is impossible to accurately determine what the future of race relations in the country will be (Gibson 2015). It is also difficult to assess what role, if any, the South African Truth and Reconciliation Commission has had on race relations. In South Africa, public support for the truth and reconciliation process varied among different populations. According to a survey conducted in 1994 by the Institute for Democracy in South Africa (IDASA), which is a non-governmental organization, 60 percent of all South Africans were in favor of the establishment of an investigative

¹⁰ Measurements of race relations are based on the South African Reconciliation Barometer, a unique and rigorous survey that was created by the Institute for Justice and Reconciliation, and is conducted annually.

body like a truth commission as part of efforts to address the legacy of apartheid in South Africa. Of this number, 39 percent of White South Africans, and 65 percent of Black South Africans supported the establishment of a national truth and reconciliation commission (Theissen 1999: 30). Public opinion surveys following the conclusion of the work of the South African Truth and Reconciliation Commission reveal that while most South Africans believed that the process of granting amnesty was a necessary sacrifice for uncovering the truth, there were still mixed feelings about the success of the truth commission (Theissen 1999: 51). Nonetheless, the South African Truth and Reconciliation Commission has generally been regarded in the international community as a success, and many recently established truth commissions have been modeled after the South African TRC.

7.5 Summary

I began this chapter with a brief review of the quantitative analysis section of this work, and commented on the value and limitations of the statistical techniques that are used for this project. This was followed by an in-depth discussion about some key observations from the qualitative analysis of 32 case studies that correspond with the 70 truth commissions for which data is available from the Transitional Justice Research Collaborative truth commission dataset. In this chapter, I also reintroduced the theoretical framework that is presented in Chapter 2, examining the reconciliatory democratization paradigm in detail and applying the framework in my exploratory study of the political contexts in which the different

truth commissions are established. All the truth commissions that are considered in the previous chapters are officially sanctioned, national truth commissions, but I concluded this chapter by presenting a comparative evaluation of the South African Truth and Reconciliation Commission and the Greensboro Truth and Reconciliation Commission (a grassroots truth-seeking initiative) in order to highlight the ways in which truth commissions that are established to deal with histories of racial violence, and have a specific focus on racial reconciliation, operate.

CHAPTER 8. CONCLUSION

“While aiming for something called the ‘truth’ may be a more complex undertaking than anyone could imagine, the journey itself proves to be quite powerful.”

– Lisa Magarrell and Joya Wesley

“Through attributing responsibility for the different causes of the conflict, and the many violations of human rights committed throughout it, we create accountability and state unequivocally that we reject impunity. With this knowledge and understanding we vow to build a society that will be able to prevent such causes and violations from recurring.”

- Sierra Leone Truth and Reconciliation Commission¹

8.1 Major Findings

The goals of transitional justice involve maintaining peace, order, political stability, and promoting good governance, democracy, and the rule of law. In this dissertation, I have examined the role that truth and reconciliation commissions play in transitional justice contexts, and tried to assess what factors have an effect on improving the likelihood of truth commission success. Using a multi-method approach based on both quantitative and qualitative techniques, I have been able to offer some important commentary on truth and reconciliation commissions.

The proliferation of truth and reconciliation commissions around the world in recent years can be attributed to widely held views that truth commissions can promote democratic consolidation and help societies properly deal with their histories of violence and human rights violations. Creating a truth commission can be a way for a newly-instated government to establish its legitimacy, both at the

¹ “Witness to Truth: Report of the Sierra Leone Truth & Reconciliation Commission,” Volume 1, 2004. As quoted in González and Varney (2013).

domestic level, and in the international community. By initiating a truth and reconciliation process, many governments are simply following a global script that has become part of the transitional justice movement. Furthermore, there is a large industry surrounding truth commissions, with international and non-governmental institutions like the United Nations and the International Center for Transitional Justice (ICTJ) recommending truth and reconciliation commissions as part of their transitional justice toolkits. The upward trend in truth commission adoption also appears to be connected to policy diffusion. This means that the policy choices made in a particular place at a specific point in time are directly influenced by policy decisions made elsewhere. For example, many truth commissions established in recent years are modeled after the South African Truth and Reconciliation Commission. Additionally, since many of the countries that have adopted truth commissions have histories of ethnic conflict, and truth commissions have been implemented successfully in these contexts, the truth and reconciliation process has been viewed as a useful tool for supporting positive intergroup relations after periods of civil conflict.

The results of my empirical analysis do not provide conclusive evidence about the effects of establishing truth commissions on improvements in human rights or democracy in a country. Even without rigorous statistical tests, it is difficult to point to any observable relationship between truth commission establishment and improvements in democracy rankings. Consider the democracy indicators from Freedom House, for example. In 2014, approximately 20 percent of countries that

established truth commissions were classified as *free*, 23 percent as partly *free* and 9 percent as *not free*, based on the *Freedom in the World* comparative assessment indicator of global political rights and civil liberties (see Appendix F). More research needs to be done to isolate the different factors that could potentially explain the relationship of truth commission establishment to democratic consolidation and human rights improvements.

8.2 Making the Case for a National Truth Commission in the United States

This work would be incomplete without some discussion of the possibility of a truth and reconciliation commission in the United States. The legacy of slavery and institutionalized racism that continues to affect many facets of American life requires critical national dialogue among political leaders and individual citizens in different communities around the country. The feasibility of a national truth and reconciliation commission in the United States is debatable. Determining what patterns of abuse to investigate, and what periods of time to cover, could prove to be a daunting challenge. The establishment of an official, state-sponsored truth commission would mean that U.S. government institutions, and their representatives, would have to be willing to acknowledge state-sanctioned human rights violations against American citizens. What would a state-sanctioned truth and reconciliation process in the United States look like? Canada's Truth and Reconciliation Commission recently concluded its operations to uncover the Canadian government's role in, what the Commission has unequivocally described

as, the cultural genocide² of the Aboriginal (First Nations) population through Canada's residential school system. While there is currently no data available that can be used to critically evaluate the success of the Canadian Truth and Reconciliation Commission's work at this stage,³ this truth commission serves as a good example of what a national truth and reconciliation project can look like in a long-established democracy, or a society that has not gone through a significant political transition at the point in time when the truth commission is established.

According to a recent editorial published in the Detroit Free Press, "in 2016, the truth about American history is still shrouded in fantasy, denial and guilt" (Detroit Free Press 2016). Furthermore, as the editorial notes, many Americans do not understand, or refuse to acknowledge, the persistence of racism and the central role that race continues to play in shaping American society (Detroit Free Press 2016). Refusing to recognize past injustices compounds the effect of human rights violations that have occurred and can even result in new injustices being committed. If Americans fully acknowledge the country's troubled racial history, it can lead to renewed efforts to address the legacy of slavery and racism that still exists in the United States (Slye 2015).

² Cultural genocide is defined as the systematic destruction of the defining elements, such as traditions and language, that distinguish a particular group of people from other groups. "Cultural genocide extends beyond attacks upon the physical and/or biological elements of a group and seeks to eliminate its wider institutions. This is done in a variety of ways, and often includes the abolition of a group's language, restrictions upon its traditional practices and ways, the destruction of religious institutions and objects, and the persecution of clergy members, and attacks on academics and intellectuals" (Nersessian 2016).

³ The Canadian Truth and Reconciliation Commission concluded its operations in June 2015.

A national truth and reconciliation commission in the United States could help to create an accurate historical record about human rights violations in the country, and the legacy of these harms. The W. K. Kellogg Foundation is putting measures in place to encourage dialogue about race in different communities around the United States. Among other initiatives, the Kellogg Foundation has launched a Truth, Racial Healing and Transformation (TRHT) process. The goal is that, through listening, both sides of the racial divide can “come to some agreement on the truth – what happened, and how it affects today’s America” (Detroit Free Press 2016). While the majority of truth commissions established around the world in recent years have been official, government initiated and state-sponsored institutions, the Kellogg Foundation is interested in grassroots efforts at the local level. The TRHT process is, however, modeled after some of the most recognized truth and reconciliation commissions that have been established in different regions of the world. The Kellogg Foundation describes the TRHT enterprise as “a national and community-based process designed to engage communities in racial healing and change efforts that address current inequities linked to the belief in a racial hierarchy” (W.K. Kellogg Foundation 2016b).

In Chapter 7, I briefly discuss the results of a survey that was conducted in South Africa in 1994 to determine public opinion about the establishment of an investigative body like a truth commission. Similarly, recent public opinion polls that were conducted in the United States provide data that can be used to analyze Americans’ views on race and racism and conclude whether or not there would be

popular support for truth-seeking projects and initiatives in the country. The Kellogg Foundation analyzed 2015 polling data from several sources: CNN/Kaiser Family Foundation; PBS NewsHour and the Institute for Public Opinion at Marist College; The New York Times/CBS; The Wall Street Journal/NBC News; The Pew Research Center and Gallup. The polls indicated that many Americans have a pessimistic outlook about the state of race relations, and the majority of Americans (86 percent of Blacks, 70 percent of Hispanics, and 53 percent of Whites) acknowledge that more needs to be done to address issues of racism in the United States (see Table 8.1). In fact, the percentage of Americans who say that racism is a “big problem” in the United States rose from 28 percent in 2011 to 49 percent in 2015 (W.K. Kellogg Foundation 2016a: 8). Furthermore, while many Americans are troubled by race relations, generally, they “overwhelmingly feel relations are very good in their individual communities,” and these views on race can possibly be attributed to the significant number of segregated communities around the country (W.K. Kellogg Foundation 2016a: 3). Nonetheless, many of the individuals polled stated that they would support a national dialogue on race, and many also noted that they were personally comfortable with having interracial conversations about racial issues (W.K. Kellogg Foundation 2016a: 3). According to Gallup data, 59 percent of individuals polled in 2008, and 56 percent of individuals polled in 2009, believed that an open national dialogue on race could improve race relations in the United States (Gallup 2016). Table 8.2 provides a breakdown of this polling data by race, for Blacks, Hispanics, and Whites.

TABLE 8.1. AMERICANS' VIEWS ON RACIAL EQUALITY

Percentage of Americans who say the United States has made necessary changes or needs to make changes to give Blacks and Whites equal rights.

	2014		2015		
	Has Made Necessary Changes	Needs to Continue Making Changes	Has Made Necessary Changes	Needs to Continue Making Changes	Change in "Continue Making Changes"
	%	%	%	%	%
Total	49	46	32	59	+13
White	57	39	40	53	+14
Black	17	79	8	86	+7
Hispanic	43	54	21	70	+16
18-29	48	49	30	63	+14
30-49	51	45	33	58	+13
50-64	50	45	32	61	+16
65+	46	49	33	56	+7
College Grad+	48	48	32	60	+12
Some College	54	42	34	58	+16
High School or Less	46	49	30	60	+11
Republican	69	27	51	42	+15
Conservative Republican	75	22	56	38	+16
Moderate/Liberal Republican	57	40	42	50	+10
Independent	53	42	34	55	+13
Democrat	30	67	18	78	+11
Conservative/Moderate Democrat	34	63	21	73	+10
Liberal Democrat	25	73	11	87	+14

Survey conducted July 14-20, 2015. Whites and Blacks include only those who are not Hispanic; Hispanics are of any race. Don't know responses not shown.

Source: Pew Research Center (2015)

TABLE 8.2. AMERICANS' VIEWS ON NATIONAL DIALOGUE ON RACE

Percentage of Americans who think that if Blacks and Whites honestly expressed their true feelings about race relations through an open national dialogue on race it would either bring the races together or cause greater racial division.

	2008			2009		
	Bring the Races Together	Cause Greater Racial Division	No Opinion	Bring the Races Together	Cause Greater Racial Division	No Opinion
	%	%	%	%	%	%
Total	59	34	7	56	37	7
White	57	35	8	53	39	8
Black	69	27	4	70	26	4
Hispanic	64	29	7	<i>** Data Unavailable</i>		

Survey conducted June 5 - July 6, 2008 and October 16-19, 2009. Whites are specified as Non-Hispanic Whites. Data unavailable for Hispanics in 2009.

Source: Gallup (2016)

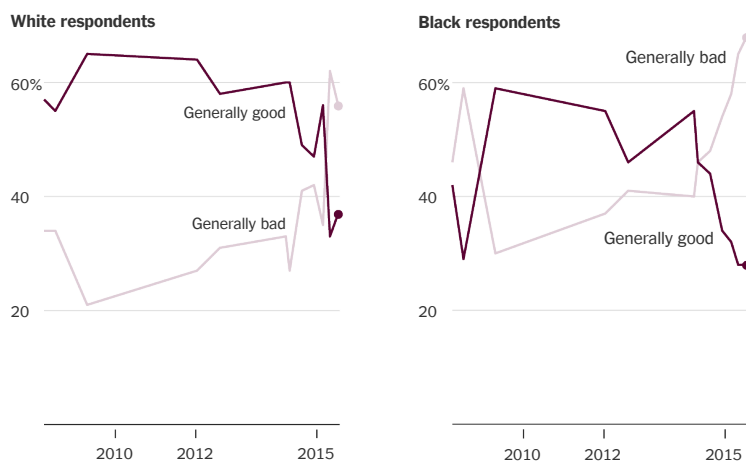


Figure 8.1. Views on Race Relations in the United States ⁴

⁴ Source: The New York Times (2015).

Given the fact that issues connected to problematic race relations in the United States are currently at the forefront in the American political arena, it would be useful to replicate the surveys that were conducted in 2008 and 2009 to evaluate current public opinion on a national dialogue on race. A New York Times/CBS News poll conducted in 2015 reveals a growing divide among Black and White Americans on their views on race relations in the country (Figure 8.1). It is, therefore, important to collect new data on whether Americans would support any national, government-sponsored truth-seeking initiatives to address the complex problem of institutionalized racism that continues to plague the country. The results from this kind of survey could be used in a research study to examine the role that racial identity plays in an individual's support for truth and reconciliation projects.

Do truth and reconciliation commissions enable communities to have honest conversations about the marginalization of, and violence against, minority populations? What is the best way for different communities to address issues of ethnic conflict, racial violence, or racism? The potential benefits of implementing a government-sanctioned truth and reconciliation commission are numerous. Truth-telling and truth-acknowledgment are central to the truth and reconciliation process, thus, establishing a truth commission facilitates honest conversations about issues related to race and ethnicity, and can play a part in ensuring that more truthful narratives about a country's history become part of the collective conscience. It is important for communities to challenge any inaccurate narratives about the causes and consequences of racial and ethnic violence.

8.3 Policy Implications

A comparative study of truth and reconciliation commissions is useful not only for examining the trends in truth commission adoption and exploring why truth commissions are increasingly used as transitional justice mechanisms, but also for critically evaluating the institutional factors that contribute to making truth commissions successful. Simply stated, comparative research on truth commissions allows scholars to understand what works and what does not. From the analysis presented in this work, I can confidently conclude that context – political, social, historical, and cultural – is the most important factor to consider when evaluating the likelihood of truth commission success.

As alternative justice mechanisms, truth commissions are generally viewed as the second best option to prosecution. Particularly in the case of truth commissions that are established in post-conflict situations, these commissions become an important element of negotiations between conflicting parties, and they can serve as a bargaining chip to guarantee peaceful political transitions. Government actors that could be found to be complicit in human rights violations often only agree to participating in a truth and reconciliation process to avoid prosecution under the criminal justice system. Although truth commissions provide some sense of accountability to perpetrators of violence for their actions, in many cases, in the absence of actual criminal prosecution, public shame and humiliation is the only punishment that some perpetrators receive. Unfortunately, in many instances shame may not be marshalled against the perpetrators, but against the

victims, often happens in cases of sexual violence. Thus, it usually appears that perpetrators are able to get away with committing serious crimes. The restorative justice approach that the work of truth commissions is grounded in, means that sometimes justice must be traded for peace, or for unearthing the truth.

On one hand, truth commissions can present a much broader sense of accountability than trials and other retributive justice measures. For example, the burden of proof of responsibility for human rights violations and other atrocities is greater in courts since these institutions have the duty to prove guilt beyond a reasonable doubt. Furthermore, truth commissions allow different members of society to understand their roles in the violence and harms that have occurred. On the other hand, traditional trials can tend to absolve the rest of the community from being held accountable for the outbreak of violence. Consider the case of Liberia and Sierra Leone where Charles Taylor was primarily held responsible for the conflict that had taken place in the two countries. Additionally, the line between perpetrators and victims can become blurred in certain situations, as is sometimes the case in situations of ethnic conflict. Marginalized and oppressed groups can also be implicated in gross human rights violations when they are fighting an oppressive political system.

