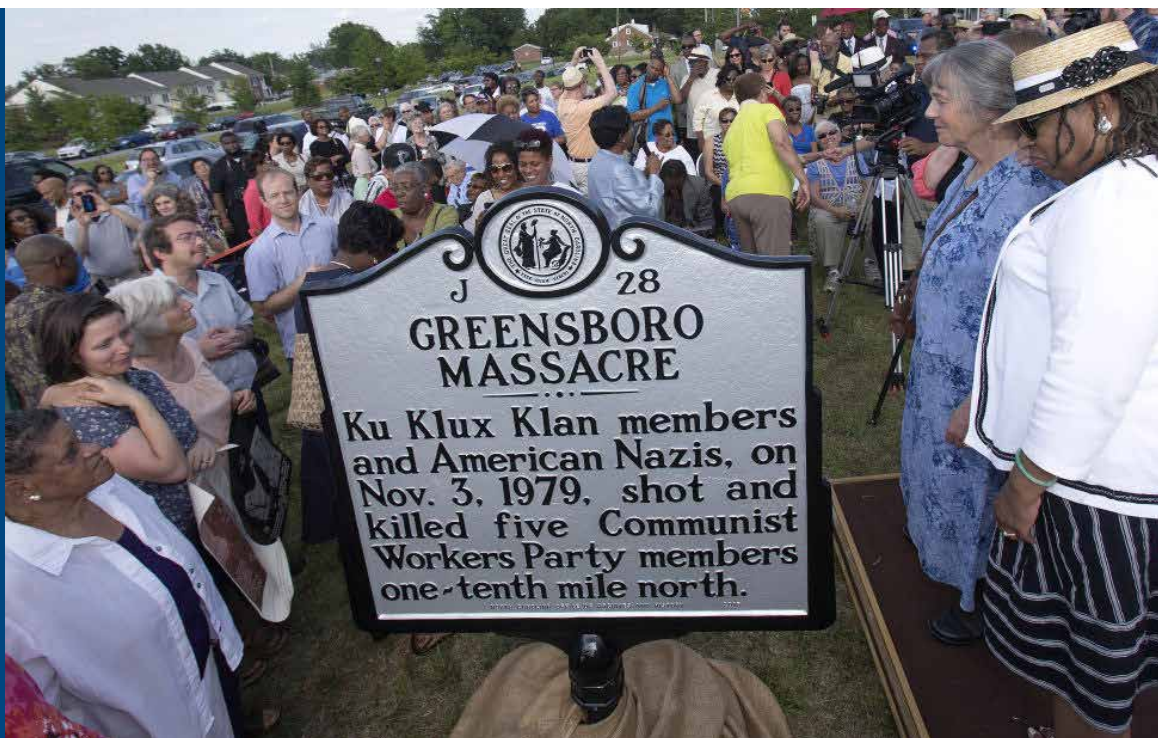


REPORT

# Civil Society-Led Truth-Seeking Initiatives

## Expanding Opportunities for Acknowledgment and Redress

April 2022



**Cover Image:** Community leaders and residents of Greensboro, North Carolina, attend the unveiling ceremony of a plaque commemorating the victims of a massacre in 1979 in which avowed white supremacists killed five members of the Communist Workers Party. (Lynn Hey/News and Record)

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April 2022

Eduardo González Cueva, Jill Williams, and Félix Reátegui Carrillo

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## Acknowledgments

The authors would like to dedicate this work to Marty Nathan and Signe Waller, survivors of the Greensboro Massacre and leaders in the process to achieve truth and healing in the United States. They passed away in December 2021.

## About ICTJ

The International Center for Transitional Justice works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit [www.ictj.org](http://www.ictj.org)

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## Foreward

As the protest cry “Say Their Names” echoes across the United States, Americans are demanding the acknowledgment of the humanity of those whose rights have been continually violated and calling for a broader reckoning with the legacy of racial injustice, starting with the genocide of Native Americans and enslavement of Africans brought to this country. As the United States begins this journey, transitional justice approaches—including truth seeking, criminal justice, reparations, and reform—can focus the discussion on the root causes of injustices and provide ideas for how to undo systemic abuses and redress harms. In this effort, the United States can benefit from the example of countries that have undertaken initiatives to address legacies of injustice.

