

# **Worldwide Truth and Reconciliation Commissions**

## ***List of Truth Commissions of 24 Countries***

(Prepared and Presented by Peace Secretariat)

### **Argentina**

The 16-member **National Commission on the Disappeared** was created on December 16, 1983 by then-President Raul Alfonsin. The ten non-legislative members were writer Ernesto Sabato, Roman Catholic Bishop Jaime de Nevares, Rabbi Marshall Meyer, journalist Magdalena Ruiz Guinazu, Methodist Bishop Carlos T. Gattinoni, Ricardo Colombres, Rene Favarolo, Hilario Fernandez Long, Gregorio Klimovsky, and Eduardo Rabossi. Legislators Santiago Marcelino Lopez, Hugo Diogenes Piucill and Horacio Hugo Huarte sat on the commission. The commission's report on 9,000 disappearances during the 1976-1983 military rule, issued on September 20, 1984, was commercially published under the title of *Nunca Mas: Informe de la Comision Nacional sobre la Desaparicion de Personas*. Editions of the English language translation of *Nunca Mas* were published by Faber and Faber and by Farar, Strauss & Giroux in 1986.

### **Bolivia**

On October 28, 1982, President Hernan Siles Suazo issued a decree establishing the **National Commission of Inquiry into Disappearances** to investigate the disappearance of citizens during 1967-1982. The eight-member commission documented 155 cases of disappearances. It disbanded three years after its creation without issuing a final report.

### **Chad**

The **Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habre, His Accomplices and/or Accessories** published its findings in May 1992. The commission was [established](#) on December 29, 1990 to investigate crimes committed during the eight-year rule of Hissein Habre and was chaired by Chad's chief prosecutor Mahamat Hassan Abakar. The report is reprinted in volume III of *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, edited by Neil Kritz and published by the U.S. Institute of Peace Press in 1995.

### **Chile**

In February 1991, the eight-member **National Commission for Truth and Reconciliation**, established in 1990 by then-President Patricio Aylwin, released its report. The [Report of the Chilean National Commission on Truth and Reconciliation](#) is popularly known as the Rettig Report for former Senator Raul Rettig, president of the commission. Other members of the commission were Jaime Castillo Velasco, Jose Luis

Cea Egaña, Mónica Jiménez de la Jara, Laura Novoa Vásquez, José Zalaquett Daher, Ricardo Martín Díaz, and Gonzalo Vial Correa. The commission's mandate encompassed human rights abuses resulting in death or disappearance during years of military rule beginning on September 11, 1973 and ending on March 11, 1990.

### **East Timor**

A regulation issued on July 13, 2001 by the UN Transitional Administration in East Timor established a **Commission for Reception, Truth and Reconciliation** (<http://www.easttimor-reconciliation.org>) with a three part mandate: (1) to investigate human rights violations committed there between April 1974 and October 1999, resulting in the death of an estimated 200,000 East Timorese; (2) to facilitate reconciliation and reintegration of minor criminal offenders who submit confessions, through local "Community Reconciliation Processes"; and (3) to recommend further measures to prevent future abuses and address the needs of victims. After a months-long public nomination and selection process, seven national commissioners were sworn in on January 21, 2002 in Dilli. They are: human rights activist Jacinto Alves, businesswoman Olandina Caeiro, clergymen Jovito Araujo and Agostinho de Vasconcelos, former civil servant Jose Estevao Soares, lawyer and human rights activist Aniceto Guterres Lopes, and health practitioner Isabel Guterres. Between 25 and 30 regional commissioners will be appointed. The commission will operate for two years with a possible extension of six months.

### **Ecuador**

On September 17, 1996, President Abdala Bucaram established a **Truth and Justice Commission** to investigate at least 176 cases of human rights abuses in Ecuador over the past seventeen years. Frank Vargas, minister of the presidency, Juan de Dios Parra, secretary of the Latin American Human Rights Association (ALDHU), a representative of the Ecuadoran Bishops' Conference, and members of local human rights groups constituted the commission.

### **El Salvador**

The **Commission on the Truth for El Salvador** was [mandated](#) by the January 16, 1992 U.N.-brokered peace agreements ending the war in that country. It was set up in July 1992 and composed of former Colombian president Belisario Betancur; former Venezuelan foreign minister Reinaldo Figueredo Planchart; and Thomas Buergenthal, George Washington University law professor. The commission's report on "serious acts of violence" since 1980 entitled "[From Madness to Hope: the 12-Year war in El Salvador: Report of the Commission on the Truth for El Salvador](#)," was released on March 15, 1993 at the United Nations.