It is important for truth commissions to work in concert with courts and other government bodies and political institutions. Parallel processes of restorative justice and retributive justice will help to address and close any legitimacy gaps for truth commissions, and may prove to be the most beneficial for ensuring that efforts

to promote long-lasting peace and reconciliation will be viable. Truth commissions can sometimes be used by government officials for political manipulation. During, or after, periods of political transitional, newly instated governments can establish truth commissions to gain favor with local and international donors, or to distinguish themselves from political opponents. To ensure that the legitimacy of a truth commission's work cannot be called into question, it is important for all truth commissions to work as independent bodies, free from political manipulation.

Scholars and policymakers note that the major problem with most truth commissions is that the commissions generally have too many goals, which inevitably sets them up for failure. Every truth commission must prioritize what issues it wants to focus on. Often, truth commissions are modeled after commissions that are viewed as being successful, without critical attention being paid to specific political contexts and the needs of the particular society in which a truth commission is to be established. Although the primary goal of truth commissions is to investigate and document the truth about the nature, causes and consequences of conflict that resulted in human rights violations, it is important for each truth commission to have a clear understanding of the types of truth that it will concern itself with. Truth can be factual, historical, narrative, or personal, and while there should technically always be an overlap between the different types of *truth*, this is not always necessarily the case. Each truth commission should, therefore, fully outline its ultimate goals and objectives in its mandate so that reception to the commission's work can be based on accurate assessments of its purpose. Truth

commissions can also play a vital role in facilitating and fostering public conversations about the issues that trigger conflict and violence in society. By encouraging community dialogue and focusing on the systemic issues, truth commissions are able to present an accurate historical account of the truth that can be acknowledged and accepted by the entire community.

8.4 Avenues for Future Research

This study on truth and reconciliation commissions would be incomplete without some discussion about directions for additional research on the topic. As has been noted throughout this work, the field of transitional justice is expanding, and among the international community there has also been a growing interest in understanding and properly dealing with human rights abuses and crimes that shock the conscience. It is, therefore, important to critically assess the role that transitional justice mechanisms play in different political contexts around the globe. In this work, I have focused specifically on truth and reconciliation commissions, considering the roles that these institutions have played in processes of democratic consolidation in many countries in recent decades.

Truth and reconciliation projects continue to be used as alternative justice measures. Most recently, in late 2015, the Truth and Reconciliation Commission of Canada concluded its investigations into charges of abuse of First Nations children in the Indian Residential School (IRS) system. The Commission was mandated to prepare a comprehensive historical record that examined the “paternalistic and

racist foundations of the residential school system,” documenting the policies and operation of these schools, and producing a final report that addressed the legacy of the IRS system (Truth and Reconciliation Commission of Canada 2015). Several grassroots efforts to establish small-scale truth commissions and similar commissions of inquiry in the United States, further points to the fact that interest in truth-telling initiatives and reconciliation efforts remains an upward trend.

As more scholars become interested in conducting research on truth and reconciliation efforts, more data can be collected to enhance existing studies on transitional justice mechanisms. With an increased focus on accurate and comprehensive data collection initiatives and the use of more sophisticated analytical tools, researchers will be able to make better predictions and evaluations about truth commissions, other transitional justice mechanisms, and associated phenomena. In-depth evaluations of truth commission reports, using powerful qualitative data analysis tools, can also help researchers gain greater insights when doing comparative projects on truth commissions. There are many important factors and phenomena connected to truth and reconciliation processes that are still not understood, including patterns and trends related to issues of truth commission funding, drafting of mandates, the role of the media in different truth and reconciliation processes, direct effects of truth commission establishment on the rule of law, how truth commission establishment affects support for human rights and democratic values, and the role of the truth commission final report. For example, any research on truth commission reports has to take into account the fact

that these final reports are essentially targeted towards a literate society. The question then becomes one of examining what supplementary methods truth commissions can use in addition to published reports to disseminate information to all community members. More research also needs to be done on the relationship between truth commissions and trial courts. While non-judicial means can have a meaningful role in addressing human rights violations, truth commissions can even serve as avenues for prosecution. Further research on the relationship between truth commissions and trials can help us to better understand the advantages and disadvantages of restorative and retributive justice measures.

Significant gaps in the extant literature on the relationship between truth and reconciliation commissions and institutional forms of history and truth-telling still remain; research that focuses on communicative memory, institutionalized memory projects, and hegemonic historical remembrance culture can vastly improve our understanding of the ways in which truth commissions operate. Additionally, more assessments of the work of truth commissions from a political psychology perspective can help researchers understand the role that truth commissions play in the healing of trauma at the individual and national level.

For countries that have established more than one truth commission – such as South Korea, South Africa, Timor-Leste, and Uruguay – it would be useful to examine how and why a restorative justice process was considered more than once. Truth commission scholarship could also benefit greatly from research that takes intersectionality into account, and focuses on other complex issues that are

connected to truth commissions, such as gender and violence, mental and physical health outcomes, and economic development. Lastly, cross-national surveys that are conducted as part of large-scale research projects to evaluate public responses to truth commissions will provide much needed data about how the work of truth commissions is received in different communities. In the same vein, surveys of commissioners and other truth commission staff can provide much needed insight into the structure and function of truth commissions.

8.5 Conclusion

Truth is incredibly powerful. It can be transformative, healing and liberating. Consequently, the establishment of truth and reconciliation commissions in post-conflict and post-authoritarian societies, or transitional justice contexts, can lead to significant institutional and societal reforms. In this dissertation, my goal has been two-fold. My first objective was to contribute to the extant scholarship on truth and reconciliation processes and institutions by developing a unique theoretical framework for evaluating democratic transformation in transitional justice contexts. To this end, I have presented the reconciliatory democratization paradigm which is a useful lens through which we can understand the relationships between truth, reconciliation, political and economic development, rule of law, and democratic transformation. Secondly, I wanted to examine the reasons why there has been a proliferation of truth commissions around the world in recent decades, and evaluate whether or not truth commission establishment has a measurable effect on

democratic consolidation and improvements in human rights. I was also interested in assessing what institutional and structural factors played a role in truth commission success. Success was defined in terms of truth commission effectiveness, and measured using a Truth Commission Effectiveness Index.

One of the most important take-away points from this extensive comparative study is that truth and reconciliation projects cannot be applied uniformly in all political situations. Although truth commissions are temporary investigate bodies (on average, operating between a minimum and maximum period of one to five years), the actual truth and reconciliation process is a long-term endeavor. The results of the empirical analysis in this study do not provide any conclusive evidence to suggest that establishing truth and reconciliation commissions has any measurable effect on changes in the levels of democracy in countries in which truth commissions are created. Similarly, evaluations of the indicators that represent changes in support for human rights are not sufficiently rigorous for us to make any determinations about a direct link between truth commission establishment and improved human rights. Additionally, there could be many other explanatory factors at play that are not captured in the available data.

The most challenging aspect of comparative, cross-national comparisons of truth commissions is that success or effectiveness is difficult to assess and measure. Furthermore, what constitutes success in one case may not be applicable in another. Although I have attempted to create an index that uniformly evaluates truth commission effectiveness based on similar parameters for each case, I believe that

evaluating truth commissions individually, in terms of whether or not they are able to achieve their stated objectives, could provide more useful conclusions about the factors that make truth commissions effective and contribute to their success.

In conclusion, given the increasing trends in the adoption of truth commissions worldwide, it is clear that this is an important political phenomenon that requires further investigation. As more research is conducted on these institutions, and more data becomes available, researchers will gain a better understanding of the effects of these commissions on peace, justice, and democracy in civil society. I began each of the chapters in this dissertation by including quotes about truth and reconciliation. It is, therefore, fitting to conclude this work with a final quote. "Reconciliation is strengthened through acknowledgment and forgiveness. Those who have confronted the past will have no problem in acknowledging their roles in the conflict and expressing remorse for such roles. True statesmen and leaders will also act accordingly for they will recognize the powerful healing and unifying force such acts will have on the nation" (Humper 2004). In the end, it all boils down to the question of if establishing the truth is worth the work that reconciliation requires.

APPENDICES

APPENDIX A. DEMOCRATIC TRANSITIONS AROUND THE WORLD

DEMOCRATIC TRANSITIONS, 1970-2010

Country	Region	Democratic Transition	
		[Start	End]
Albania	Europe	1990 1997	1995 2010
Algeria	Middle East and North Africa	2004	2010
Argentina	South America	1973 1983	1975 2010
Armenia	Europe	1991 1998	1995 2010
Azerbaijan	Europe	1992	1992
Bangladesh	Asia	1972 1991 2009	1973 2006 2010
Belarus	Europe	1991	1995
Benin	Sub-Saharan Africa	1990	2010
Bolivia	South America	1982	2010
Brazil	South America	1985	2010
Bulgaria	Europe	1990	2010
Burkina Faso	Sub-Saharan Africa	1977	1979
Burundi	Sub-Saharan Africa	1980	2010
Central African Republic	Sub-Saharan Africa	1991	2002
Cambodia	Asia	1988 1998	1996 2010
Chile	South America	1989	2010
Congo (Brazzaville)	Sub-Saharan Africa	1991	1996
Cote d'Ivoire	Sub-Saharan Africa	1999	2002
Croatia	Europe	1999	2010
Czechoslovakia	Europe	1989 1993	1992 2010
Dominican Republic	The Caribbean	1978	2010
Democratic Republic of Congo	Sub-Saharan Africa	2004	2010
Ecuador	South America	1979	2010
El Salvador	Central America	1982	2010
Estonia	Europe	1991	2010
Ethiopia	Sub-Saharan Africa	1994	2010

Country	Region	Democratic Transition	
		[Start	End]
Gabon	Sub-Saharan Africa	2009	2010
Georgia	Europe	1991	2010
Germany	Europe	1990	2010
Ghana	Sub-Saharan Africa	1970	1971
		1978	1980
		1996	2010
Greece	Europe	1974	2010
Guatemala	Central America	1986	2010
Guinea Bissau	Sub-Saharan Africa	1991	2002
		2005	2010
Haiti	The Caribbean	1990	1990
		1994	1999
		2004	2010
Honduras	Central America	1980	2010
Hungary	Europe	1989	2010
Indonesia	Asia	1999	2010
Iran	Middle East and North Africa	1997	2003
Kenya	Sub-Saharan Africa	2002	2010
Kosovo	Europe	2008	2010
Kyrgyzstan	Asia	2005	2010
Latvia	Europe	1991	2010
Lebanon	Middle East and North Africa	2005	2010
Lesotho	Sub-Saharan Africa	1993	2010
Liberia	Sub-Saharan Africa	2003	2010
Lithuania	Europe	1991	2010
Macedonia	Europe	1991	2010
Madagascar	Sub-Saharan Africa	1991	2010
Malawi	Sub-Saharan Africa	1994	2010
Mali	Sub-Saharan Africa	1991	2010
Mauritania	North Africa / Middle East and North Africa	2007	2007
Mexico	North America	1994	2010
Moldova	Europe	1991	2010
Mongolia	Asia	1990	2010
Mozambique	Sub-Saharan Africa	1994	2010
Nepal	Asia	1990	2001
		2006	2010
Nicaragua	Central America	1990	2010
Niger	Sub-Saharan Africa	1991	1995
		1999	2008
		2010	2010

Country	Region	Democratic Transition	
		[Start	End]
Nigeria	Sub-Saharan Africa	1978	1983
		1999	2010
Pakistan	Asia	1973	1976
		1988	1998
		2007	2010
Panama	Central America	1989	2010
Paraguay	South America	1989	1991
		1992	2010
Peru	South America	1979	1991
		2000	2010
Philippines	Asia	1986	2010
Poland	Europe	1989	2010
Portugal	Europe	1974	2010
Romania	Europe	1989	2010
Russia	Europe	1992	2010
Senegal	Sub-Saharan Africa	2000	2010
Serbia (Yugoslavia)	Europe	2000	2010
Sierra Leone	Sub-Saharan Africa	2001	2010
Slovakia	Europe	1993	2010
Slovenia	Europe	1992	2010
South Africa	Sub-Saharan Africa	1992	2010
South Korea	Asia	1987	2010
Spain	Europe	1975	2010
Sudan	Middle East and North Africa	1985	1988
Taiwan	Asia	1992	2010
Thailand	Asia	1975	1975
		1978	1990
		1992	2005
		2008	2010
Timor-Leste	Asia	2002	2010
Turkey	Middle East and North Africa	1973	1979
		1983	2010
Uganda	Africa	1980	1985
Ukraine	Europe	1991	2010
Uruguay	South America	1985	2010
Zambia	Africa	1991	2010
Zimbabwe	Africa	2009	2010

Source: Transitional Justice Research Collaborative (2015)

APPENDIX B. DESCRIPTION OF TJRC DATASET AND VARIABLES

The primary data that is used for the quantitative analysis chapters in this work is from the Transitional Justice Research Collaborative (TJRC). The TJRC dataset contains data on a number of transitional justice mechanisms, namely: prosecutions, truth commissions, amnesties, vetting, reparations, civil trials, and customary justice. Data collection for the different transitional justice mechanisms was conducted in several phases. For truth commissions, specifically, data collection began in Fall 2010 and was completed in Fall 2012. Truth commission data was made publicly available in Spring 2013. Below is a description of the variables, as they are coded, in the TJRC dataset.

Definition of Truth Commission

Researchers in the Transitional Justice Research Collaborative follow the definition of a truth commission developed by Priscilla Hayner (2011). While there are some truth commissions that examine a singular event of human rights violations (for example, the Greensboro Truth Commission that examined the November 3, 1979 Greensboro, North Carolina massacre in the United States, or the Bloody Sunday Inquiry that focused on ethno-political violence in Northern Ireland on January 30, 1972) the data on truth commissions collected by the TJRC only includes commissions that, despite the focus on one event, have mandates that are broader in scope and further explore wider patterns of violence in the country or region that is under investigation.

Hayner (2011)

¹ defines a truth commission as an official investigative body that:

- is focused on the past, rather than on ongoing events.
- investigates a pattern of events that occurred over a period of time.
- engages directly and broadly with the affected population, gathering information on their experiences.
- is a temporary body, with the aim of concluding its work with a final report.
- is officially authorized or empowered by the state under review.

Operationalization of Truth Commission

TJRC researchers operationalize a truth commission as “a formal, state-sanctioned, temporary body that investigates a pattern of past human rights abuses and aims to include a final report of its findings.” The factors used to determine which truth commissions are included or excluded from the TJRC dataset are listed in Table B.1.

¹ Priscilla Hayner. 2011. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. 2nd Edition. New York, NY: Routledge.

TABLE B.1. CRITERIA FOR INCLUSION AND EXCLUSION OF TRUTH COMMISSIONS IN TJRC DATASET*

Inclusion	Exclusion
<ul style="list-style-type: none">• Truth commissions that are initiated domestically, internationally, or through a hybrid arrangement (that is, both international and domestic actors are involved).	<ul style="list-style-type: none">• Truth commissions that are initiated and led by non-state groups.
<ul style="list-style-type: none">• Truth commissions that are initiated by the executive, legislature/parliament, or judiciary.	<ul style="list-style-type: none">• Truth commissions that investigate matters that are unrelated to human rights abuses (as defined for the scope of the TJRC data collection project).
<ul style="list-style-type: none">• Truth commissions whose mandates include a final report, even in cases where the final report is yet to be released. Truth commissions that have not yet released their final report are considered to be ongoing commissions.	<ul style="list-style-type: none">• Investigations of human rights abuses that are conducted by a permanent investigative body or organization.

* NOTE: The criteria for inclusion and exclusion of truth commissions are not exhaustive.

The unit of observation used in the Transitional Justice Research Collaborative truth commission dataset is the truth commission. Each truth commission is identified by name and a unique identification number in the dataset.

In the TJRC truth commission dataset, human rights abuse(s) are classified as violations of “physical or personal integrity rights carried out by a state or agents of the state.”

Human rights abuses include (but are not limited to):

- Extrajudicial killings
- Torture or similar physical abuse
- Disappearances
- Political imprisonment

Table B.2 includes variables in the TJRC truth commission dataset as well as descriptions for how the variables were coded. The “coding entry” column in Table B.2 refers to the specific question that coders answered to make determinations about how data would be organized and coded.