While the truth of the United States’ legacy of slavery and racism, and its connections to present-day injustices, is well documented, it is not well integrated into the country’s collective narrative or adequately acknowledged by the government. Instead, it is often overlooked or actively denied. Previous efforts in US history to address past wrongs have been insufficient to break the link from past violations to present-day structural violence and racism.

More than a year after protests broke out in response to the murder of George Floyd and Breonna Taylor, there is increased demand and awareness of the need to address our past. Also for the first time, the administration has made racial justice one of its top four priorities. As the International Center for Transitional Justice (ICTJ) has seen in its work across the globe, the success of transitional justice efforts depends on these windows of opportunity when there is both demand from citizens and political will to respond. In the United States, we are already seeing an initial wave of backlash in the discussions around “Critical Race Theory.” Therefore, a strong effort should be made to advance this work before the window of opportunity closes, and to find strategic ways to work around this backlash.

To date, numerous government-led truth-seeking initiatives have been established or discussed at the city, state, and national levels.<sup>1</sup> In parallel, we are also witnessing groups of concerned citizens coming together to open space for sharing suppressed narratives and identifying appropriate responses to repair the harm done to historically marginalized groups across generations. In response to this “awakening,” transitional justice initiatives are popping up all over the country. According to one [mapping project](#), there are over 50 currently underway.

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<sup>1</sup> See, for example, H.R.40 – Commission to Study and Develop Reparation Proposals for African-Americans Act (2019-2020); H.Con.Res.19 – Urging the Establishment of a United States Commission on Truth, Racial Healing, and Transformation (2021-2022); H.R. 8420 and S. 4752 Truth and Healing Commission on Indian Boarding School Policy (Proposal).

Several years ago, ICTJ explored the importance of community-led truth-seeking initiatives, particularly in contexts of stalled political will. At that time, relatively few examples existed; we felt it was an approach that warranted further research and consideration. It is in that context that ICTJ commissioned this study on civil-society led truth-seeking initiatives across the globe. The study catalyzed many interesting discussions internally, but was not shared externally. Now, several years later, the conversation around truth-seeking efforts has grown, particularly in the United States, infused with greater urgency as groups establish new initiatives across the country. Motivated by the questions that we have received about various forms of truth seeking, in publishing this report our aim is to help to advance racial redress in the United States. This report focuses on the specific opportunities and challenges that civil-society led truth-seeking processes are likely to face; however, many of the key lessons from these processes are relevant for government-led processes as well.

With this report, and through our ongoing programming in the United States, ICTJ is committed to helping to ensure we seize this opportunity to advance as much reparative justice as possible in this crucial moment. It is in this spirit that we release this report by former ICTJ colleagues Eduardo González and Félix Reátegui Carrillo, and consultant Jill Williams. We hope that it will provide insight and inspiration for the important work currently underway.

*--Virginia Ladisch, Senior Expert leading ICTJ's work in the United States*



## Introduction: The Urgency of Truth-Seeking from Civil Society

In August 2014, in the course of a police intervention in the city of Ferguson, MO, a white officer shot and killed a Black teenager, Michael Brown. The murder sparked mass demonstrations around the United States demanding racial justice and an end to police brutality, energizing the then-nascent Black Lives Matter movement. In the course of the mobilization, activists launched the Truth Telling Project to give voice to victims of racist policing and to raise awareness of systemic racism. The project's leaders claimed direct inspiration from the global experience of truth commissions as well as in the concept of "restorative justice," a theoretical framework focused on healing and the reconstruction of torn social fabric.

That same year, thousands of miles away, an Israeli nonprofit group dedicated to the defense of the human rights of the Palestinian population launched a Public Truth Commission on the Nakba, seeking to examine the process of dispossession and expulsion of Arab populations from the territories that became the state of Israel. The truth commission acknowledged that because it took place in an environment without a significant political transition or support from government, it worked on the basis of the voluntary cooperation of veterans of the conflict and their descendants, including Israeli fighters and Palestinian refugees.