## Germany

The **Enquet Kommission Aufarbeitung von Geschichte und Folgen der SED-Diktator in Deutschland**, or **Study Commission for the Assessment of History and Consequences of the SED Dictatorship in Germany**, was [set up](#) by members of the German Parliament in March 1992 to investigate human rights violations under communist rule in East Germany from 1949 to 1989. The 27-member body was headed by East German Parliamentarian and human rights activist Rainer Eppelmann.

## Ghana

In December 2001, the Parliament of Ghana passed a law establishing the National Reconciliation Commission to investigate allegations of human rights abuses during times of instability and unconstitutional governments. The law, known as the National Reconciliation Commission Act of 2002 (Act 611), entered into force on January 11, 2002. The nine-member commission, chaired by retired Supreme Court Justice K. E. Amua-Sekyi, was appointed and sworn into office by President John Kuffuor.

The mandate of the Commission, as set forth in [Act 611](#), is to seek and promote national reconciliation among Ghanaians by establishing an accurate and complete historical record of human rights violations and abuses related to the killing, abduction, disappearance, detention, torture, ill-treatment, and seizure of properties within the period of March 6, 1957 to January 6, 1993. The Commission is charged also with making recommendations for redress of victims of human rights abuses and for institutional reforms to prevent such occurrences in the future. To date the Commission has heard approximately 2000 testimonies from witnesses including the former President, John Jerry Rawlings and the former National Security Advisor, Captain Kojo Tsikata.

## Guatemala

The **Historical Clarification Commission (CEH)** was [established](#) on June 23, 1994, as part of [peace agreements](#) between the Guatemalan government and the National Guatemalan Revolutionary Unit (URNG), to investigate human rights violations in the 36-year armed conflict in this country. The commission was chaired by German law professor Christian Tomuschat of Berlin's Humboldt University, and included two Guatemalans: lawyer Edgar Balsells, and Otilia Lux Coti, a Mayan woman and university professor of pedagogy. In a public ceremony in Guatemala City on February 25, 1999, the commission's final report, entitled in English *Guatemala: Memory of Silence*, was turned over to representatives of the Guatemalan government and URNG as well as of the U.N. secretary general, who is charged with its public release.

The [CEH report](#) in Spanish and the conclusion, recommendations and appendices of the report in both Spanish and English are available on the web site of the American Association for the Advancement of Science.

## **Haiti**

A December 1994 executive order by President Jean Bertrand Aristide established Haiti's **National Truth and Justice Commission** to investigate human rights abuses over a three-year period. This period spanned from the September 30, 1991 bloody coup that overthrew elected President Aristide until his restoration to power following the September 1994 occupation of Haiti by 20,000 U.S. troops. Led by sociologist Françoise Boucard, the commission was comprised of four Haitians and three foreigners. In February 1996, it delivered its final report and recommendations to the president and the judiciary.

## **Nepal**

The **Commission of Inquiry to Find the Disappeared Persons** completed a two-volume report on about 100 cases in 1991, which was eventually released to the public in 1994. The commission's mandate was to examine allegations of human rights violations during the autocratic Panchayat system under which political parties were banned from 1962-1990. Few of the commission's recommendations contained in its report were subsequently implemented. The commission was created by the provisional government of Prime Minister Krishna Prasad Bhattarai after the dissolution of a first commission amidst controversy regarding the qualifications of the head of the first commission. As a result of the controversy, the two other commissioners, who were representatives of human rights groups in the country, resigned.

## **Nigeria**

On June 4, 1999, President Olusegun Obasanjo appointed a commission to investigate human rights abuses committed from January 1, 1994 until taking office on May 29, 1999. In formally inaugurating the commission on June 14, he extended the inquiry further into the past, to December 31, 1983, when President Shehu Shagari was deposed in a military coup. The panel's mandate is :

- "To ascertain or establish, to whatever extent the evidence and circumstances may permit, the causes, nature and extent of human rights violation or abuses and in particular all known or suspected cases of mysterious deaths and assassinations or attempted assassinations committed in Nigeria since the last democratic dispensation;
- to identify the person or persons, authorities, institutions or organisations which may be held accountable for such mysterious deaths, assassinations or attempted assassinations or other violations or abuses of human rights and to determine the motives for the violations or abuses, the victims and circumstance thereof and effect on such victims or the society generally;
- to determine whether such abuses or violations were the product of deliberate state policy or the policy of any of its organs or institutions or individual or their

- office or whether they were the acts of any political organisation, liberation movement or other group or individual, and
- to recommend measures which may be taken, whether judicial, administrative, legislative or institutional to redress past injustices and to prevent or forestall future violations or abuses of human rights."