TABLE B.2. VARIABLES AND CODING SCHEMA FOR TRUTH COMMISSIONS IN TJRC DATASET

Variable Name	Coding Entry	Description
Country Name	<i>What is the country name?</i>	Country name refers to the name of the country where the truth commission was adopted, or the country that is the focus of the truth commission mandate.
Official Name	<i>What is the official name of the commission?</i>	Official name is the formal name of the truth commission. This name is included in all official documents, including the mandate, the final report, and government documents.
Location of Truth Commission	<i>Is the truth commission held domestically (locally)?</i>	<ul style="list-style-type: none"> • Yes • No
Establishment of the Commission	<i>What body initiated the commission?</i>	<ul style="list-style-type: none"> • Executive • Legislature/Parliament • Judiciary
Individual Who Created the Commission	<i>Who specifically initiated the commission?</i>	Name of the individual (for example, president, judge, legislator) who initiated the commission.
International	--	<ul style="list-style-type: none"> • Yes • No
Hybrid	<i>Was the truth commission initiated by both domestic and international actors?</i>	<ul style="list-style-type: none"> • Yes • No
Year the Truth Commission Law Was Passed	<i>What year was the law creating the truth commission passed?</i>	The year that law is passed creating the commission is specified.
Day/Month of Law	--	The date and month that the law is passed creating the commission is specified. Marked “unknown” if information is not available.

Variable Name	Coding Entry	Description
Year Truth Commission Begins Operating	--	The year the truth commission commences its work. For example, in this year, commissioners and staff are hired, funding has been secured, and the commission has begun tackling one or more elements of its mandate, such as collecting victim testimony.
Year Truth Commission Completes Operation	--	The year the truth commission ceases all activities.
Year Truth Commission Report is Issued	--	The year that a final report is completed.
No Final Report	<i>If no report is issued, what is the last day/month of truth commission operation?</i>	Last day/month of truth commission operation is included if there is no final report issued. There is an additional question (Yes/No) about whether a report was issued. This question, in contrast, is meant to capture the timing of the commission.
Pattern of Abuse	<i>Is a pattern of abuse being investigated?</i>	A pattern of abuse refers to crimes and violations that go beyond a single political event like the assassination of a single leader. <ul style="list-style-type: none"> • Yes • No
Crimes Covered (by the mandate)	<i>What crimes are targeted for investigation within the commission mandate?</i>	All applicable options are noted. <ul style="list-style-type: none"> • Disappearance • Death • Torture • Other

Variable Name	Coding Entry	Description
Number of Victims Investigated	--	The number of victims investigated by the truth commission. The number may be the same as the number of testimonies collected, or it may differ. The truth commission final report typically differentiates between the two, where relevant.
Testimony of Perpetrators	<i>Did perpetrators give testimony?</i>	<p>Testimony can be written or public.</p> <ul style="list-style-type: none"> • Yes • No • Unknown
Perpetrators' Names	<i>Were the perpetrators named?</i>	The purpose of this variable is to identify whether perpetrators' names were revealed in the <i>testimony process</i> (not in the final report).
Perpetrator Group	<i>Was the individual a member of one of the [listed groups]?</i>	<p>Military</p> <ul style="list-style-type: none"> • Yes • No • Unknown <p>Opposition/Political Group</p> <ul style="list-style-type: none"> • Yes • No • Unknown <p>Political Exiles</p> <ul style="list-style-type: none"> • Yes • No • Unknown <p>Governing Regime</p> <ul style="list-style-type: none"> • Yes • No • Unknown <p>Police/Security Forces</p> <ul style="list-style-type: none"> • Yes • No • Unknown

Variable Name	Coding Entry	Description
Perpetrator Benefit	<i>Did the perpetrator receive something in return (for his/her testimony)?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown
Participation Encouragement	<i>Did the truth commission make any efforts to encourage participation?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown
Time Period of Abuses	<i>What is the specific time period covered by the truth commission?</i>	The years of human rights abuse that the truth commission focuses on in its mandate.
Total Testimonies	<i>What is the total number of testimonies presented to the truth commission?</i>	The total number of victim and perpetrator testimonies given to the truth commission. These may be provided orally at a commission hearing, in written form, or both. The final report or a commission website often contains this information.
Availability of Testimonies	<i>Are the testimonies available to the public, either in hard copy or electronic archives?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown <p>Additional information is provided about where testimonies are available, e.g. physical location of an archive or website link.</p>
Final Report	<i>Was there a final report?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown
Publishing of Perpetrators' Names	<i>If so, were perpetrators names published in final report?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown

Variable Name	Coding Entry	Description
Availability of Report	<i>Is the report publicly available?</i>	<p>The report is publicly available if it is accessible to the public in a physical location in the country, it has been publicly disseminated, and/or is available to read/download online.</p> <ul style="list-style-type: none"> • Yes • No • Unknown <p>Additional information provided about location of report, or an explanation of what prevented the report from being made publicly available.</p>
Publishing of Report	<i>Who published the report?</i>	<p>The name of the institution or person that published the report in its final form. This may be the government or another actor, and though the report is published, it does not necessarily mean it was then made publicly available.</p>
Recommendations	<i>What were the final recommendations of the truth commission?</i>	<p>Summary of the main recommendations outlined in the commission's final report.</p>
Support for Prosecution	<i>Did the truth commission mandate support prosecution?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown
Number of Commissioners	<i>How many commissioners are on the truth commission?</i>	<p>The number of commissioners leading the commission. If this information is not available, marked as "unknown." These individuals are typically identified in both the mandate and the final report.</p>
Number of Staff	<i>How many staff members does the truth commission have?</i>	<p>The number of staff members working for the commission. If this information is not available, marked as "unknown." These individuals are typically identified in both the mandate and the final report.</p>

Variable Name	Coding Entry	Description
Cost of the Truth Commission	<i>What is the estimated cost of the truth commission?</i>	The estimated cost of the truth commission. If this information is not available, marked as “unknown.” This information may be in the mandate, the final report, or news reports about the truth commission.
Commission Funding Source	<i>What is the truth commission’s funding source?</i>	The institution(s) that provide funds for the truth commission. If this information is unavailable, marked as “unknown.”
Public Opinion Polls	<i>Do any public opinion polls exist on the truth commission?</i>	<ul style="list-style-type: none"> • Yes • No • Unknown <p>If response is “yes,” additional information provided about poll, body that commissioned the poll, summary of results, and where the polling data can be accessed.</p>

APPENDIX C. COMPILATION OF TRUTH COMMISSION CASES IN EXTANT SCHOLARSHIP

Potential Cases	Year*	Hayner 2001	Kim 2005	Kenney and Spears 2005	Brahm 2006	Dancy and Poe 2006	Freeman 2006	Payne et al. Forthcoming
Pakistan	1971-1974							X
Uganda	1974	X	X			X		X (1974-1975)
Zambia	1975							X
India	1977		X					X
Bolivia	1982-1984	X	X	X	X	X	X	X
Argentina	1983-1984	X	X	X	X	X	X	X (1983-1983)
Kenya	1983-1984							X
Honduras	1984							X
Uruguay	1985	X	X	X	X	X		X
Zimbabwe	1985	X	X			X		X
Philippines	1986		X		X	X		X (1986-1987)
Uganda	1986-1995	X	X		X	X	X	X (1986-1994)
Ghana	1989							X
Chile	1990-1991	X	X	X	X	X	X	X
Czech Republic	1990							X
Nepal	1990-1991	X	X		X	X	X	X
South Africa	1990							X
Chad	1991-1992	X	X		X	X	X	X (1990-1992)
Lithuania	1991							X
South Africa (ANC)	1991-1992							X
El Salvador	1992-1993	X	X	X	X	X	X	X
Germany	1992-1994	X	X		X	X	X	X
Rwanda	1992-1993		X			X		
South Africa (ANC)	1992	X	X					

Potential Cases	Year*	Hayner 2001	Kim 2005	Kenney and Spears 2005	Brahm 2006	Dancy and Poe 2006	Freeman 2006	Payne et al. Forthcoming
Honduras	1993		X	X (1992)				
South Africa (ANC)	1993	X	X					
Zambia	1993							X
Sri Lanka	1994-1997	X	X			X	X	X
Sudan	1994							X
Brazil	1995-2007							X
Burundi	1995-1996	X	X		X	X		X
Haiti	1995-1996	X	X	X	X	X	X	X (1995 - 1997)
Mexico	1995							X
South Africa	1995-2000	X	X		X	X	X	X
Ecuador	1996-1997	X	X	X	X	X	X	X
Guatemala	1997-1999	X	X	X	X	X	X	X
Liberia	1997-1998					X		
Sweden	1997-1999							X
Tajikistan	1997-2000						X	
Burkina Faso	1998							X
Lithuania	1998							X
Indonesia	1999-2000		X					X
Nigeria	1999-2002	X	X		X	X	X	X
Rwanda	1999-							X
Rwanda	1999-2000							X
Lebanon	2000-2001							X
Lesotho	2000-2002					X		
Malaysia	2000-2001							X
Poland	2000-							X
South Korea	2000-2002							X
South Korea	2000-2004		X		X (2001 - 2004)		X	X
Uruguay	2000-2003		X	X	X	X	X	X

Potential Cases	Year*	Hayner 2001	Kim 2005	Kenney and Spears 2005	Brahm 2006	Dancy and Poe 2006	Freeman 2006	Payne et al. Forthcoming
Grenada	2001-2006		X (2000-2006)				X	
Jamaica	2001-2002							X
Lebanon	2001-2002							X
Mexico	2001							X
Panama	2001-2003		X	X	X	X	X	X (2000 - 2002)
Peru	2001-2003		X	X	X	X (2000-2003)	X	X
Sri Lanka	2001-2002							X
Thailand	2001-2004							X
Zambia	2001							X
East Timor	2002-2003		X (2001-2003)		X	X	X	X (2001 - 2005)
Ghana	2002-2003		X		X	X	X	X (2000 - 2004)
Serbia and Montenegro	2002-2003		X (2001-2003)		X	X	X (2001-2003)	X
Sierra Leone	2002-2003	X (2000-2003)	X (2000-2003)		X	X	X	X (2002 - 2004)
Central African Republic	2003		X (2002)		X			X
Chile	2003-2004							X
Paraguay	2003-		X		X		X (2004-)	X (2003 - 2006)

Potential Cases	Year*	Hayner 2001	Kim 2005	Kenney and Spears 2005	Brahm 2006	Dancy and Poe 2006	Freeman 2006	Payne et al. Forthcoming
Democratic Republic of Congo	2004-		X (2003-)		X (2003-)		X	X
Lebanon	2004							X
Morocco	2004-2005		X		X	X (2004-2006)		X
Colombia	2005-							X
Fiji	2005-					X		
Indonesia	2005-						X	
Indonesia / East Timor	2005-							X
Lebanon	2005							X
Liberia	2005-		X		X	X (2003-)	X	X
Solomon Islands	2005-					X		
Bosnia and Herzegovina	2006-							X
Sri Lanka	2006							X

* Where no end date is listed, it is unknown whether the truth commission is still in operation. Discrepancies in dates are listed under the respective source.

Source: Brahm (2009)

APPENDIX D. DESCRIPTION OF CIRI DATASET AND VARIABLES

The Cingranelli-Richards (CIRI) Human Rights Dataset serves as one of two secondary data sources that is used for the quantitative analysis in this work.

The CIRI dataset contains standards based quantitative information on government respect for a wide range of internationally recognized human rights for countries of all regime-types and from all regions of the world. The dataset contains measures that reflect government practices related to human rights, rather than human rights policies, or overall human rights conditions (which may be affected by non-state actors). Country data is available from 1981 to 2011.

Operationalization of Variables

Physical Integrity Rights Index

The CIRI dataset includes a Physical Integrity Rights Index that is used as a Human Rights Index in this study. The Physical Integrity Rights Index is an additive index that is constructed from four other indicators in the CIRI study; namely the Disappearance, Extrajudicial Killing, Political Imprisonment, and Torture indicators. The Index values range from 0 (representing no government respect for the four human rights mentioned) to 8 (representing full government respect for the four human rights mentioned).¹

Disappearance: These are cases where people have disappeared and state agents appear to have been responsible for the disappearance, and a political motivation seems likely. The victims have not been found. By definition, disappearances refer to the cases where the public does not know the whereabouts of the victims. However, while there is typically no way of knowing where the victims are, the public generally knows who kidnapped the victims, as well as the circumstances under which the victims were taken.

Extrajudicial Killing: These are killings by government officials without due process of law, and include murders by private groups if the killings are instigated or sponsored by the government. Extrajudicial killings include deaths that result from deliberate, illegal, and excessive use of lethal force by state agents such as the police and armed forces.

¹ For further information about the Physical Integrity Rights Index and the other human rights indicators, see Cingranelli, David L., and David L. Richards. 1999. "Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights." *International Studies Quarterly*, 43(2): 407-418.

Political Imprisonment: The incarceration of people by government officials based on factors such as non-violent opposition to government policies or leaders; membership in a particular ethnic, racial, or religious group; anti-government speech; religious beliefs; or non-violent religious practices including proselytizing.

Torture: The purposeful inflicting of extreme pain, whether mental or physical, by state agents or by private individuals working on behalf of government officials. Torture includes the use of physical force, which is cruel, degrading or inhuman, by the police or prison guards. Deaths that occur due to the negligence of government officials, when someone is in custody, are also classified as torture.

Recoded Variables

Table D.1 includes country information (including date legislation is passed authorizing the adoption of a truth commission, date the truth commission begins its operations, and date the truth commission ends its operations) from the Transitional Justice Research Collaborative (TJRC) truth commission dataset. Data on human rights is from the CIRI dataset, with HRC1 and HRC2 representing recoded variables that indicate changes in human rights index scores.

TABLE D.1. HUMAN RIGHTS INDEX, CHANGES ACROSS TIME

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	HRI-BO	HRI-EO	HRI-2011	HRC1	HRC2
Algeria	2003	2003	2005	1	5	4	1	2
Argentina	1983	1983	1984	6	6	5	0	2
Bolivia	1982	1982	1984	1	5	5	1	0
Bosnia and Herzegovina	2003	2004	2004	7	7	6	0	1
Burkina Faso	1998	1999	1999	6	6	5	0	2
Burundi	1995	1995	1996	XX	1	2	***	1
Canada	2008	2008	2013 goal	6	?	7	***	***
Central African Republic	2003	2003	2003	4	4	3	0	2
Chad	1990	1990	1992	0	1	3	1	1
Chile	1990	1990	1991	3	5	5	1	0
	2003	2003	2005	6	7	5	1	2
Congo, Democratic Republic of the	2004	2004	2007	1	1	0	0	2
East Timor	2002	2002	2005	XX	5	7	***	1
	1999	1999	2000	XX	XX	7	***	***
Ecuador	1996	1996	1997	4	4	4	0	0
	2007	2007	2009	4	4	4	0	0
El Salvador	1992	1992	1993	5	5	4	0	2
Estonia	1998	1999	2008	7	7	7	0	0
Ethiopia	1992	1993	2007	4	1	2	2	1
Germany	1992	1992	1994	8	8	7	0	2
	1995	1995	1998	8	8	7	0	2
Ghana	2002	2003	2004	6	6	4	0	2
Grenada	2000	2000	2001	XX	8	6	***	2
Guatemala	1994	1997	1999	4	4	5	0	2
Haiti	1994	1995	1996	6	5	4	2	2
Honduras	1992	1993	1994	5	5	3	0	2
India	1977	1977	1978	XX	XX	0	***	***
Indonesia	2005	2005	2008	1	3	3	1	0
Kenya	2008	2009	--	2	?	4	***	***
Lebanon	2000	2000	2000	XX	XX	3	***	***
	2001	2001	2003	4	4	3	0	2
	2005	2005	--	4	?	3	***	***
	2005	2005	2009	4	5	3	1	2
Liberia	2005	2006	2009	5	5	5	0	0
Lithuania	1998	1998	--	7	?	7	***	***

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	HRI-BO	HRI-EO	HRI-2011	HRC1	HRC2
Mauritius	2008	2009	--	6	?	7	***	***
Morocco	2004	2004	2005	4	3	3	2	0
Nepal	1990	1990	1991	3	3	4	0	1
Nigeria	1999	1999	2002	2	3	0	1	2
Pakistan	1971	1972	1974	XX	XX	0	***	***
Panama	2001	2001	2002	7	8	7	1	2
Paraguay	2003	2004	2008	5	5	6	0	1
Peru	2001	2001	2003	3	3	5	0	1
Philippines	1986	1986	1987	3	0	1	2	1
Rwanda	n/a	1993	1993	1	1	2	0	1
Sierra Leone	2000	2002	2004	8	6	6	2	0
Solomon Islands	2008	2009	TBD	8	?	8	***	***
South Africa	1995	1995	2002	5	5	4	0	2
	1990	1990	1990	2	2	4	0	1
	1991	1991	1992	2	2	4	0	1
South Korea	2000	2000	2004	XX	XX	XX	***	***
	1999	2000	2008	XX	XX	XX	***	***
Sri Lanka	1994	1995	1997	0	1	0	1	2
	1994	1995	1997	0	1	0	1	2
	1994	1994	1997	2	1	0	2	2
Thailand	2010	2010	2012	1	?	1	***	***
Togo	2009	2009	2012	4	?	5	***	***
Uganda	1974	1974	1974	XX	XX	2	***	***
	1986	1986	1994	2	3	2	1	2
United Kingdom	1998	1998	2004	7	7	7	0	0
United States	n/a	2004	2006	4	4	6	0	1
	1980	1980	1981	XX	8	6	***	2
Uruguay	1985	1981	Nov-1985	4	7	7	1	0
	1985	1985	1987	7	7	7	0	0
	1990	1990	1990	7	7	7	0	0
	2000	2000	2002	7	8	7	1	2
Yugoslavia	2001	2002	2003	XX	XX	XX	***	***
Zambia	1993	1993	1995	4	6	4	1	2
Zimbabwe	1975	1975	1976	XX	XX	4	***	***
	1983	1983	1984	2	0	2	2	1

KEY

Date TRC Passed	<i>Date official legislation was passed to institute or establish truth commission.</i>
Date TRC Begins	<i>Date the truth commission officially begins its operations.</i>
Date TRC Ends	<i>Date the truth commission officially ends its operations.</i>
HRI-BO	<i>Human Rights Index value for country at the date truth commission begins operation. Data from CIRI Physical Integrity Rights Index.</i>
HRI-EO	<i>Human Rights Index value for country at the date truth commission ends operation. Data from CIRI Physical Integrity Rights Index.</i>
HRI-2011	<i>Human Rights Index value for country in 2011.</i>
HRC1	<i>Recoded variable for Human Rights Index Value indicating change in CIRI Physical Integrity Rights Index score. Changes in CIRI score between HRI-BO and HRI-EO. 0: neutral/no change 1: positive change 2: negative change</i>
HRC2	<i>Recoded variable for Human Rights Index Value indicating change in CIRI Physical Integrity Rights Index score. Changes in CIRI score between HRI-EO and HRI-2011. 0: neutral/no change 1: positive change 2: negative change</i>
XX	<i>No data available.</i>
?	<i>Mandate of truth commission is ongoing, or end date of commission mandate is unknown or to be determined (TBD).</i>
***	<i>Missing values</i>

APPENDIX E. DESCRIPTION OF POLITY IV DATASET AND VARIABLES ¹

In this study, the relationship between adoption of truth commissions and changes in democratization is tested with the use of data from the Polity IV database, which contains annual information on political regime and authority characteristics.