Also in 2014, on a different continent, Peruvian activists and artists protesting pervasive and violent homophobia demanded that the government establish an official truth commission on the marginalization and violence suffered by LGBTQ persons.<sup>2</sup> Because it lacked official state support, activists and artists established an informal collective called *No Tengo Miedo* ("I'm Not Afraid"), to share personal experiences of violence and oppression through public testimony and theater. No official truth commission was ever established, but the *No Tengo Miedo* project moved forward and continues today, publishing comprehensive reports on the human rights of LGBTQ persons and providing resources to foster resilience and solidarity among LGBTQ persons.

Using the name or elements of truth commissions in such different scenarios, to face such a variety of abuses, is a growing trend. Just a few years after the 2014 advances described above, the number of truth-seeking projects continues to increase. In the United States, in particular, continued police brutality against racial minorities has resulted in the creation of more initiatives, some of which have even obtained the formal support of local authorities. Other issues

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<sup>2</sup> Giovanni Infante, president of *Movimiento Homosexual de Lima (MHOL)*, interview by Eduardo González Cueva, March 11, 2014. *See also*, MHOL, "MHOL propone comisión de la verdad sobre los derechos LGTBI," June 28, 2014.

also spurred the establishment of truth initiatives, including an inquiry in North Carolina into the state's role in the policy of "extraordinary rendition," or enforced disappearance and torture of alleged enemies of the United States in different countries around the globe. Civil society activists started processes directly inspired by transitional justice, even in the absence of a political transition or political will to address legacies of abuse, often with the explicit goal of creating the cultural and political conditions conducive to profound social change.

This study reviews civil society-led truth-seeking initiatives in different regions of the world drawing on official truth commission experiences, methodologies, and symbolism. The study identifies lessons from these experiences, with a view to presenting practical questions and options for activists considering similar endeavors. In many ways, this work is inspired by and continues ongoing reflection by transitional justice practitioners, including at ICTJ, on the variety of modes of truth seeking, including seeking truth through civil society and local efforts or in adverse contexts, without official support or even in the face of hostility.

As early as 2006, ICTJ sought to systematize the lessons of truth-seeking around the world and study them in relation to the nascent experience of local and civil society-led truth-seeking initiatives in the United States.<sup>3</sup> A pioneering 2007 paper by Louis Bickford, titled "Unofficial Truth Projects," examined nine examples of truth-seeking initiatives launched by civil society organizations in different regions of the world. In 2009, another study was published by ICTJ examining dozens of local truth-seeking initiatives in Colombia functioning under the permanent threat of violence and utilizing diverse methodologies, from traditional documentation and museography to artistic performance.<sup>4</sup> Common among these studies was the warning that formal truth commissions were not always possible and that an exclusive reliance on state-sanctioned formats could result in a template-like approach to truth seeking, devoid of creativity or potential. Bickford's study suggested that, to a certain extent, standardization was inevitable, given the growth of transitional justice theory and the systematization of "good practices." In a way, this has proven to be right: civil society initiatives learn from official truth commissions and continue to be inspired by some of them with a paradigmatic status, like South Africa's. However, as this study will show, challenging political conditions and the continuity of abuses result in an urgent need for creative and bold truth-seeking initiatives. In the same way that activists in countries as diverse as Peru, Israel, and the United States have explored the potential of truth-seeking initiatives to address abuses, activists in other countries will also pursue truth telling as well. This study is intended to contribute to their efforts.

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3 Lisa Magarrell and Blaz Gutierrez, ICTJ, "Lessons in Truth Seeking: International Experiences Informing United States Initiatives" (2006).

4 Marcela Briceño-Donn, Félix Reátegui, María Cristina Rivera, Catalina Uprimny Salazar (eds), *Recordar en Conflicto: Iniciativas No Oficiales de Memoria en Colombia* (ICTJ, 2009).

## Demanding Rights Through Truth-Seeking

The right to the truth is a fundamental component of redress for victims of mass abuse.<sup>5</sup> Massive violations of human rights are facilitated by institutional silence, because the suppression of complaints and the refusal to acknowledge abuse protects and enables perpetrators. However, in contrast, establishing the facts, situating them in an accessible interpretive framework, and identifying remedies empowers victims and reduces the capacity of abusers to harm again. At the very least, information makes accountability and reform conceivable as part of a strategy of social change.

