

Truth Commission

Concept: Truth Commission

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Description A truth commission is a non-judicial body implemented after a period of mass atrocity or gross human rights violations. The aim of any truth commission is to uncover and document the details of such crimes. This process is a form of restorative justice, wherein victims (and perpetrators, where possible), come forward to tell their own stories about what has taken place. In doing so, a broader societal narrative is created.

By definition, a truth commission is an investigatory body established by the state or by a dominant (and often dissenting) faction within the state, to determine the truth about widespread human rights violations that occurred in the past, and to discover which parties were responsible for perpetrating these violations over a specified period of time. Sometimes, they are the result of international pressure to address human rights issues in a particular country. In other instances, they sometimes come about because the government of that nation anticipates or is concerned about international opinion. As such, a truth commission is meant to address certain actions undertaken at specific times.

The goals and intended outcomes of such a process can be many, and they tend to vary from case to case. For example, reconciliation has been an explicit part of the defined goals of several truth commissions. Likewise, justice has been outlined as a goal, as has peace. Yet these goals may not be a part of every process, or may be a part of one but absent from another. A truth commission is, simply, intended to seek the truth.

Perhaps the best known of the more than twenty-five truth commissions that have existed since the mid-1970s is the South African Truth and Reconciliation Commission (TRC). After the end of apartheid, the new South African ANC government under President Nelson Mandela appointed a truth commission to uncover the abuses and crimes that had been committed under apartheid from 1960 to 1993. During its tenure from 1995 to 1998, the South African TRC gathered testimony from 23,000 victims and witnesses, 2,000 of whom appeared in public hearings.

Several of the lesser-known truth commissions include the following, although this is by no means an exhaustive list:

- (National Commission on the Disappearance of Persons) in Argentina (1983-1994);
- Commission of Inquiry into Violations of Human Rights in Uganda (1986-1994);

- (National Commission for Truth and Justice) in Haiti (1994-1996);
- (National Commission on Truth and Reconciliation) in Chile (1990-1991).

The truth commission is distinct from other instruments of transitional justice, including trials and tribunals, commissions of apology, and reparations bodies. Trials and tribunals are retributive instruments whose purpose is to determine the guilt of a perpetrator and assess a penalty or punishment. One example is the International Criminal Tribunal for the Former Yugoslavia, which was established to hear cases of those charged with crimes against humanity committed in the former country of Yugoslavia in the 1990s. Apology and reparations are restitutive instruments designed to redress the losses experienced by victims of mass human rights abuses. One example is the 1998 Japanese Canadian Redress Agreement that awarded a sum of Cdn\$21,000 to Canadians and Americans of Japanese descent who were interned during the Second World War.

It is important to note that these transitional justice instruments are not necessarily meant to work in isolation from one another. Even the three different models of justice (restorative, retributive, and restitutive) are not exclusive. Indeed, truth commissions are able to work in tandem with other instruments, although certain instruments appear to work better when used earlier or later than other mechanisms. In Sierra Leone, for example, both a truth commission, called the Truth and Reconciliation Commission for Sierra Leone, and national trials were implemented.

Suggested
Reading:

Hayner, Priscilla B. 1994. Fifteen truth commissions — 1974 to 1994. *Human Rights Quarterly* 16: 597-655.

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Rotberg, Robert I. and Dennis Thompson. eds. 2000. *Truth v. justice*. Princeton: Princeton University Press.