The Polity IV database contains time series data created from coded information of the level of democracy for all independent states with a total population greater than 500,000. The Polity IV database is widely used in political science for comparative, quantitative analysis. The Polity IV database includes coded annual information for 167 countries worldwide that covers the years 1800 to 2013. The Polity IV database builds upon prior Polity research that is rooted in the “tradition of coding the authority characteristics of states in the world system for purposes of comparative, quantitative analysis” (Marshall 2014: 1).

The unit of analysis in this database is the “polity,” which refers to a state, political government or organization, or societal or political institution. The Polity IV project includes information about the authority patterns of a state regime, and does not include non-state polities. “The state is the recognized central authority for a (potential) social unity that is delimited spatially through the identification of formal, territorial borders” (Marshall 2014: 1). Determinations about a state’s level of democracy are based on evaluations of the state’s elections for competitiveness and openness, the nature of political participation, and the extent of checks on the executive arm of government.

The composite index is based on the following component variables:

- Authority patterns
- Political regime characteristics and transitions
- Regime legitimacy
- Personal, the regulation of chief executive recruitment
- Substantive, executive constraints to directiveness and responsiveness
- The regulation of participation (political competition)
- State failure
- State fragility

The variable of interest in this particular study is DEMOC, a measure of institutionalized democracy. Democracy is categorized by making assessments based on three fundamental, interdependent elements:

- The presence of institutions and procedures through which **citizens can express effective preferences** about alternative policies and leaders.

¹ Source: Marshall, Monty G. 2014. “Polity IV Project: Dataset Users’ Manual.” Retrieved from <http://www.systemicpeace.org/inscr/p4manualv2013.pdf>

- The existence of **institutionalized constraints on the exercise of power by the executive.**
- The **guarantee of civil liberties to all citizens** in their daily lives and in acts of political participation.

A “Polity Score” is provided for each polity (country) by year, using a ten-point democracy scale by coding with score ranges from -10 (fully autocratic) to +10 (fully democratic). The breakdown for state score classification is as follows:

Regime Type	Minimum Value	Maximum Value
Autocracy	-10	-6
Anoncracy ²	-5	5
Democracy	6	10

This Polity IV dataset provides a numerical value or score that is useful for assessing regime characteristics at a point in time. It is, therefore, possible to measure the evolution of regimes over time. One important limitation of the Polity IV database is that any data that is coded by a discrete scale will need to assign only a limited number of possible scores to each country (variance truncation). When improperly used to examine changes over short periods of time (that is, from year to year), the resulting findings will be an exaggeration of any changes.

² A political regime characterized by political instability and ineffectiveness.

**TABLE E.1. POLITY IV SCORES:
CHANGES OVER TIME FOR COUNTRIES WITH TRUTH COMMISSIONS**

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	P4-BO	P4-EO	P4-2011	P4-2014
Algeria	2003	2003	2005	-3	2	2	2
Argentina	1983	1983	1984	8	8	8	8
Bolivia	1982	1982	1984	8	8	7	7
Bosnia and Herzegovina	2003	2004	2004	XX	XX	XX	XX
Burkina Faso	1998	1999	1999	-4	-4	0	0
Burundi	1995	1995	1996	0	-6	6	6
Canada	2008	2008	2013 goal	10	10	10	10
Central African Republic	2003	2003	2003	-1	-1	-1	0
Chad	1990	1990	1992	-7	-2	-2	-2
Chile	1990	1990	1991	8	8	10	10
	2003	2003	2005	9	9	10	10
Congo, Democratic Republic of the	2004	2004	2007	3	5	5	5
East Timor	2002	2002	2005	6	6	7	7
	1999	1999	2000	XX	XX	7	7
Ecuador	1996	1996	1997	9	8	5	5
	2007	2007	2009	5	5	5	5
El Salvador	1992	1992	1993	7	7	8	8
Estonia	1998	1999	2008	7	9	9	9
Ethiopia	1992	1993	2007	1	-3	-3	-3
Germany	1992	1992	1994	10	10	10	10
	1995	1995	1998	10	10	10	10
Ghana	2002	2003	2004	6	8	8	8
Grenada	2000	2000	2001	XX	XX	XX	XX
Guatemala	1994	1997	1999	8	8	8	8
Haiti	1994	1995	1996	7	7	0	0
Honduras	1992	1993	1994	6	6	7	7
India	1977	1977	1978	8	8	9	9
Indonesia	2005	2005	2008	8	8	8	8
Kenya	2008	2009	--	7	?	8	9
Lebanon	2000	2000	2000	XX	XX	6	6
	2001	2001	2003	XX	XX	6	6
	2005	2005	--	6	?	6	6
	2005	2005	2009	6	9	6	6
Liberia	2005	2006	2009	6	6	6	6
Lithuania	1998	1998	--	10	?	10	10
Mauritius	2008	2009	--	10	?	10	10
Morocco	2004	2004	2005	-6	-6	-4	-4

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	P4-BO	P4-EO	P4-2011	P4-2014
Nepal	1990	1990	1991	5	5	6	6
Nigeria	1999	1999	2002	-5	4	4	4
Pakistan	1971	1972	1974	4	8	6	7
Panama	2001	2001	2002	9	9	9	9
Paraguay	2003	2004	2008	8	8	8	9
Peru	2001	2001	2003	9	9	9	9
Philippines	1986	1986	1987	1	8	8	8
Rwanda	n/a	1993	1993	-7	-7	-4	-3
Sierra Leone	2000	2002	2004	5	5	7	7
Solomon Islands	2008	2009	TBD	8	?	8	8
South Africa	1995	1995	2002	9	9	9	9
	1990	1990	1990	5	5	9	9
	1991	1991	1992	5	6	9	9
South Korea	2000	2000	2004	8	8	8	8
	1999	2000	2008	8	8	8	8
Sri Lanka	1994	1995	1997	5	7	3	3
	1994	1995	1997	5	7	3	3
	1994	1994	1997	5	7	3	3
Thailand	2010	2010	2012	4	7	7	-3
Togo	2009	2009	2012	-4	-2	-2	-2
Uganda	1974	1974	1974	-7	-7	-1	-1
	1986	1986	1994	-7	-4	-1	-1
United Kingdom	1998	1998	2004	10	10	10	10
United States	n/a	2004	2006	10	10	10	10
	1980	1980	1981	10	10	10	10
Uruguay	1985	Mar-1981	Nov-1985	-7	9	10	10
	1985	1985	1987	9	9	10	10
	1990	1990	1990	10	10	10	10
	2000	2000	2002	10	10	10	10
Yugoslavia	2001	2002	2003	7	XX	XX	XX
Zambia	1993	1993	1995	6	6	7	7
	1975	1975	1976	-9	-9	7	7
Zimbabwe	1983	1983	1984	1	1	1	4

KEY

Date TRC Passed	<i>Date official legislation was passed to institute or establish truth commission.</i>
Date TRC Begins	<i>Date the truth commission officially begins its operations.</i>
Date TRC Ends	<i>Date the truth commission officially ends its operations.</i>
P4-BO	<i>Polity IV score for country at the date truth commission begins operation.</i>
P4-EO	<i>Polity IV score for country at the date truth commission ends operation.</i>
P4-2011	<i>Polity IV score for country in 2011.</i>
P4-2014	<i>Polity IV score for country in 2014.</i>
XX	<i>No data available.</i>
?	<i>Mandate of truth commission is ongoing, or end date of commission mandate is unknown or to be determined (TBD).</i>

APPENDIX F. DESCRIPTION OF FREEDOM IN THE WORLD COMPARATIVE AND HISTORICAL DATA

The Comparative and Historical Dataset collected and published by Freedom House in *Freedom in the World* is a comparative assessment of global political rights and civil liberties. Published annually since 1972, the survey ratings and narrative reports on 195 countries and 15 related and disputed territories are useful for monitoring trends in democracy and track improvements and setbacks in freedom worldwide.

TABLE F.1. FREEDOM IN THE WORLD: 2014 SCORES FOR COUNTRIES WITH TRUTH COMMISSIONS

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	FH-2014	Status
Algeria	2003	2003	2005	5.5	Not Free
Argentina	1983	1983	1984	2.0	Free
Bolivia	1982	1982	1984	3.0	Partly Free
Bosnia and Herzegovina	2003	2004	2004	3.5	Partly Free
Burkina Faso	1998	1999	1999	4.5	Partly Free
Burundi	1995	1995	1996	5.5	Not Free
Canada	2008	2008	2013 goal	1.0	Free
Central African Republic	2003	2003	2003	7.0	Not Free
Chad	1990	1990	1992	6.5	Not Free
Chile	1990	1990	1991	1.0	Free
	2003	2003	2005	1.0	Free
Congo, Democratic Republic of the	2004	2004	2007	6.0	Not Free
East Timor	2002	2002	2005	3.0	Partly Free
	1999	1999	2000	3.0	Partly Free
Ecuador	1996	1996	1997	3.0	Partly Free
	2007	2007	2009	3.0	Partly Free
El Salvador	1992	1992	1993	2.5	Free
Estonia	1998	1999	2008	1.0	Free
Ethiopia	1992	1993	2007	6.0	Free
Germany	1992	1992	1994	1.0	Free
	1995	1995	1998	1.0	Free
Ghana	2002	2003	2004	1.5	Free
Grenada	2000	2000	2001	1.5	Free
Guatemala	1994	1997	1999	3.5	Partly Free
Haiti	1994	1995	1996	5.0	Partly Free
Honduras	1992	1993	1994	4.0	Partly Free

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	FH-2014	Status
India	1977	1977	1978	2.5	Free
Indonesia	2005	2005	2008	3.0	Partly Free
Kenya	2008	2009	--	4.0	Partly Free
Lebanon	2000	2000	2000	4.5	Partly Free
	2001	2001	2003	4.5	Partly Free
	2005	2005	--	4.5	Partly Free
	2005	2005	2009	4.5	Partly Free
Liberia	2005	2006	2009	3.5	Partly Free
Lithuania	1998	1998	--	1.0	Free
Mauritius	2008	2009	--	1.5	Free
Morocco	2004	2004	2005	4.5	Partly Free
Nepal	1990	1990	1991	3.5	Partly Free
Nigeria	1999	1999	2002	4.5	Partly Free
Pakistan	1971	1972	1974	4.5	Partly Free
Panama	2001	2001	2002	2.0	Free
Paraguay	2003	2004	2008	3.0	Partly Free
Peru	2001	2001	2003	2.5	Free
Philippines	1986	1986	1987	3.0	Partly Free
Rwanda	n/a	1993	1993	6.0	Not Free
Sierra Leone	2000	2002	2004	3.0	Partly Free
Solomon Islands	2008	2009	TBD	3.0	Partly Free
South Africa	1995	1995	2002	2.0	Free
	1990	1990	1990	2.0	Free
	1991	1991	1992	2.0	Free
South Korea	2000	2000	2004	2.0	Free
	1999	2000	2008	2.0	Free
Sri Lanka	1994	1995	1997	5.0	Partly Free
	1994	1995	1997	5.0	Partly Free
	1994	1994	1997	5.0	Partly Free
Thailand	2010	2010	2012	5.5	Not Free
Togo	2009	2009	--	4.0	Partly Free
Uganda	1974	1974	1974	5.5	Not Free
	1986	1986	1994	5.5	Not Free
United Kingdom	1998	1998	2004	1.0	Free
United States	n/a	2004	2006	1.0	Free
	1980	1980	1981	1.0	Free
Uruguay	1985	Mar-1981	Nov-1985	1.0	Free
	1985	1985	1987	1.0	Free
	1990	1990	1990	1.0	Free
	2000	2000	2002	1.0	Free

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	FH-2014	Status
Yugoslavia	2001	2002	2003	XX	XX
Zambia	1993	1993	1995	3.5	Partly Free
	1975	1975	1976	3.5	Partly Free
Zimbabwe	1983	1983	1984	5.5	Not Free

KEY

Date TRC Law Passed *Date official legislation was passed to institute or establish truth commission.*

Date TRC Begins *Date the truth commission officially begins its operations.*

Date TRC Ends *Date the truth commission officially ends its operations.*

FH-2015 *Freedom House Score for country in 2015.*

XX *No data available.*

**TABLE F.2. FREEDOM IN THE WORLD SCORES:
CHANGES OVER TIME FOR COUNTRIES WITH TRUTH COMMISSIONS**

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	FH-BO	FH-EO	FH-2011	FH-2014
Algeria	2003	2003	2005	5.5	5.5	5.5	5.5
Argentina	1983	1983	1984	3.0	2.0	2.0	2.0
Bolivia	1982	1982	1984	5.5	2.5	3.0	3.0
Bosnia and Herzegovina	2003	2004	2004	3.5	3.5	3.5	3.5
Burkina Faso	1998	1999	1999	4.0	4.0	4.0	4.5
Burundi	1995	1995	1996	6.5	7.0	5.0	5.5
Canada	2008	2008	2013 goal	1.0	1.0	1.0	1.0
Central African Republic	2003	2003	2003	6.0	6.0	5.0	7.0
Chad	1990	1990	1992	6.5	6.0	6.5	6.5
Chile	1990	1990	1991	2.0	2.0	1.0	1.0
	2003	2003	2005	1.0	1.0	1.0	1.0
Congo, Democratic Republic of the	2004	2004	2007	6.0	5.6	6.0	6.0
East Timor	2002	2002	2005	3.0	3.0	3.5	3.0
	1999	1999	2000	5.0	4.5	3.5	3.0
Ecuador	1996	1996	1997	3.0	3.0	3.0	3.0
	2007	2007	2009	3.0	3.0	3.0	3.0
El Salvador	1992	1992	1993	3.0	3.0	2.3	2.5
Estonia	1998	1999	2008	1.5	1.5	1.0	1.0
Ethiopia	1992	1993	2007	5.5	5.0	6.0	6.0
Germany	1992	1992	1994	XX	XX	XX	1.0
	1995	1995	1998	XX	XX	XX	1.0
Ghana	2002	2003	2004	2.5	2.0	1.5	1.5
Grenada	2000	2000	2001	1.5	1.5	1.5	1.5
Guatemala	1994	1997	1999				
Haiti	1994	1995	1996	5.0	4.5	4.5	5.0
Honduras	1992	1993	1994	2.5	3.0	3.0	4.0
India	1977	1977	1978	2.0	2.0	2.5	2.5
Indonesia	2005	2005	2008	3.5	2.5	2.5	3.0
Kenya	2008	2009	--	4.0	?	3.5	4.0
Lebanon	2000	2000	2000	5.5	5.5	5.5	4.5
	2001	2001	2003	5.5	5.5	5.5	4.5
	2005	2005	--	5.5	?	5.5	4.5
	2005	2005	2009	5.5	4.0	5.5	4.5