Transitional justice pays significant attention to the right to the truth because of its capacity to advance social change. From the perspective of victims, sharing the truth, seeking truth, and acknowledging it can be steps toward rebuilding their lives and gaining fuller status as citizens. However, governments are not always prepared to recognize or guarantee the right to the truth. In some cases, elites see little to gain, and potentially much to lose, in investigating historical periods that may expose their own wrongdoing or that of their partners and allies.

In the absence of governmental political will, civil society actors have responded to demands for truth by devising and carrying out truth-seeking exercises independently, utilizing a wide repertoire of tools and methods, including oral history, artwork, theatrical productions, reenactments, museum exhibits, memorials, films, and documentation projects.

Truth commissions provide an attractive template for redress for a number of reasons. In strategic terms, commissions are perceived as catalysts for change, and forerunners of different, better exercises of power; in a practical, operational sense, truth commissions may be seen as more feasible and more understandable than judicial action; and from a human, empathetic perspective, they may seem more centered on the psychological well-being and moral vindication of victims and survivors than many other forms of activism. In addition, the use of the name “truth commission” has gained prestige globally because it links local efforts to widely recognized human rights inquiries, such as post-Apartheid truth-seeking in South Africa and democratization efforts in Latin America.

Inspired by official models, civil society-led truth-seeking initiatives have enhanced the transitional justice repertoire “from below,” that is, from the level of citizens and the public, by

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<sup>5</sup> Declaration on the Protection of All Persons from Enforced Disappearance (1992), the Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005), and the International Convention for the Protection of All Persons from Enforced Disappearance (2006). For more on the right to the truth, see Eduardo González and Howard Varney (eds.), ICTJ, “Truth Seeking: Elements of Creating an Effective Truth Commission” (2013), 3–6.

both challenging the state and using its language and institutional models. It is difficult to find significant differences between the objectives of officially established truth commissions and those set up by civil society. While they enunciate their goals in different forms, there is a clear convergence around three main purposes: (1) to establish the facts about human rights violations that remain disputed or denied, aspiring to validate different degrees of interpretation and analysis of those facts; (2) to protect, acknowledge, and empower victims and survivors; and (3) to inform policy, promote change in groups and institutions, and contribute to social and political transformation.<sup>6</sup>

An obvious difference between official and unofficial initiatives is that officially created truth commissions work on the assumption that their recommendations will carry a certain actionable weight over governmental decisions, creating an obligation for the state to respond to findings through policy decisions and other government-level actions. Civil society-led initiatives do not assume a responsive government, and their tactics are usually informed by a spirit of denunciation and challenge (provocation), rather than one of policy design. This emphasis on contestation can be a strong asset to motivate and empower victims and the social movements they form part of.

However combative and alternative these projects are, they tend to speak the language of human rights and, therefore, still seek to engage the existing state, or some vision of what the state can be, to realize rights. As tactics to demand rights and citizenship then, civil society-led truth-seeking initiatives emerge as key tactics in both challenging and invigorating transitional justice. As a challenge, they result from skepticism and disappointment directed toward existing state policy; therefore, they dare to imagine fully alternative exercises of societal power. As a complement, they provide practical channels for civil society demands for redress when the state fails to deliver on its obligations to protect victims' rights.

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6 Eduardo González and Howard Varney, Eds., ICTJ, "Truth Seeking: Elements of Creating an Effective Truth Commission" (2013).

## Key Considerations for Establishing a Civil Society-Led Truth-Seeking Initiative

Truth-seeking initiatives led by civil society, including the four case studies included in the second half of this report, differ in their scope, position vis-à-vis the state, and methodology.<sup>7</sup> This variety highlights the flexibility of possible formats for truth seeking. Still, as diverse as these initiatives are, an examination of the strategy that activist organizers followed shows certain common considerations and substantive and procedural questions that should be considered step by step during the overall process of carrying out a civil society-led truth commission.

### Preliminary Strategic Questions

#### Clarity of Purpose

Because concepts like truth, justice, and reconciliation are powerful but complex, it is necessary to take the time to clarify what these terms mean in the specific context in which they are being considered and to come up with a clear set of guiding principles.