Chaired by Justice Chukwudifu Oputa, the panel was constituted by Alhaji Ali Kura Michika, Rev. Matthew Kuka, Elizabeth Pam, Mallam Mamman Daura (replaced later by Alhaji Adamu Lawal Bamalli), Tunji Abayomi, Modupe Arede and T.D. Oyelade, serving as its secretary.

The chairman of the panel, Justice Oputa, has requested that enabling legislation be enacted to clarify the commission's status and powers, including by providing it with power of subpoena. Within its first two months of existence, the commission had received thousands of submissions.

### **Panama**

On January 18, 2001, Panamanian President Mireya Moscoso established a truth commission to investigate human rights violations perpetrated during the military dictatorships of Generals Omar Torrijos and Manuel Noriega between 1968 and 1989. The creation of this commission happened a year after exhumations at a former military base on the outskirts of the capital disclosed the remains of four human skeletons. Led by lawyer and Catholic activist Alberto Santiago Almanza Henríquez, committee members include Protestant Bishop Julio Murray, lawyer Juan Antonio Tejada, Dr. Osvaldo Velásquez, businessman and president of the Panama branch of International Transparency Fernando Berguido, human rights activist Otilia Tejeira de Coster and Rosa María Britton. The commission has six months to present a report to the attorney-general, with the possibility of a three-month extension if deemed necessary by commissioners to complete their work.

### **Peru**

In December 2000, the caretaker government of Valentin Paniagua approved the establishment of a truth commission to investigate human rights violations committed in Peru between 1980 and 2000. The commission was inaugurated on July 13, 2001 and began its work after President-elect Alejandro Toledo took office later that month. Salomon Lerner Fresnes, philosopher and dean of the Catholic University in the capital city of Lima, heads the commission. In early September 2001, upon the request of the Catholic Church, the commission was renamed the **Truth and Reconciliation Commission**, and its membership was expanded from six to twelve. The original commission members are legislator Beatriz Alva Hart, sociologist Carlos Ivan Degregori, former legislators Enrique Bernales and Carlos Tapia, priest Gaston Garatea and former dean of the University of Ayacucho Alberto Morote Sanchez.

The commission has opened four regional offices and plans to set up 15 offices in total. It is investigating human rights abuses by the Shining Path and the Tupac Amaru rebel groups and the military during the administrations of former Presidents Fernando Belaunde (1980-1995), Alan Garcia (1985-1990) and Alberto Fujimori (1990-2000). It is estimated that such abuses resulted in 30,000 deaths and 6,000 disappearances in Peru over the last two decades.

Representatives from the ministries of justice, defense, interior, and women's issues and human development, the human rights ombudsman's office, the National Human Rights Coordination, the Peruvian Episcopal Conference and the National Evangelical Council of Peru comprised a working group that drafted the legislation creating the body.

The Commission presented its [final report](#) in Spanish on August 28, 2003.

### **Philippines**

On March 18, 1986, then-President Corazon Aquino gave broad power to the seven-member **Presidential Committee on Human Rights** to investigate human rights violations attributed to the military during the 1972-1986 rule of President Ferdinand Marcos. The committee never issued a final report.

### **Serbia and Montenegro (formerly Federal Republic of Yugoslavia)**

On February 22, 2002, Yugoslav President Vojislav Kostunica inaugurated the country's truth and reconciliation commission to investigate war crimes committed in Slovenia, Croatia, Bosnia and Kosovo over the last decade. The commission members are: Svetozar Stojanovic, Mirjana Vasovic, Rodovan Bigovic, Svetlana Velmar Jankovic, Mihajlo Vojvodic, Djordjije Vukovic, Ljubodrag Dimic, Slavoljub Djukic, Aleksandar Lojpur, Bosko Mijatovic, Radmila Nakarada, Predrag Palavestra, Zoran Stankovic, Darko Tanaskovic and Sulejman Hrnjica. The commission was established in March 2001 and has a three-year mandate.