Country	Date TRC Passed	Date TRC Begins	Date TRC Ends	FH-BO	FH-EO	FH-2011	FH-2014
Liberia	2005	2006	2009	4.0	3.5	3.5	3.5
Lithuania	1998	1998	--	1.5	?	1.0	1.0
Mauritius	2008	2009	--	1.5	?	1.5	1.5
Morocco	2004	2004	2005	4.5	4.5	4.5	4.5
Nepal	1990	1990	1991	4.0	2.5	4.0	3.5
Nigeria	1999	1999	2002	3.5	4.5	4.0	4.5
Pakistan	1971	1972	1974	4.0	4.0	4.5	4.5
Panama	2001	2001	2002	1.5	1.5	1.5	2.0
Paraguay	2003	2004	2008	3.0	3.0	3.0	3.0
Peru	2001	2001	2003	2.0	2.5	2.5	2.5
Philippines	1986	1986	1987	3.0	2.0	3.0	3.0
Rwanda	n/a	1993	1993	5.5	5.5	5.5	6.0
Sierra Leone	2000	2002	2004	4.0	3.5	3.0	3.0
Solomon Islands	2008	2009	TBD	3.5	?	3.5	3.0
South Africa	1995	1995	2002	1.5	1.5	2.0	2.0
	1990	1990	1990	4.5	4.5	2.0	2.0
	1991	1991	1992	4.5	4.5	2.0	2.0
South Korea	2000	2000	2004	2.0	1.5	1.5	2.0
	1999	2000	2008	2.0	1.5	1.5	2.0
Sri Lanka	1994	1995	1997	4.5	3.5	4.5	5.0
	1994	1995	1997	4.5	3.5	4.5	5.0
	1994	1994	1997	4.5	4.5	4.5	5.0
Thailand	2010	2010	2012	4.5	4.0	4.0	5.5
Togo	2009	2009	2012	4.5	4.5	4.0	4.0
Uganda	1974	1974	1974	7.0	7.0	4.5	5.5
	1986	1986	1994	4.5	4.5	4.5	5.5
United Kingdom	1998	1998	2004	1.5	1.0	1.0	1.0
United States	n/a	2004	2006	1.0	1.0	1.0	1.0
	1980	1980	1981	1.0	1.0	1.0	1.0
Uruguay	1985	Mar-1981	Nov-1985	5.0	2.0	1.0	1.0
	1985	1985	1987	2.0	2.0	1.0	1.0
	1990	1990	1990	1.5	1.5	1.0	1.0
	2000	2000	2002	1.0	1.0	1.0	1.0
Yugoslavia	2001	2002	2003	XX	XX	XX	XX
Zambia	1993	1993	1995	3.5	3.5		
	1975	1975	1976	5.0	5.0	3.5	3.5
Zimbabwe	1983	1983	1984	4.5	4.5	6.0	5.5

**TABLE F.2. TABLE KEY: FREEDOM IN THE WORLD SCORES:
CHANGES OVER TIME FOR COUNTRIES WITH TRUTH COMMISSIONS**

KEY

Date TRC Passed	<i>Date official legislation was passed to institute or establish truth commission.</i>
Date TRC Begins	<i>Date the truth commission officially begins its operations.</i>
Date TRC Ends	<i>Date the truth commission officially ends its operations.</i>
FH-BO	<i>Freedom House score for country at the date truth commission begins operation. Data from Freedom in the World 2015 .</i>
FH-EO	<i>Freedom House score for country at the date truth commission ends operation. Data from Freedom in the World 2015.</i>
FH-2011	<i>Freedom House score for country in 2011. Data from Freedom in the World 2015.</i>
FH-2014	<i>Freedom House score for country in 2014. Data from Freedom in the World 2015</i>
XX	<i>No data available.</i>
?	<i>Mandate of truth commission is ongoing, or end date of commission mandate is unknown or to be determined (TBD).</i>

BIBLIOGRAPHY

- Abizadeh, Arash. 2002. "Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments." *American Political Science Review*, 96(3): 495-509.
- Achilles, Mary, and Howard Zehr. 2001. "Restorative Justice for Crime Victims: The Promise and the Challenge." In *Restorative Community Justice*. Eds. Gordon Bazemore and Maria Schiff. Cincinnati, OH: Anderson Publishing Co.
- Adler, Glenn, and Eddie Webster. 1995. "Challenging Transition Theory: The Labor Movement, Radical Reform, and Transition to Democracy in South Africa." *Politics and Society*, 23(1): 75-106.
- Akhavan, Payam. 2001. "Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?" *The American Journal of International Law*, 95(1): 7-31.
- Albertus, Michael and Victor Menaldo. 2013. "Gaming Democracy: Elite Dominance During Transition and the Prospects for Redistribution." *British Journal of Political Science*, 44(3): 575-603.
- Alesina, Alberto F., William Easterly, Arnaud Devleeschauwer, Sergio Kuriat, and Romain T. Wacziarg. 2002. "Fractionalization." (June 2002). Harvard Institute Research Working Paper No. 1959. Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=319762
- Allan, Alfred, and Marietjie M. Allan. 2000. "The South African Truth and Reconciliation Commission as a Therapeutic Tool." *Behavioral Sciences and the Law*, 18: 459-477.
- Allen, Jonathan. 1999. "Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission." *The University of Toronto Law Journal*, 49(3): 315-353.
- Allport, Gordon W. 1954. *The Nature of Prejudice*. Reading, MA: Addison-Wesley.
- Amir, Yehuda. 1969. "Contact Hypothesis in Ethnic Relations." *Psychological Bulletin*, 71: 319-42.
- Amstutz, Mark R. 2004. "Human Rights and the Promise of Political Forgiveness." *Christianity and Human Rights Conference*, Samford University (November 2004).

- Amstutz, Mark. R. 2005. *The Healing of Nations: The Promise and Limits of Political Forgiveness*. Lanham, MD: Rowman & Littlefield Publishers, Inc.
- ANC (African National Congress). 2011. "Goldstone Commission: Report on the Investigation Units of the Commission. Retrieved from: <http://www.anc.org.za/show.php?id=4222>
- Anderson, Christopher J., and Aida Paskeviciute. 2006. "How Ethnic and Linguistic Heterogeneity Influence the Prospects for Civil Society: A Comparative Study of Citizenship Behavior." *The Journal of Politics*, 68(4): 783-802.
- Andrews, Molly. 2003. "Grand National Narratives and the Project of Truth Commissions: A Comparative Analysis." *Media, Culture & Society*, 25(1): 45-65.
- Androff, David. 2010. "'To Not Hate': Reconciliation Among Victims of Violence and Participants of the Greensboro Truth and Reconciliation Commission." *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 13(3): 269-285.
- Anghie, Antony. 1999. "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law." *Harvard International Law Journal*, 40(1): 1-71.
- Arendt, Hannah. 1998. *The Human Condition* (Second Edition). Chicago, IL: University of Chicago Press.
- Arthur, Paige. 2009. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice." *Human Rights Quarterly*, 31(2): 321-367.
- Asmal, Kader, Louise Asmal, and Ronald S. Roberts. 1997. *Reconciliation Through Truth: Reckoning Apartheid's Criminal Governance*. Cape Town: David Philips.
- Aukerman, Miriam J. 2002. "Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice." *Harvard Human Rights Journal*, 15: 39-97.
- Ayee, Emmanuel S.A. 2010. "Reflecting on Our Past: Reconciling a Divided Nation Through Listening." *Koers*, 75(1): 15-32.

- Backer, David. 2009. "Cross-National Comparative Analysis." In *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*. Eds. Hugo Van der Merwe, Victoria Baxter, and Audrey R. Chapman. Washington, D.C.: United States Institute of Peace.
- Bakiner, Onur. 2013. "Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society." *The International Journal of Transitional Justice*, 2013: 1-25.
- Ball, Patrick, Herbert F. Spierer, and Louise Spierer. 2000. *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis*. Washington, D.C.: American Association for the Advancement of Science. Retrieved from <https://hrdag.org/wp-content/uploads/2013/01/MakingtheCase-2000-fulltext.pdf>
- BBC News. 1998. "ANC Fails to Block Truth Report." British Broadcasting Corporation. Retrieved from <http://news.bbc.co.uk/2/hi/africa/203714.stm>
- Berg, Patrick. 2008. "The Dynamics of Conflict in the Tri-Border Region of Sudan, Chad and the Central African Republic." *Country Conflict Analysis Studies*. Friedrich Ebert Foundation. Retrieved from <http://library.fes.de/pdf-files/iez/05423.pdf>
- Bloomfield, David. 2006. "On Good Terms: Clarifying Reconciliation." Berghof Report No. 14. Berlin, Germany. Berghof Research Center for Constructive Conflict Management. Retrieved from <http://edoc.vifapol.de/opus/volltexte/2011/2521/pdf/br14e.pdf>
- Boed, Roman. 2000. "The Effect of a Domestic Amnesty on the Ability of Foreign States to Prosecute Alleged Perpetrators of Serious Human Rights Violations." *Cornell International Law Journal*, 33(2), Article 1: 297-329.
- Brahm, Eric. 2004. "Truth Commissions." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Retrieved from <http://www.beyondintractability.org/essay/truth-commissions>
- Brahm, Eric. 2006. *Truth and Consequences: The Impact of Truth Commissions in Transitional Societies*. Unpublished Ph.D. Dissertation, University of Colorado at Boulder.
- Brahm, Eric. 2007. "Uncovering the Truth: Examining Truth Commission Success and Impact." *International Studies Perspectives*, 8(1): 16-35.

- Brahm, Eric. 2009a. "Judging Truth: The Contributions of Truth Commissions in Post-Conflict Environments." In *Negotiating Sovereignty and Human Rights: Actors and Issues in Contemporary Human Rights Politics*. Eds. Noha Shawki and Michaelene Cox. Burlington, VT: Ashgate Publishing Company.
- Brahm, Eric. 2009b. "What is a Truth Commission and Why Does It Matter?" *Peace and Conflict Review*, 3(2): 1-14.
- Braithwaite, John. 1999. "Restorative Justice: Assessing Optimistic and Pessimistic Accounts." *Crime and Justice*, 25: 1-127.
- Buergenthal, Thomas. 1994. "The United Nations Truth Commission for El Salvador." *Vanderbilt Journal of Transnational Law*, 27(3): 497-544.
- Call, Charles T. 2004. "Is Transitional Justice Really Just?" *Brown Journal of World Affairs*, 11(1): 101-115.
- Carothers, Thomas. 2002. "The End of the Transition Paradigm." *Journal of Democracy*, 13(1): 5-21.
- CAVR (Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste). "Truth Seeking." Retrieved from http://www.cavr-timorleste.org/en/Truth_seeking.htm
- Center for American Progress. 2015. "Central African Republic." Enough: The Project to End Genocide and Crimes Against Humanity. Retrieved from <http://www.enoughproject.org/conflicts/car>
- Center for the Study of Violence and Reconciliation (CSV). 2012. "Philippines: Presidential Committee on Human Rights." Justice in Perspective: A Website on Truth, Justice and Reconciliation in Transition. Retrieved from <http://www.justiceinperspective.org.za/asia-australasia/philippines/presidential-committee-on-human-rights.html>
- Central Intelligence Agency (CIA). 2015. "The World Factbook." Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/fields/2075.html>
- Chapman, Audrey R. 2002. "Approaches to Studying Reconciliation." Presentation to the Conference on Empirical Approaches to Studying Truth Commissions, Stellenbosch, South Africa (November 2002).

- Chapman, Audrey R. 2007. "Truth Commissions and Intergroup Forgiveness: The Case of the South African Truth and Reconciliation Commission." *Peace and Conflict: Journal of Peace Psychology*, 13(1): 51-69.
- Chapman, Audrey R., and Patrick Ball. 2001. "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala." *Human Rights Quarterly*, 23(1): 1-43.
- Charlesworth, Hilary. 2003. "The Constitution of East Timor, May 20, 2002." *Constitutional Developments*, 1(2): 325-344.
- Chandra, Kanchan. 2005. "Ethnic Parties and Democratic Stability." *Perspectives on Politics*, 3(2): 235-252.
- Cheibub, José Antonio. 2014. "The Constitutional Foundations of Democratic Consolidation." *Comparative Democratization*, 12(2): 1-30.
- Cheibub, José Antonio, Jennifer Gandhi, and James Raymond Vreeland. 2009. "Democracy and Dictatorship Revisited." *Public Choice*, 143: 67-101.
- Christopher, Gail C. 2016. "Polling Analysis Conclusion." In *Meta-Analysis of Recent Polling Data on the Impact of Racism on American Society Today*. W.K. Kellogg Foundation. Retrieved from <http://www.wkkf.org/resource-directory/resource/2016/01/meta-analysis-of-recent-polling-data-on-the-impact-of-racism-on-american-society-today>
- Cingranelli, David L., David L. Richards, and K. Chad Clay. 2014. "The CIRI Human Rights Dataset." Retrieved from <http://www.humanrightsdata.com>. Version 2014.04.14.
- Cohen, Frank S. 1997. "Proportional Versus Majoritarian Ethnic Conflict Management in Democracies." *Comparative Political Studies*, 30(5): 607-630.
- Collier, Paul. 2000. "Ethnicity, Politics and Economic Performance." *Economics and Politics*, 12(3): 225-45.
- Collier, Paul. 2001. "Implications of Ethnic Diversity." The World Bank. Retrieved from <http://web.worldbank.org/archive/website01241/WEB/IMAGES/28127.PDF>

- Collins, Bennet, and Alison M.S. Watson. 2015. "Examining the Potential for an American Truth and Reconciliation Commission." Carnegie Council for Ethics in International Affairs. Retrieved from http://www.carnegiecouncil.org/publications/ethics_online/0102
- Commission on Human Rights of the Philippines. 1987. "Executive Order No. 163." (May 5, 1987). Retrieved from http://www.chr.gov.ph/MAIN%20PAGES/about%20us/03exec_order.htm
- Conflict Solutions Center. 2009. "Retributive Justice vs. Restorative Justice." Retrieved from http://www.cscsb.org/restorative_justice/retribution_vs_restoration.html
- Constable, Pamela, and Arturo Valenzuela. 1989. "Chile's Return to Democracy." *Foreign Affairs*, Winter 1989, Issue 90. Retrieved from <https://www.foreignaffairs.com/articles/chile/1989-12-01/chiles-return-democracy>
- Constitution of the Republic of South Africa, Act 200 of 1993 [Interim Constitution], Postamble. "National Unity and Reconciliation." Retrieved from <http://www.gov.za/documents/constitution/93cons.htm>
- Correa, Cristián, Julie Guillerot, and Lisa Magarrell. 2009. "Reparations and Victim Participation: A Look at the Truth Commission Experience." Chapter excerpted from Carla Ferstman, Mariana Goetz, and Alan Stephens, Eds., *Reparations for Victims of Genocide, War Crimes and Crimes Against Humanity*. Brill Academic Publishers. Retrieved from <https://www.ictj.org/sites/default/files/ICTJ-Global-Reparations-Participation-2009-English.pdf>
- Cueva, Eduardo González. 2004. "The Contribution of the Peruvian Truth and Reconciliation Commission to Prosecutions." *Criminal Law Forum*, 15: 55-66.
- Corliss, Cody. 2013. "Truth Commission and the Limits of Restorative Justice: Lessons Learned in South Africa's Cradock Four Case." *Michigan State International Law Review*, 21(2): 273-299.
- Daly, Kathleen, and Russ Immarigeon. 1998. "Past, Present, and Future of Restorative Justice: Some Critical Reflections." *Contemporary Justice Review*, 1: 21-45.