The Greensboro Truth and Reconciliation Commission (GTRC) (Case Study 1) provides an interesting example, because its organizers spent five years raising awareness about the initiative and discussing the idea with civil society institutions before actually seating a commission. The concepts of *truth* and *reconciliation*, which figured prominently in their thinking, were not just presented for acceptance but adapted to local demands for racial justice.

The first issue for those considering a civil society-led truth initiative is often to recognize the existence of a fundamental interpretive dispute around facts and history. The views about conflictive events run parallel with, and are functional to, different understandings of society and its problems and political positions. Recognizing the existence of diverging views, fear, and silence is fundamental to “mapping” (identifying the particulars of) the social context where the inquiry will take place and its needs.

In this regard, it is useful to identify an often-cited claim: An inquiry is futile because “everybody knows what happened.” Once the disputed nature of the facts is recognized, it becomes evident that knowledge of certain facts does not amount to acknowledgment by those in power of their meaning or importance. What truth commissions may do in societies polarized to the

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<sup>7</sup> Many of these considerations were informed by a questionnaire created for US activists interested in unofficial truth seeking: Lisa Magarrell, ICTJ, “Ten Fundamental Questions for Defining a Truth Commission” (2008).

point of diverging narratives of reality is to encourage not merely knowledge, but also acknowledgment, of events, that is, a reasoned interpretation of events recognizing the responsibility of violators and leading to action. The balance between how much new knowledge is needed and how much acknowledgment is sought is at the basis of a truth-seeking effort.

### Expectations

The goals should not only be clear but also achievable. While advocates may expect important long-term impacts on society, it is critical to identify concrete deliverables, however modest, that the initiative may produce. Civil society-led truth seeking can achieve some of the following short-term goals:

1. *Developing a comprehensive description of harms.* In many cases, the general public may be aware of a small subset of individuals whose rights were violated and/or the ways in which individuals and communities were harmed; but knowing only a fraction of the victims and the harms, it is easy to rationalize that harms were the result of a “few bad apples.” Developing a more comprehensive list of individuals and families who were harmed by the abuse in question as well as the different ways in which people were harmed can not only increase the level of acknowledgment but also counter inaccurate dominant narratives and expose systemic violations.
2. *Starting dialogue.* Civil society-led truth commissions can provide difficult but necessary platforms for societal dialogue, including among victims, human rights defenders, and state institutions. Dialogue in itself does not imply effective change, but it can establish relations and alliances that can lead to policy commitments.
3. *Reports.* One often-repeated descriptor of the value of truth commissions is that they “narrow the range of permissible lies” that a community can tell about itself;<sup>8</sup> they limit the effectiveness of narratives that serve the powerful, especially powerful perpetrators. By making concrete findings through well-researched reports, civil society-led truth-seeking initiatives challenge official or dominant narratives and provide human rights defenders with concrete tools for their advocacy efforts.
4. *Promote, correct, or supplement official truth-seeking initiatives.* The existence of strong civil society-led initiatives does not absolve a government of its responsibility to recognize victims’ right to truth. But when government officials are unwilling to establish an effective truth commission, a civil society-led initiative can build pressure for a more complete investigation and acknowledgment of harms.

### Who Is Initiating or Convening the Process?

Another important factor to consider is the makeup of the group initiating the effort and its capacity to establish alliances. This directly relates to the main goals of the project.

If one goal is to clarify facts that remain hidden and/or silenced, then the people around the table must be able to secure the cooperation of persons and organizations who have information. In the GTRC, for instance, uncovering the truth surrounding abuses required the participation of a wide range of actors, including those who perpetrated the abuse. Indeed, the group supporting the creation of the commission devoted considerable time and effort to persuading all sectors of civil society to participate, not just the “usual suspects” of politically progressive

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8 Michael Ignatieff, “Articles of Faith,” *Index on Censorship* 25:5 (September 1996): 110–22. <https://doi.org/10.1177/030642209602500522>.

activists and groups. Their efforts resulted in greater visibility for the commission, to the point that even avowed white supremacists eventually decided to cooperate.