### **Sierra Leone**

A [peace agreement](#) between the government of Sierra Leone and the rebel Revolutionary United Front calls for the establishment of a [truth and reconciliation commission](#) within 90 days after the signing of the agreement on July 7, 1999. The commission was later [enacted](#) in 2000 by the President and Parliament. The commission is mandated to produce a report on human rights violations since the beginning of the conflict in 1991 and issue recommendations to facilitate reconciliation and prevent a repetition of past violations. The commission is to "address impunity" and provide a forum for both victims and perpetrators of past abuses. The act provides the Truth and Reconciliation Commission with one year to produce its report and recommendations, with the possibility of an extension. Broad [amnesty provisions](#) in the agreement grant pardon and immunity from

prosecution to combatants and collaborators for abuses committed during the armed conflict. The [final report of the Commission](#) was transmitted to the President of Sierra Leone on October 5, 2004 and presented to the United Nations Security Council October 27, 2004. [Three chapters of the report](#): the overview, findings and recommendations, are available on the U.S. Institute of Peace's web site as part of the Truth Commissions Digital Collection.

### **South Africa**

The **Commission of Truth and Reconciliation** was set up in 1995 by the South African parliament to investigate human rights violations during the apartheid-era between 1960 and 1994. Anglican Archbishop Desmond Tutu chaired the 17-member body. The commission held public hearings throughout South Africa at which former victims of human rights abuses told their stories. The commission's amnesty committee 7,124 applications by perpetrators of such violations as of December 9, 1998, and is currently continuing to process them. A reparation and rehabilitation committee was established to recommend appropriate forms of compensation for human rights victims. The commission's report was presented to President Mandela in October 1998 and is available online through links on the [commission's web site](#).

### **South Korea**

On October 17, 2000, President Kim Dae-Jung inaugurated the **Presidential Truth Commission on Suspicious Deaths** to investigate the death of citizens opposed to past authoritarian regimes in South Korea. Earlier that year, on January 15, the enactment of the Special Act to Find the Truth on Suspicious Deaths created the commission and established its mandate to investigate deaths upon the request of petitioners, to report its findings and recommendations to the president, and to identify human rights perpetrators for prosecution. The commission received 80 petitions by the deadline of January 2, 2001 and has until April 20, 2002 to complete its work.

The commission is composed of nine members led by law professor Yang Seung-Kyu. Appointed as commissioners were Kim Hyoung-Tae, Mun Deok-Hyoung, Lee Suk-Young, Ahn Byung-Ook, Pak Un-Jong, Lee Yoon-Seong, Lee Won-Young, Baik Seung-Hun.

### **Sri Lanka**

In November 1994, President Chandrika Bandaranaike Kumaratunga appointed three different **Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons**, each assigned to cover a different geographic part of Sri Lanka. Their identical mandates were to investigate whether individuals had "disappeared" from their abodes since January 1, 1988, determine the fate of the disappeared and bring about charges against those responsible for the abductions. Beginning in January 1995, each

commission worked independently. Together they investigated over 16,700 of cases of disappearances, submitting a single final report to the president in September 1997. One of the commission chairs, Manouri Kokila Muttetuwegama, stayed on to pursue cases left unexamined by the commissions. Eventually the final report was made public, compensation paid to the relatives of some of the victims, and over 400 members of the country's security forces were duly charged with human rights violations.

### Uganda

In 1994, the **Commission of Inquiry into Violations of Human Rights** published the results of its investigations into human rights violations committed under the governments of Milton Obote and Idi Amin between October 9, 1962 and January 25, 1986. Upon its [establishment](#) in May 1986 by President Yoweri Museveni, the six-member commission was also mandated to make recommendations into ways of preventing the recurrence of such events. Supreme Court Justice Arthur Oder presided over the six-member commission.

### Uruguay

In mid-August 2000, a commission established by President Jorge Batelle began its investigation of the fate of the disappeared during the military regime in power from 1973 to 1985. Archbishop Nicolas Cotungo was appointed as chair of the commission. The six-member body included Jesuit priest Luis Perez Aguirre, labor leader Jose DÕelia, educator Jose Claudio Williman, and lawyers Carlos Ramela and Gonzalo Fernandez. The commission was granted 120 days, with the possibility of extension, to present a report to the president. Reportedly, of the 164 Uruguayans who disappeared, 127 were living in Argentina, 32 in Uruguay, three in Chile and two in Paraguay.