- Dancy, Geoff, Francesca Lessa, Bridget Marchesi, Leigh A. Payne, Gabriel Pereira, and Kathryn Sikkink. 2014. "The Transitional Justice Research Collaborative: Bridging the Qualitative-Quantitative Divide with New Data." Retrieved from <https://transitionaljusticedata.com>.
- Dancy, Geoff, Hunjoon Kim, and Eric Wiebelhaus-Brahm. 2010. "The Turn to Truth: Trends in Truth Commission Experimentation." *Journal of Human Rights*, 9(1): 45-64.
- Dancy, Geoff, and Steven C. Poe. 2006. "What Comes Before Truth? The Political Determinants of Truth Commission Onset." International Studies Association Conference, San Diego, CA (March 22-25, 2006).
- De Gruchy, John W. 2002. *Reconciliation: Restoring Justice*. Minneapolis, MN: Augsburg Books.
- Department of Justice and Constitutional Development. 2009. "Truth and Reconciliation Commission." Retrieved from <http://www.justice.gov.za/trc/>
- Desforges, Donna M., Charles G. Lord, Marilyn A. Pugh, Tiffany L. Sia, Nikki C. Scarberry, and Christopher D. Radcliff. 1997. "Role of Group Representativeness in the Generalization Part of the Contact Hypothesis." *Basic and Applied Social Psychology*, 19(2): 183-204.
- De Souza, Collin. 1996. "Testimony by Colin de Souza and Dorothy de Souza before the Truth and Reconciliation Commission at the University of the Western Cape." Retrieved from <http://www.justice.gov.za/trc/hrvtrans/helder/ct00519.htm>
- Detroit Free Press Editorial Board. 2016. "The Path to Truth, Understanding, Healing." *Detroit Free Press*. (January 28, 2016). Retrieved from <http://www.freep.com/story/opinion/editorials/2016/01/28/racial-justice-commission/79346136/>
- Digester, Peter E. 2001. *Political Forgiveness*. Ithaca, NY: Cornell University Press.
- Digester, Peter E. 2003. "Justice, Forgiveness, Mercy, and Forgetting: The Complex Meaning of Executive Pardoning." *Capital University Law Review*, 31: 161-178.
- Donnelly, Jack. 2013. *Universal Human Rights: In Theory and Practice*. 3rd Edition. Ithaca, NY: Cornell University Press.

- Dovidio, John F., Samuel L. Gaertner, and Kerry Kawakami. 2003. "Intergroup Contact: The Past, Present, and Future." *Group Processes and Intergroup Relations*, 6(1): 5-21.
- Dworkin, Ronald. 1986. *Law's Empire*. Cambridge, Massachusetts: Harvard University Press.
- Easterly, William, and Ross Levine. 1997. "Africa's Growth Tragedy: Policies and Ethnic Divisions." *The Quarterly Journal of Economics*, 112(4): 1203-1250.
- Elkins, Zachary, Tom Ginsburg, and James Melton. 2010. The Comparative Constitutions Project. Retrieved from <https://comparativeconstitutionsproject.org>
- Ellacuría, Ignacio, Segundo Montes, Armando López, Ignacio Martín-Baró, Joaquín López y López, Juan Ramón Moreno, Julia Elba Ramos, and Celina Mariceth Ramos. 1999. Inter-American Commission on Human Rights. Case 10.488, Report no 136/99, (December 1999). Retrieved from <https://www.cidh.oas.org/annualrep/99eng/Merits/ElSalvador10.488.htm>
- Ellison, Christopher G., and Daniel A. Powers. 1994. "The Contact Hypothesis and Racial Attitudes Among Black Americans." *Social Science Quarterly*, 75(2): 385-400.
- Elster, Jon. 1998. "Coming to Terms with the Past. A Framework for the Study of Justice in the Transition to Democracy." *European Journal of Sociology*, 39(1): 7-48.
- Eriksson, Mikael, and Peter Wallensteen. 2004. "Armed Conflict, 1989-2003." *Journal of Peace Research*, 41(5): 625-636.
- Esterhuyse, Willie. 2000. "Truth as a Trigger for Transformation: From Apartheid Injustice to Transformational Justice." In *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Eds. Charles Villa-Vicencio and William Verwoerd. Cape Town: University of Cape Town Press.
- Evenson, Elizabeth M. 2004. "Truth and Justice in Sierra Leone: Coordination between Commission and Court." *Columbia Law Review*, 104(3): 730-767.
- Fearon, James D., and David D. Laitin. 1996. "Explaining Interethnic Cooperation." *American Political Science Review*, 90(4): 715-735.

- Fischer, Martina. 2011. "Transitional Justice and Reconciliation: Theory and Practice." Retrieved from http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/fischer_tj_and_rec_handbook.pdf
- Fish, Steven M., and Robin S. Brooks. 2004. "Does Diversity Hurt Democracy?" *Journal of Democracy*, 15(1): 154-166.
- Fisher, Max. 2013. "A Revealing Map of the World's Most and Least Ethnically Diverse Countries." *The Washington Post* (May 16, 2013). Retrieved from <https://www.washingtonpost.com/news/worldviews/wp/2013/05/16/a-revealing-map-of-the-worlds-most-and-least-ethnically-diverse-countries/>
- Fletcher, Laurel E., Harvey M. Weinstein, and Jamie Rowen. 2009. "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective." *Human Rights Quarterly*, 31: 163-220.
- Fossett, Mark A., and K. Jill Kiecolt. 1989. "The Relative Size of Minority Populations and White Racial Attitudes." *Social Science Quarterly*, 70(4): 820-35.
- Freeman, Mark. 2006. *Truth Commissions and Procedural Fairness*. New York, NY: Cambridge University Press.
- Freeman, Mark, and Priscilla B. Hayner. 2003. "Truth-Telling." In *Reconciliation After Violent Conflict: A Handbook*. Ed. David Bloomfield. Stockholm: International Institute for Democracy and Electoral Assistance.
- Freedom House. 2015. *2015 Freedom in the World*. Retrieved from <https://freedomhouse.org/report-types/freedom-world#.VdoAv7TK83Q>
- Freudenreich, Johannes, and Florian Ranft. 1999. "Learning from the Past – An Empirical Study of the Existence of a Pattern of Truth Commissions." *Ethics and International Affairs*, 13(1): 43-64.
- Gairdner, David. 1999. *Truth to Transition: The Role of Truth Commissions in Political Transition in Chile and El Salvador*. Bergen: Chr. Michelsen Institute Development Studies and Human Rights.
- Galaway, Burt and Joe Hudson. 1996. *Restorative Justice: International Perspectives*. Monsey, NY: Criminal Justice Press / Willow Tree Press.
- Gallup. 2016. "Race Relations." Retrieved from <http://www.gallup.com/poll/1687/race-relations.aspx>

- Galtung, Johan. 2001. "After Violence, Reconstruction, Reconciliation and Resolution." In *Reconciliation, Justice, and Coexistence: Theory and Practice*. Ed. Mohammed Abu-Nimer. Lanham, MD: Lexington Books.
- Gasiorowski, Mark J. 1996. "An Overview of the Political Regime Change Dataset." *Comparative Political Studies*, 29(4): 469-483.
- Gasiorowski, Mark J. and Timothy J. Power. 1998. "The Structural Determinants of Democratic Consolidation: Evidence from the Third World." *Comparative Political Studies*, 31(6): 740-771.
- Gates, Scott, Helga Malmin Binningsbo, and Tove Grete Lie. 2007. "Post-Conflict Justice and Sustainable Peace." World Bank Policy Research Working Paper No 4191. Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=979663
- Geddes, Barbara. 2009. "What Causes Democratization?" In *The Oxford Handbook of Comparative Politics*. Eds. Charles Boix and Susan C. Stokes. New York, NY: Oxford University Press.
- Gibson, James L. 2002. "Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa." *American Journal of Political Science*, 46(3): 540-556.
- Gibson, James L. 2004a. "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process." *American Journal of Political Science*, 48(2): 201-217.
- Gibson, James L. 2004b. "Overcoming Apartheid: Can Truth Reconcile a Divided Nation?" *Politikon*, 31(2): 139-155.
- Gibson, James L. 2004c. *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* New York, NY: Russell Sage Foundation.
- Gibson, James L. 2006. "The Contributions of Truth to Reconciliation: Lessons from South Africa." *Journal of Conflict Resolution*, 50(3): 409-432.
- Gibson, James L. 2009. "On Legitimacy Theory and the Effectiveness of Truth Commissions." *Law and Contemporary Problems*, 72(2), Group Conflict Resolution: Sources of Resistance to Reconciliation (Spring 2009): 123-141.

- Gibson, James L. 2015. "The Legacy of Apartheid Haunts Race Relations in South Africa." *Foreign Affairs*. (March/April 2015 Issue). Retrieved from <http://www.foreignaffairs.com/articles/143046/james-l-gibson/apartheids-long-shadow>
- Gibson, James L., and Christopher Classen. 2010. "Racial Reconciliation in South Africa: Interracial Contact and Changes Over Time." *Journal of Social Issues*, 66(2): 255-272.
- Gibson, James L., and Amanda Gouws. 1999. "Truth and Reconciliation in South Africa: Attributions of Blame and the Struggle Over Apartheid." *The American Political Science Review*, 93(3): 501-517.
- Giliomee, Hermann. 1995. "Democratization in South Africa." *Political Science Quarterly*, 110(1): 83-104.
- Goldstone, Jack. 1998. *The Encyclopedia of Political Revolutions*. Washington, DC: Congressional Quarterly.
- González, Eduardo. 2013. "Drafting a Truth Commission Mandate: A Practical Tool." *Truth and Memory*. International Center for Transitional Justice (ICTJ).
- González, Eduardo. 2014. "Set to Fail? Assessing Tendencies in Truth Commissions Created After Violent Conflict." In "Challenging the Conventional: Can Truth Commissions Effectively Strengthen Peace Processes?" Symposium convened by the International Center for Transitional Justice (ICTJ) and the Kofi Annan Foundation (Contributors: Eduardo González, Elena Naughton, and Félix Reátegui). Retrieved from <http://www.kofiannanfoundation.org/sites/default/files/ictj-report-kaf-truthcommpeace-2014.pdf>
- González, Eduardo and Howard Varney. 2013. "Truth Seeking: Elements of Creating an Effective Truth Commission." International Center for Transitional Justice (New York), Amnesty Commission of the Ministry of Justice of Brazil. Retrieved from <https://www.ictj.org/sites/default/files/ICTJ-Book-Truth-Seeking-2013-English.pdf>
- Graham, Shane. 2003. "The Truth Commission and Postapartheid Literature in South Africa." *Research in African Literatures*, 34(1): 11-30.
- Grandin, Greg. 2005. "The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile, and Guatemala." *The American Historical Review*, 110(1): 46-67.

- Graybill, Lyn, and Kimberly Lanegran. 2004. "Truth, Justice, and Reconciliation in Africa: Issues and Cases." *African Studies Quarterly*, 8(1): 1-18.
- Greensboro Truth and Reconciliation Commission. 2006a. "Executive Summary." Retrieved from http://www.greensborotrc.org/exec_summary.pdf
- Greensboro Truth and Reconciliation Commission. 2006b. "Final Report. Moving Forward: Recommendations." Retrieved from http://www.greensborotrc.org/overall_recs.pdf
- Greensboro Truth and Reconciliation Commission. 2016a. "Timeline." Retrieved from <http://www.greensborotrc.org/timeline.php>
- Greensboro Truth and Reconciliation Commission. 2016b. "What is Truth and Reconciliation?" Retrieved from http://www.greensborotrc.org/truth_reconciliation.php
- Grzymala-Busse, Anna. 2010. "Time Will Tell? Temporality and the Analysis of Causal Mechanisms and Process." *Comparative Political Studies*, 20(10): 1-31.
- Guardado, Ana A. 2012. "Outsiders in El Salvador: The Role of an International Truth Commission in a National Transition." *Berkeley La Raza Law Journal*, 22(4): 433-457.
- Hamber, Brandon, Dineo Nageng, and Gabriel O'Malley. 2000. "'Telling It Like It Is...': Understanding the Truth and Reconciliation Commission from the Perspective of Survivors." *Psychology in Society (PINS)*, 26: 18-42.
- Hamber, Brandon, and Steve Kibble. 1999. "From Truth to Transformation: The Truth and Reconciliation Commission in South Africa." Catholic Institute for International Relations Report (February 1999). Retrieved from <http://www.csvr.org.za/index.php/publications/1714-from-truth-to-transformation-the-truth-and-reconciliation-commission-in-south-africa.html>
- Harris, Anita. 2013. *Young People and Everyday Multiculturalism*. New York, NY: Routledge.
- Hart, Herbert L.A. 1961. *The Concept of Law*. Oxford: Clarendon Press.
- Hayner, Priscilla B. 1994. "Fifteen Truth Commissions – 1974 to 1994: A Comparative Study." *Human Rights Quarterly*, 16: 597-655.

- Hayner, Priscilla B. 1996a. "Commissioning the Truth: Further Research Questions." *Third World Quarterly*, 17(1): 19-30.
- Hayner, Priscilla B. 1996b. "International Guidelines for the Creation and Operation of Truth Commissions: A Preliminary Proposal." *Law and Contemporary Problems*, 59(4): 173-180.
- Hayner, Priscilla B. 2000a. "Past Truths, Present Dangers: The Role of Official Truth Seeking in Conflict Resolution After the Cold War." In *International Conflict Resolution After the Cold War*. Eds. Paul C. Stern and Daniel Druckman. Washington, D.C.: National Academies Press.
- Hayner, Priscilla B. 2000b. "Same Species, Different Animal: How South Africa Compares to Truth Commissions World-Wide." In *Looking Back Reaching Forwards: Reflections on the Truth and Reconciliation Commission of South Africa*. Eds. Charles Villa-Vicencio and Wilhelm Verwoerd. Cape Town: University of Cape Town Press.
- Hayner, Priscilla B. 2001. *Unspeakable Truths: Confronting State Terror and Atrocity*. New York, NY: Routledge.
- Henrard, Kristin. 2002. "Post Apartheid South Africa's Democratic Transformation Process: Redress of the Past, Reconciliation and 'Unity in Diversity.'" *The Global Review of Ethnopolitics*, 1(3): 18-38.
- Hewstone, Miles, and Rupert Brown. 1986. "Contact is Not Enough: An Intergroup Perspective on the 'Contact Hypothesis.'" In *Contact and Conflict in Intergroup Encounters*. Eds. Miles Hewstone and Rupert Brown. Cambridge, MA: Basil Blackwell.
- Humper, Joseph. 2004. "Foreword." *Sierra Leone Truth and Reconciliation Commission Report*. Retrieved from http://www.sierraleonetr.org/index.php/view-report-text-vol-1/item/foreword?category_id=19
- Hingorani, Yannick. 1998. "Truth and Reconciliation Commissions and Peacebuilding: Operational Framework." Canadian International Development Agency. Retrieved from http://www.peacebuildingcentre.com/psc_documents/c-truth-en.pdf

- Hirsch, Michal Ben-Josef, Megan MacKenzie, and Mohamed Sesay. 2012. "Measuring the Impacts of Truth and Reconciliation Commissions: Placing the Global 'Success' of TRCs in Local Perspective." *Cooperation and Conflict*, 47(3): 386-403.
- Hofmeyr, J. H. 2005. *Report of the Fourth Round of the SA Reconciliation Barometer Survey*. Rondebosch, South Africa: Institute for Justice and Reconciliation. December 2005.
- Horowitz, Donald L. 1993. "Democracy in Divided Societies." *Journal of Democracy*, 4(4): 18-38.
- Huntington, Samuel P. 1991. "Democracy's Third Wave." *Journal of Democracy*, 2(2): 12-34. International Center for Transitional Justice. 2014. "What is Transitional Justice?" Retrieved from <http://ictj.org/about/transitional-justice>
- Hussain, Nasser. 2003. *The Jurisprudence of Emergency: Colonialism and the Rule of Law*. Ann Arbor: The University of Michigan Press.
- International Center for Transitional Justice (ICTJ). 2011. "Navigating Amnesty and Reconciliation in Nepal's Truth and Reconciliation Commission Bill." Retrieved from https://www.ictj.org/sites/default/files/20111208_Nepal_Amnesty_Reconciliation_bp2011.pdf
- International Center for Transitional Justice (ICTJ). 2015. "What is Transitional Justice." Retrieved from <https://www.ictj.org/about/transitional-justice> on May 29, 2015.
- International Center for Transitional Justice. 2016. "U.S.A. – Greensboro, NC. Background: Race, Class and Politics Behind Deadly Violence." Retrieved from <https://www.ictj.org/our-work/regions-and-countries/usa-greensboro-nc>
- Jones, Peter. 1999. "Human Rights, Group Rights, and People's Rights." *Human Rights Quarterly*, 21(1): 80-107.

- Jovanovic, Spoma. 2006. "The Greensboro Truth and Community Reconciliation Project: Communication for Community Change or Communication for Reconciliation: Grassroots Work for Community Change." Presentation to the 2006 American Psychological Association Convention, New Orleans, LA. Invited Symposium – Reconciliation in Changing Times: Challenges and Possibilities. Retrieved from <https://www.clarku.edu/peacepsychology/Jovanovic.pdf>
- Justice Data. *Post-Conflict Justice (PCJ) Dataset*. Retrieved from <http://www.justice-data.com/pcj-dataset/>
- Kadiangandu, Joachim K., and Etienne Mullet. 2007. "Intergroup Forgiveness: A Congolese Perspective." *Peace and Conflict: Journal of Peace Psychology*, 13(1): 37-49.
- Kaminer, Debra, Dan J. Stein, Irene Mbanga, and Nompumelelo Zungu-Dirwayi. 2001. "The Truth and Reconciliation Commission in South Africa: Relation to Psychiatric Status and Forgiveness Among Survivors of Human Rights Abuses." *British Journal of Psychiatry*, 178: 373-377.
- Kampf, Zohar. 2008. "The Pragmatics of Forgiveness: Judgments of Apologies in the Israeli Political Arena." *Discourse & Society*, 19(5): 577-598.
- Kelsall, Tim. 2005. "Truth, Lie, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission of Sierra Leone." *Human Rights Quarterly*, 27(2): 361-391.
- Kenney, Charles D., and Dean E. Spears. 2005. "Truth and Consequences: Do Truth Commissions Promote Democratization?" Paper presented at the Annual Meeting of the American Political Science Association, Washington D.C. (September 1-4, 2005).
- Kim, Hun Joon. 2005. "Expansion of Truth Commissions: Comparative Analysis of 90 Countries between 1974 and 2004." Paper presented at the Annual Meeting of the American Political Science Association, Washington D.C. (2005, September 1-4).
- Kim, Hun Joon. 2014. *The Massacres at Mt. Halla: Sixty Years of Truth Seeking in South Korea*. Ithaca, NY: Cornell University Press.
- Kinder, Donald R., and Tali Mendelberg. 1995. "Cracks in American Apartheid: The Political Impact of Prejudice Among Desegregated Whites." *The Journal of Politics*, 57(2): 402-24.

- Kitschelt, Herbert. 1992. "Political Regime Change: Structure and Process-Driven Explanations?" *American Political Science Review*, 86(4): 1028-1034.
- Knoops, G.G.H. 2006. "Truth and Reconciliation Commission Models and International Tribunals: A Comparison." Symposium on "The Right to Self-Determination in Internal Law" Organised by Unrepresented Nations and Peoples Organization (UNPO), Khmers Kampuchea-Krom Federation (KKF), Hawai'i Institute for Human Rights (HIHR). (September 29 – October 1, 2006). The Hague, Netherlands.
- Kohen, Ari. 2009. "The Personal and the Political: Forgiveness and Reconciliation in Restorative Justice." *Critical Review of International Social and Political Philosophy*, 12(3): 399-423.
- Kriesberg, Louis. 2003. "Identity Issues." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Retrieved from <http://www.beyondintractability.org/essay/identity-issues>
- Kriesberg, Louis. 2004. "Comparing Reconciliation Actions Within and Between Countries." In *From Conflict Resolution to Reconciliation*. Ed. Yaacov Bar-Siman-Tov. New York, NY: Oxford University Press.
- Kymlicka, Will, and Bashir Bashir (Eds). 2008. *The Politics of Reconciliation in Multicultural Societies*. New York, NY: Oxford University Press.
- Lacey, Nicola. 2007. "H.L.A. Hart's Rule of Law: The Limits of Philosophy in Historical Perspective." *Quaderni Fiorentini*, 36: 1203-1224.
- Landsman, Stephan. 1996. "Alternative Responses to Serious Human Rights Abuses: Of Prosecution and Truth Commissions." *Law and Contemporary Problems*, 59(4): 81-92.
- Lansing, Paul, and Julie C. King. 1998. "South Africa's Truth and Reconciliation Commission: The Conflict Between Individual Justice and National Healing in the Post-Apartheid Age." *Arizona Journal of International and Comparative Law*, 15(3): 753-790.
- Laplante, Lisa J., and Kimberly Theidon. 2007. "Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru." *Human Rights Quarterly*, 29: 228-250.

- La Porta, Rafael, Florencio Lopez-de-Silanes, Andrei Shleifer, and Robert Vishny. 1999. "The Quality of Government." *The Journal of Law, Economics, & Organization*, 15 (1): 222-279.
- Leebaw, Bronwyn Anne. 2008. "The Irreconcilable Goals of Transitional Justice." *Human Rights Quarterly*, 30(1): 95-118.
- Legal Information Institute. 2016. "South African Truth Commission." Cornell University Law School. Retrieved from http://www.law.cornell.edu/wex/south_african_truth_commission
- Lessa, Francesca, and Leigh A. Payne. 2012. Eds. *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*. Cambridge: Cambridge University Press.
- Liebenberg, Ian, and Abebe Zegeye. 1998. "Pathway to Democracy? The Case of the South African Truth and Reconciliation Process." *Social Identities*, 4(3): 541-558.
- Llewellyn, Jennifer J. 2011. "Truth Commissions and Restorative Justice." In *Handbook of Restorative Justice*. Edited by Gerry Johnstone and Daniel W. Van Ness. New York, NY: Routledge.
- Llewellyn, Jennifer J., and Robert Howse. 1999. "Institutions for Restorative Justice: The South African Truth and Reconciliation Commission." *The University of Toronto Law Journal*, 49(3), Summer 1999: 355-388.
- Lundy, Patricia., and Mark McGovern. 2008. "Whose Justice? Rethinking Transitional Justice from the Bottom Up." *Journal of Law and Society*, 35(20): 265-295.
- Maclean, Iain S. 2011. "Truth and Reconciliation Commissions." *The Encyclopedia of Christian Civilization*. [Online Publication].
- Maeir, Charles S. 2000. "Doing History, Doing Justice: The Narrative of the Historian and of the Truth Commission." In *Truth v. Justice: The Morality of Truth Commissions*. Eds. Robert I. Rotberg and Dennis Thompson. Princeton, NJ: Princeton University Press.
- Magarrell, Lisa, and Joya Wesley. 2008. *Learning from Greensboro: Truth and Reconciliation in the United States*. Philadelphia, PA: University of Pennsylvania Press.

- Maiese, Michelle. 2013. "Distributive Justice." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Retrieved from <http://www.beyondintractability.org/essay/distributive-justice>
- Mallinder, Louise. 2009. "Indemnity, Amnesty, Pardon and Prosecution Guidelines in South Africa." Working Paper No. 2 from *Beyond Legalism: Amnesties, Transition and Conflict Transformation*. Institute of Criminology and Criminal Justice, Queen's University Belfast. Retrieved from <https://www.qub.ac.uk/schools/SchoolofLaw/Research/InstituteofCriminologyandCriminalJustice/Research/BeyondLegalism/filestore/Filetoupload,152146,en.pdf>
- Mamdani, Mahmood. 2002. "Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC)." *Diacritics*, 32(3-4): 33-59.
- Mandela, Nelson. 1995. "Foreword." *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume II, Country Studies*. Edited by Neil J. Kritz. Washington, D.C.: United States Institute for Peace.
- Marshall, Monty J, Keith Jagers, and Ted R. Gurr. 2014. *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2013. Version p4v2013 and p4v2013d*. College Park, MD: University of Maryland. Retrieved from <http://www.systemicpeace.org/polity/polity4.htm>
- McClain, Paula D., Niambi M. Carter, Victoria M. DeFrancesco Soto, Monique L. Lyle, Jeffrey D. Grynawski, Shayla C. Nunnally, Thomas J. Scotto, J. Alan Kendrick, Gerald F. Lackey, and Kendra Davenport Cotton. 2006. "Racial Distancing in a Southern City: Latino Immigrants' Views of Black Americans." *The Journal of Politics*, 68(3): 571-584.
- McCold, Paul, and Ted Wachtel. 2003. "In Pursuit of Paradigm: A Theory of Restorative Justice." Paper presented at the XIII World Congress of Criminology, 10-15 August 2003, Rio de Janeiro, Brazil. International Institute for Restorative Practices. Retrieved from http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/paradigm.pdf
- McEvoy, Kieran. 2007. "Beyond Legalism: Towards a Thicker Understanding of Transitional Justice." *Journal of Law and Society*, 34(4): 411-440.

- McPherson, Duncan. 2001. "Supporting Post-Conflict Reconciliation: An Assessment of International Assistance to South Africa's Truth Commission." Centre for the Study of Violence and Reconciliation. Retrieved from <http://www.csvr.org.za/docs/trc/supportingpostconflict.pdf>
- Mendeloff, David. 2004. "Truth-Seeking, Truth-Telling, and Post-Conflict Peacebuilding: Curb the Enthusiasm?" *International Studies Review*, 6: 355-380.
- Miller, Zinaida. 2008. "Effects of Invisibility: In Search of the 'Economic' in Transitional Justice." *The International Journal of Transitional Justice*, 2: 266-291.
- Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*. Boston: Beacon Press.
- Mobekk, Eirin. 2005. "Transitional Justice in Post-Conflict Societies – Approaches to Reconciliation." In *After Intervention: Public Security Management in Post Conflict Societies*. Eds. Anja H. Ebnöther and Philipp H. Fluri. Geneva, Switzerland: Centre for the Democratic Control of Armed Forces (DCAF).
- Moon, Claire. 2006. "Narrating Political Reconciliation: Truth and Reconciliation in South Africa." *Social and Legal Studies*, 15(2): 257-275.
- Moore, Kathleen Dean. 1989. *Pardons: Justice, Mercy, and the Public Interest*. New York, NY: Oxford University Press.
- Morris, Alan. 1999. "Race Relations and Racism in a Racially Diverse Inner City Neighborhood: A Case Study of Hillbrow, Johannesburg." 25(4): 667-694.
- Mousseau, Demet Yalcin. 2001. "Democratizing with Ethnic Divisions: A Source of Conflict?" *Journal of Peace Research*, 3(5): 547-567.
- Müller, Ingo. 1991. *Hitler's Justice: The Courts of the Third Reich*. Trans. Deborah Lucas Schneider. Cambridge, MA: Harvard University Press.
- Murtin, Fabrice, and Romain Wacziarg. 2014. "The Democratic Transition." *Journal of Economic Growth*, 19: 141-181.
- Nautilus Institute for Security and Sustainability. 2008. "Indonesia and East Timor: Against Impunity, For Justice." APSNet Policy Forum. Retrieved from <http://nautilus.org/apsnet/indonesia-and-east-timor-against-impunity-for-justice/>

- Nersessian, David. 2016. "Rethinking Cultural Genocide Under International Law." *Human Rights Dialogue*. "Cultural Rights" (Spring 2015). Carnegie Council for Ethnicity in International Affairs. Retrieved from https://www.carnegiecouncil.org/publications/archive/dialogue/2_12/section_1/5139.html/pf_printable
- Niebur, Carrie J. 2003. "An International "Truth Commission": Utilizing Restorative Justice as an Alternative to Retribution." *Vanderbilt Journal of Transnational Law*, 36: 209-242.
- Nino, Carlos S. 1991. "The Duty to Punish Past Abuses of Human Rights Put into Context: The Case of Argentina." *The Yale Law Journal*, 100(8), Symposium: International Law (June 1991): 2619-2640.
- Nordquist, Kjell-Åke. 2006. "Reconciliation as a Political Concept: Some Observations and Remarks." CEPI - Línea de Investigación sobre Gobernabilidad y Reconstrucción del Estado en Colombia. Retrieved from http://www.urosario.edu.co/cpg-ri/Investigacion-CEPI/documentos/papers/Documento_17/pol
- Office of the United Nations High Commissioner for Human Rights (OHCHR). 2006. *Rule-of-Law Tools for Post-Conflict States: Truth Commissions*. New York, NY: United Nations. Retrieved from <http://www.ohchr.org/Documents/Publications/RuleoflawTruthCommissions.pdf>
- Office of the United Nations High Commissioner for Human Rights (OHCHR). 2016. "Good Governance and Human Rights." Retrieved from <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>
- Olsen, Tricia D, Leigh A. Payne, Andrew G. Reiter, and Eric Wielbelhaus-Brahm. 2010. "When Truth Commissions Improve Human Rights." *The International Journal of Transitional Justice* (November 2010). Oxford University Press.
- Olsen, Tricia D., Leigh A. Payne, and Andrew G. Reiter. 2010. "Transitional Justice in the World, 1970-2007: Insights from a New Dataset." *Journal of Peace Research*, 47(6): 803-809.
- Orentlicher, Diane F. 1991. "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime." *The Yale Law Journal*, 100(8), Symposium: International Law (June 1991): 2537-2615.

- Pascoe, Daniel. 2007. "Are Truth and Reconciliation Commissions an Effective Means of Dealing with State-Organised Criminality?" *Cross-Sections*, 3: 93-114.
- Palme, Maria. 2014. "The (R)evolution of TRCs and its Impact on the African Continent." In *Societies in Transition: Sub-Saharan Africa between Conflict and Reconciliation*. Eds. Martin Leiner, Maria Palme, and Peggy Stöckner. Bristol: Vandenhoeck & Ruprecht GmbH & Co. KG, Göttingen.
- Payne, Leigh. A., Tricia D. Olsen, and Andrew G. Reiter. (Forthcoming). *Engaging the Past to Safeguard the Future: Transitional Justice in Comparative Perspective*. Unpublished manuscript, Madison, WI.
- Pettigrew, Thomas F. 1998. "Intergroup Contact Theory." *Annual Review of Psychology*, 49: 65-85.
- Pettigrew, Thomas F., and Linda R. Tropp. 2000. "Does Intergroup Contact Reduce Prejudice? Recent Meta-Analytic Findings." In *Reducing Prejudice and Discrimination*. Ed. Stuart Oskamp. Mahwah, NJ: Lawrence Erlbaum Associates.
- Pettigrove, Glen. 2006. "Hannah Arendt and Collective Forgiving." *Journal of Social Philosophy*, 37(4): 483-500.
- Pew Research Center. 2015. "Across Racial Lines, More Say Nation Needs to Make Changes to Achieve Racial Equality." (August 5, 2015). Retrieved from <http://www.people-press.org/files/2015/08/08-05-2015-Race-release.pdf>
- Phelps, Therese Godwin. 2004. *Shattered Voices: Language, Violence, and the Work of Truth Commissions*. Philadelphia, PA: University of Pennsylvania Press.
- Pizzutelli, Francesca. 2010. "Moving Away from the South African Model: Amnesties and Prosecutions in the Practice of 40 Truth Commissions." Retrieved from <http://dx.doi.org/10.2139/ssrn.2361081>
- Poe, Steven C., and C. Neal Tate. "Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis." *The American Political Science Review*, 88(4): 853-872.
- Popkin, Margaret, and Naomi Roht-Arriaza. 1995. "Truth as Justice: Investigatory Commissions in Latin America." *Law & Social Inquiry*, 20(1): 79-116.

- Posner, Eric A., and Adrian Vermeule. 2004. "Transitional Justice as Ordinary Justice." *Harvard Law Review*, 117(3): 761-825.
- Quillian, Lincoln. 1996. "Group Threat and Regional Change in Attitudes Towards African Americans." *American Journal of Sociology*, 102(3): 816-60.
- Quinn, Joanna R. 2004. "Constraints: The Un-Doing of the Ugandan Truth Commission." *Human Rights Quarterly*, 26(2): 401-427.
- Risse, Thomas, and Kathryn Sikkink. 1999. "The Socialization of International Human Rights Norms into Domestic Practices: Introduction." In *The Power of Human Rights: International Norms and Domestic Change*. Eds. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink. Cambridge, UK: Cambridge University Press.
- Robinson, Darryl. 2003. "Serving the Interests of Justice: Amnesties, Truth Commissions and the International Criminal Court." *European Journal of International Law (EJIL)*, 14: 481-505.
- Roe, Mícheál D. 2007. "Intergroup Forgiveness in Settings of Political Violence: Complexities, Ambiguities, and Potentialities." *Peace and Conflict: Journal of Peace Psychology*, 13(1): 3-9.
- Roht-Arriaza, Naomi. 1990. "State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law." *California Law Review*, 78(2): 449-513.
- Roht-Arriaza, Naomi. 2006. "The New Landscape of Transitional Justice." In *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Eds. N. Roht-Arriaza & J. Mariezcurrena. Cambridge, MA: Cambridge University Press.
- Roper, Steven D., and Lilian A. Barria. 2007. "Truth and Reconciliation Commission Africa Data Set (TRCADS) – Codebook." Retrieved from <http://www.stevendroper.com/TRCADS%20Codebook.pdf>
- Rosoux, Valérie. 2013. "Is Reconciliation Negotiable?" *International Negotiation*, 18(2013): 471-493.
- Rotberg, Robert I. 2000. "Truth Commissions and the Provision of Truth, Justice, and Reconciliation." In *Truth v. Justice: The Morality of Truth Commissions*. Eds. Robert I. Rotberg and Dennis Thompson. Princeton, NJ: Princeton University Press.