At the initiative of two political parties in the legislature, two inquiry commissions were set up in April 1985 to study human rights violations related to military rule from 1973 to 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, and a month earlier, the **Investigating Commission on the Kidnapping and Assassination of National Representatives Zelmar Michelini and Hector Gutierrez Ruiz** released its findings. None of the commission reports received an official response. On March 9, 1989, the religious group SERPAJ released a report based on a survey of 311 former political prisoners that took three years to complete. It received little attention and no response from the government of then-President Sanguinetti, yet reportedly had wide circulation.

### Zimbabwe

The report of a commission of inquiry established in 1985 to investigate the killing of an estimated 1,500 political dissidents and other civilians in the Matabeleland region has not been made public to date by the government. The commission was presided over by a Zimbabwean lawyer.



# Worldwide Truth and Reconciliation Commissions

*Discussion Framework for Consideration by Nepali Peace Stakeholders*

**(Prepared and Presented by Peace Secretariat)**

Generally, truth commissions are bodies established to research and report on human rights abuses over a certain period of time in a particular country or in relation to a particular conflict. Truth commissions allow victims, their relatives and perpetrators to give evidence of human rights abuses, providing an official forum for their accounts. In most instances, truth commissions are also required by their mandate to provide recommendations on steps to prevent a recurrence of such abuses. They are created, vested with authority, sponsored, and/or funded by governments, international organizations, or both.

Truth commissions exist for a designated period of time, have a specific mandate, exhibit a variety of organizational arrangements, and adopt a range of processes and procedures, with the goal of producing and disseminating a final report, including conclusions and recommendations. Ultimately, the goals of such commissions are to contribute to end and account for past abuses of authority, to promote national reconciliation and/or bolster a new political order or legitimize new policies. Closely related to truth commissions are commissions of inquiry into specific events, more narrowly circumscribed by duration, location and/or individuals involved. Similarly, a few nongovernmental human rights investigations have adopted truth commission-like roles in countries in the midst of political transition.

The list of truth commissions above briefly describes the establishment, mandate, composition, and report of such bodies. Some examples of commissions of inquiry and related bodies are listed separately. Each list is organized alphabetically by country.

Groups and individuals in Afghanistan, Angola, Bosnia-Herzegovina, Cambodia, Colombia, Indonesia, Jamaica, Kenya, Mexico, Morocco, Philippines, Uganda, Venezuela, and Zimbabwe have called for the establishment of new truth commissions or similar bodies in their respective countries.

**Sources quoted and used for this document and the fact sheet are: Priscilla B. Hayner, "Fifteen Truth Commissions—1974 to 1994: A Comparative Study," *Human Rights Quarterly*, v. 16, no. 4, November 1994, pp. 597-655; and Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 vols., Washington, D.C., U.S. Institute of Peace Press, 1995; USIP website; Institute for Transitional Justice; and the various websites of the specific Commissions mentioned.**

## Considerations

The original motivation for Truth and Reconciliation Commissions was the desire to achieve sustainable peace, healing and justice by facing the dark truths of the past collectively. In this context, it was important to go beyond frameworks of criminal justice – in the spirit of reconciliation – and search for restorative justice and healing. Embarking on such a journey can be very traumatic for societies and require careful consideration. Parties need to be very clear what they want to achieve through such processes and avoid using a TRC to settle old political scores. The focus must be on a clear set of objectives that will not only reveal essential truths, but also lead to reconciliation, justice and healing.

*In preparation for the Nepal Truth and Reconciliation Commission, the parties should consider the following challenges and issues carefully:*

1. Clear objectives of Commission;
2. Political and social context and how it differs from other countries;
3. Legal mandate and “human” obligation;
4. Timeframe
5. Proceedings and Scope of TRC;
6. Public vs. Private, naming names;
7. Relationship to prosecutions and legal consequences;
8. Implications and for perpetrators, amnesty framework;
9. Treatment and status of victims, reparations, reforms;
10. Design in support of reconciliation;
11. Major shortcomings of other processes;
12. Fundamental values and motivations supported by all stakeholders;
13. Composition of and independence of Commission;
14. Investigative powers;
15. Protection of witnesses;
16. Implications for State Reform and Restructuring;
17. Support agencies;
18. Consultations with other TRC’s worldwide.