- Rouhana, Nadim N. 2004. "Group Identity and Power Asymmetry in Reconciliation Processes: The Israeli-Palestinian Case." *Peace and Conflict: Journal of Peace Psychology*, 10(1): 33-52.
- Rushton, Beth. 2006. "Truth and Reconciliation? The Experience of Truth Commissions." *Australian Journal of International Affairs*, 60(1): 125-141.
- SAHA (South African History Archive). 2012. "Traces of Truth: Documents Relating to the South African Truth and Reconciliation Commission." University of Witwatersrand. Retrieved from: http://truth.wwl.wits.ac.za/cat_descr.php?cat=3
- Santiso, Carlos. 2001. "International Co-operation for Democracy and Good Governance: Moving Toward a Second Generation?" *European Journal of Development Research*, 13(1): 154-180.
- Scarritt, James R., and Shaheen Mozaffar. 1999. "The Specification of Ethnic Cleavages and Ethnopolitical Groups for the Analysis of Democratic Competition in Contemporary Africa." *Nationalism and Ethnic Politics*, 5(1): 82-117.
- Schaap, Andrew. 2003. "Political Grounds for Forgiveness." *Contemporary Political Theory*, 2(1): 77-87. (Post-print version of article). Retrieved from https://minerva-access.unimelb.edu.au/bitstream/handle/11343/34376/66898_00002341_01_CPT.pdf?sequence=1
- Schaap, Andrew. 2004. "Political Reconciliation through a Struggle for Recognition." *Social and Legal Studies*, 13: 523-540.
- Schaap, Andrew. 2006. "Agonism in Divided Societies." *Philosophy & Social Criticism*, 32(2): 255-277.
- Schaap, Andrew. 2007. "The Time of Reconciliation and the Space of Politics." In *Law and the Politics of Reconciliation*. Ed. Scott Veitch. Burlington, VT: Ashgate Publishing Company.
- Scharf, Michael P. 1996. "The Case for a Permanent International Truth Commission." *The Symposium: Justice in Cataclysm Criminal Trials in the Wake of Mass Violence. Duke Journal of Comparative & International Law*, 7 (1996-1997): 375-410.

- Scharf, Michael P. 1999. "The Amnesty Exception to the Jurisdiction of the International Criminal Court." *Cornell International Law Journal*, 32(3) Symposium 1999: 507-527.
- Schlunck, Angelika. 1998. "Truth and Reconciliation Commissions." *ILSA Journal of International and Comparative Law*, 4: 415-422.
- Schmid, Evelyn. 2012. "The Diversity of Truth Commissions and Commissions of Inquiry." *Peace Brief*, 118. United States Institute of Peace. Retrieved from <http://www.usip.org/sites/default/files/PB%20118.pdf>
- Schofield, Janet. W., and Rebecca Eurich-Fulcer. 2001. When and How School Desegregation Improves Intergroup Relations. In *Blackwell Handbook of Social Psychology: Intergroup Processes*. Eds. Rupert Brown & Samuel L. Gaertner. Malden, MA: Blackwell.
- Schmitter, Philippe C. 1991. "The Consolidation of Political Democracies: Rhythms, Processes, Sequences and types." Working Paper (Stanford).
- Seul, Jeffrey R. 1999. "'Ours in the Way of God': Religion, Identity, and Intergroup Conflict." *Journal of Peace Research*, 36(5): 553-569.
- Shaw, Rosalind. 2005. "Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone." *Special Report*, United States Institute of Peace. Retrieved from <http://www.usip.org/sites/default/files/resources/sr130.pdf>
- Shaw, Rosalind. 2007. "Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone." *The International Journal of Transitional Justice*, 1: 183-207.
- Shea, Dorothy C. 2000. *The South African Truth Commission: The Politics of Reconciliation*. United States Institute of Peace, Perspectives Series. Washington, D.C.: United States Institute of Peace.
- Sherif, Muzafer. 1966. *In Common Predicament: Social Psychology of Intergroup Conflict and Cooperation*. Boston: Houghton Mifflin.
- Sidanius, Jim, and Felicia Pratto. 1999. *Social Dominance: An Intergroup Theory of Social Hierarchy and Oppression*. Cambridge: Cambridge University Press.
- Sikkink, Kathryn. 2008. "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights." *Latin American Politics and Society*, 50(1): 1-29.

- Sikkink, Kathryn and Carrie Booth Walling. 2007. "The Impact of Human Rights Trials in Latin America." *Journal of Peace Research*, 44(4): 427-445.
- Skaar, Elin. 2010. "Truth Commissions, Trials-or Nothing? Policy Options in Democratic Transitions." *Third World Quarterly*, 20(6): 1109-1128.
- Skaar, Elin, Camila Gianella Malca, and Trine Eide. 2015. *After Violence: Transitional Justice, Peace, and Democracy*. New York, NY: Routledge.
- Slye, Ronald C. 2015. "A Truth and Reconciliation Commission for the United States." *Reuters*. (August 10, 2015). Retrieved from <http://blogs.reuters.com/great-debate/2015/08/09/a-truth-and-reconciliation-committee-for-the-united-states/>
- Slyomovics, Susan. 2001. "A Truth Commission for Morocco." *Middle East Report*, 218: 18-21.
- Solzhenitsyn, Aleksandr I. 1974. *The Gulag Archipelago: 1918-1941. An Experiment in Literary Investigation*. Trans. Thomas P. Whitney. New York, NY: Harper & Row.
- South Africa – Interim Constitution (Old). 1994. Retrieved from http://www.servat.unibe.ch/icl/sf10000_.html
- South African History Online (SAHO). 2015. "Truth and Reconciliation Commission (TRC)." Retrieved from <http://www.sahistory.org.za/topic/truth-and-reconciliation-commission-trc>
- South African Truth and Reconciliation Commission. 1998. "Recommendations." *Truth and Reconciliation Commission of South Africa Report. Volume Five*. Retrieved from <http://www.justice.gov.za/trc/report/finalreport/Volume5.pdf>
- Stahn, Carsten. 2001. "Accommodating Individual Criminal Responsibility and National Reconciliation: The UN Truth Commission for East Timor." *American Journal of International Law*, 95: 952-966.
- Stanley, Elizabeth. 2005. "Truth Commissions and the Recognition of State Crime." *British Journal of Criminology*, 45: 582-597.
- Strohmeier, Hansjörg. 2001. "Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor." *The American Journal of International Law*, 95(1): 46-63.

- Tajfel, Henri. 1974. "Social Identity and Intergroup Behavior." *Social Science Information/ Sur Les Sciences Sociales*, 13(2): 65-93.
- Tajfel, Henri. 1981. *Social Identity and Intergroup Relations*. Cambridge: Cambridge University Press.
- Tajfel, Henri. 1982. "Social Psychology of Intergroup Relations." *Annual Review of Psychology*, 33: 1-39.
- Taylor, Laura K., and Alexander Dukalskis. 2012. "Old Truths and New Politics: Does Truth Commission 'Publicness' Impact Democratization?" *Journal of Peace Research*, 49(5): 671-684.
- Teitel, Ruti G. 2000. *Transitional Justice*. New York, NY: Oxford University Press.
- Teitel, Ruti G. 2003. "Transitional Justice Genealogy." *Harvard Human Rights Journal*, 16: 69-94.
- The Center for Justice & Accountability (CJA). 2014. "Timor-Leste (East Timor): Crimes Against Humanity Under the Indonesian Occupation." Retrieved from <http://www.cja.org/article.php?list=type&type=198>
- The Civil Rights and Restorative Justice Project. 2016. "Truth Commissions in the United States." Northeastern University School of Law. Retrieved from <http://nuweb9.neu.edu/civilrights/truth-commissions/>
- The New York Times. 2015. "A Growing Divide on Race." Retrieved from <http://www.nytimes.com/interactive/2015/07/23/us/race-relations-in-america-poll.html>
- Theissen, Gunnar. 1999. "Common Past, Divided Truth: The Truth and Reconciliation Commission in South African Public Opinion." Paper presented at the Workshop on Legal Institutions and Collective Memories. International Institute for the Sociology of Law (IISL). Oñati, Spain, 22-24 September 1999. Retrieved from <http://userpage.fu-berlin.de/theissen/pdf/IISL-Paper.PDF>
- Theissen, Gunnar. 2008. "Object of Trust and Hatred: Public Attitudes Toward the TRC." *Truth and Reconciliation in South Africa: Did the TRC Deliver?* Eds. Audrey R. Chapman and Hugo van der Merwe. Philadelphia, PA: University of Pennsylvania Press.

- Thoms, Oskar N.T., James Ron, and Roland Paris. 2010. "State-Level Effects of Transitional Justice: What Do We Know?" *International Journal of Transitional Justice*, 2010: 1-26.
- TRIAL (Track Impunity Always). 2015. "Truth and Reconciliation Commissions in Timor-Leste. Retrieved from <http://www.trial-ch.org/en/resources/truth-commissions/asia/timor-leste.html>
- Travesí, Fernando, and Félix Reátegui. 2015. "What Role for a Truth Commission in Colombia?" *Open Security: Conflict and Peacebuilding*. Retrieved from <https://www.opendemocracy.net/opensecurity/fernando-traves%C3%AD-f%C3%A9lix-re%C3%A1tegui/what-role-for-truth-commission-in-colombia>
- Truth and Reconciliation Commission (TRC). 1999. *Truth and Reconciliation Commission of South Africa Report* (5 Volumes). London: Macmillan Publishers.
- Truth and Reconciliation Commission of Canada. 2015. *Final Report of the Truth and Reconciliation Commission of Canada. Volume One: Summary. Honoring the Truth, Reconciling for the Future*. Toronto: James Lorimer & Company Ltd.
- Tutu, Desmond M. 1998. "Foreword by Chairperson." *Truth and Reconciliation Commission of South Africa Report. Volume One*. Retrieved from <http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf>
- Tutu, Desmond M. 2016. "Truth and Reconciliation Commission, South Africa (TRC)." *Encyclopædia Britannica Online*. Retrieved from <http://www.britannica.com/topic/Truth-and-Reconciliation-Commission-South-Africa>
- United Nations General Assembly. 1948. *Universal Declaration of Human Rights*. 10 December 1948, 217 A (III). Retrieved from <http://www.refworld.org/docid/3ae6b3712c.html>
- United States Agency for International Development (USAID). 2014. "Community Participation in Transitional Justice: A Role for Participatory Research." Retrieved from <https://www.usaid.gov/sites/default/files/documents/1866/CPTJUSAID.pdf>
- United States Institute of Peace (USIP). 2012. "Truth Commission Digital Collection." Retrieved from <http://www.usip.org/publications/truth-commission-digital-collection>

- United States Institute Peace (USIP). 2016. "Truth Commission: South Africa." Retrieved from <http://www.usip.org/publications/truth-commission-south-africa>
- Van Ness, Daniel W., and Karen Heetderks Strong. 2015. *Restoring Justice: An Introduction to Restorative Justice*. Fifth Edition. Waltham, MA: Anderson Publishing.
- Van Zyl, Paul. 1999. "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission." *Journal of Internal Affairs*, 52(2): 647-668.
- Villa-Vicencio, Charles. 1998. "The South African Truth and Reconciliation Commission, Some Guiding Principles: Justice, Amnesty and Reconciliation". Unpublished paper presented at "Burying the Past: Justice, Forgiveness and Reconciliation in the Politics of South Africa, Guatemala, East Germany and Northern Ireland," Oxford University.
- Villa-Vicencio, Charles. 1999. "Living in the Wake of the Truth and Reconciliation Commission: A Retroactive Reflection." *Law, Democracy & Dev.*, 3(2): 195.
- War Crimes Studies Center. 2015. "East Timor Truth Commission." University of California, Berkeley. Retrieved from <http://wcsc.berkeley.edu/east-timor/east-timor-truth-commission/>
- Weinstein, Harvey M., Laurel E. Fletcher, Patrick Vinck, and Phuong N. Pham. 2010. "Stay the Hand of Justice: Whose Priorities Take Priority?" In *Localizing Transitional Justice: Interventions and Priorities After Mass Violence*. Eds. Rosalind Shaw and Lars Waldorf, with Pierre Hazan. Stanford, CA: Stanford University Press.
- Welch, Susan, Lee Sigelman, Timothy Bledsoe, and Michael Combs. 2001. *Race and Place: Race Relations in an American City*. New York, NY: Cambridge University Press.
- Wiebelhaus-Brahm, Eric. 2010. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*. New York, NY: Routledge.
- Wilde, Alexander. 1999. "Irruptions of Memory: Expressive Politics in Chile's Transition to Democracy." *Journal of Latin American Studies*, 31(2): 473-500.
- Wilder, David A. 1984. "Intergroup Contact: The Typical Member and the Exception to the Rule." *Journal of Experimental Social Psychology*, 23: 177-194.

- Williams, Jill E. 2007. "Truth and Reconciliation Comes to the South: Lessons from Greensboro." *The Public Eye Magazine*, 22(2). Retrieved from <http://www.publiceye.org/magazine/v21n2/reconciliation.html>
- Williams, Jill E. 2009. "Legitimacy and Effectiveness of a Grassroots Truth and Reconciliation Commission." *Law and Contemporary Problems*, 72(2): 143-149.
- Wilson, Richard A. 2001. *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. Cambridge: Cambridge University Press.
- Witvliet, Charlotte V.O., Everett L. Worthington, Lindsey M. Root, Amy F. Sato, Thomas E. Ludwig, and Julie J. Exline. 2008. "Retributive Justice, Restorative Justice, and Forgiveness: An Experimental Psychophysiology Analysis." *Journal of Experimental Social Psychology*, 44(1): 10-25.
- W.K. Kellogg Foundation. 2016a. *Meta-Analysis of Recent Polling Data on the Impact of Racism on American Society Today*. W.K. Kellogg Foundation. Retrieved from <http://www.wkkf.org/resource-directory/resource/2016/01/meta-analysis-of-recent-polling-data-on-the-impact-of-racism-on-american-society-today>
- W.K. Kellogg Foundation. 2016b. "Truth, Racial Healing & Transformation (TRHT)." Retrieved from <http://www.wkkf.org/what-we-do/racial-equity/truth-racial-healing-transformation>
- Wood, Elisabeth Jean. 2000. *Forging Democracy from Below: Insurgent Transition in South Africa and El Salvador*. New York, NY: Cambridge University Press.
- Yin, Robert K. 2003. *Case Study Research: Design and Methods*. 3rd Edition. Thousand Oaks, CA: Sage Publications.
- Zalaquett, José. 1990. "Confronting Human Rights Violations Committed by Former Governments: Applicable Principles and Political Constraints." *Hamline Law Review*, 13: 623-660.
- Zehr, Howard. 2001. "Restorative Justice." In *Peacebuilding: A Field Guide*. Eds. Luc Reyhler and Thania Paffenholz. Boulder, CO: Lynne Rienner Publishers.
- Zehr, Howard. 2002. *The Little Book of Restorative Justice*. Intercourse, PA: Good Books.

Zehr, Howard. 2004. "Commentary: Restorative Justice: Beyond Victim-Offender Mediation." *Conflict Resolution Quarterly*, 22(1-2): 305-315.

Zehr, Howard. 2005. *Changing Lenses: A New Focus for Crime and Justice*. 3rd Edition. Scottsdale, PA: Herald Press.

BIOGRAPHY

Gloria Yayra A. Ayee is the daughter of Emmanuel S.A. Ayee (Ph.D.) and Alberta A. Ayee (Ph.D.), both communication professors. She has an older sister, Manuela A.A. Ayee (Ph.D.), and two younger brothers Joel E.A. Ayee and Jonathan E.A. Ayee. Ayee was born in Accra, Ghana, and grew up in Kenya, South Africa (during the latter part of the apartheid era and the transition to democratic rule), and Ghana. Her family moved to the United States in 2002.

Ayee received her Bachelor of Arts degree in English Literature from Dordt College (2006). She is a three-time alumna of Duke University, and holds a Master of Arts degree in Liberal Studies (2008), a Master of Arts degree in Political Science (2012), a Graduate Certificate in Teaching Politics (2013), a Graduate Certificate in African and African American Studies (2016), and a Ph.D. in Political Science (2016) from Duke University. From 2008 to 2009, Ayee worked as a Research Associate at Duke University's Center on Globalization, Governance & Competitiveness (CGGC). Ayee co-authored "Race, Power and Knowledge: Tracing the Roots of Exclusion in the Development of Political Science in the United States."

Ayee is a Fellow at the Center for the Study of Race, Ethnicity, and Gender in the Social Sciences (REGSS) at Duke University. In 2014, she was awarded a Duke University Graduate School Fellowship in collaboration with the David M. Rubenstein Rare Book & Manuscript Library, and was a Graduate Intern with the John Hope Franklin Research Center from 2014 to 2016. She also received a Duke Graduate Summer Research Fellowship in support of her research in 2013.