If the main goal is to raise awareness and create visibility for certain facts that remain silenced, the plan from the start may be to limit the project to simply collecting and systematizing victims' experiences. This may be all that is possible when the state and/or alleged perpetrators refuse to cooperate. In such cases, efforts to build alliances would be best focused on ensuring the participation of victims' organizations, as is the case of the Colombian women's initiative (Case Study 4).

The Scotland Poverty Truth Commission (Case Study 3) presents an interesting model, because its central concern, the existence of poverty, was not in dispute and a basic degree of political involvement existed. One apparent objective of that initiative was to use the process of truth telling not to uncover facts, with or without official support, but to empower victims to become effective stakeholders themselves in building new policy.

### **Defining the Scope of the Inquiry**

Perhaps more so than with official truth commissions, civil society-led initiatives often have trouble narrowing their inquiries to a manageable scope (timeframe, location, types of abuse, etc.). This may be because the broad coalition of civil society actors necessary for establishing a credible civil society-led truth-seeking initiative also brings to the table a wide range of events and situations.

Some important questions to consider when establishing the scope of an inquiry include:

- What types of abuses will be investigated? In what geographical area? And during what timeframe?
- Will the inquiry seek to describe what happened as well as why it happened and its consequences?
- Will the commission try to tackle large systemic processes? If so, how will it do so while maintaining its focus on the immediate, visible experiences of people?

All of these questions, along with a timeframe for the research, can be outlined in some kind of a formal document, often called a mandate, which provides a clear assignment for the initiative's researchers and staff and helps the public to understand what is being investigated.

Not all projects will have a formal written mandate with precise descriptions of its contours. The GTRC had one with a specific call to investigate the "context, causes, sequence and consequences of the events of November 3, 1979."<sup>9</sup> However, other projects, like the West Papuan and Colombian women projects (Case Studies 2 and 4) built their research over time through an iterative process of collecting testimonies and following the needs and priorities of victims themselves in a flexible way.

### **Dealing with Resistance**

Just like official truth commissions, unofficial truth initiatives meet resistance from those who fear being exposed to justice or politically shamed by embarrassing revelations. Exposing gross human rights violations is very likely to result in resistance and create risks for populations living under occupation or in exile. Even in an environment with less risk, like Scotland, resistance

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9 GTRC, Mandate, May 6, 2003, <http://greensborotrc.org/mandate.php>

may take the form of apathy in a population desensitized to economic abuse that has become normalized by life in a market system.

Dealing with resistance requires a clear understanding of the kind of fears an unofficial truth commission raises: Does it challenge specific individuals and their political communities? Does it challenge a form of life for entire sections of the population? As with official commissions, managing the risks and sources of hostility requires a clear communication strategy that presents the initiative in a way that can reach different audiences and encourage empathy.

### **Funding**

Most of the initiatives described in this report received financial support from private sources—foundations and individuals—as well as in-kind support from sympathetic civil society groups. Fundraising for truth initiatives is usually difficult work, in part because donors are often more interested in funding direct services to victims than potentially politically charged projects and they often require evidence of specific deliverables from a project. At the same time, fundraising goals do not need to be extravagant: Most civil society organizations already have considerable expertise in mobilizing volunteers, building capacity, and gaining goodwill.

One outlier in the case studies is the truth-seeking process in Indonesia (Case Study 2). This initiative was funded by the Women’s Commission, an ombudsperson government body. Such a scenario is rare among civil society-led truth-seeking initiatives, but if this is a possibility, advocates should consider whether garnering the support of an independent or local governmental institution, like an ombudsman office or an institution of local government, would impact the effectiveness or credibility of an unofficial project.

## **Key Considerations During a Civil Society-Led Truth Initiative**

### **Victims’ Participation**

Truth commissions have traditionally been considered “victim centered,” meaning that they consulted with victims’ groups at many stages of the process, focused their work on collecting and acknowledging victims’ experiences, and encouraged compliance with victims’ rights in their operations and recommendations.

Depending on their particular contexts and goals, civil society-led truth initiatives tend to be strongly victim centered because victims’ groups take the lead at several stages and as key questions emerge. Such questions include: Should victims be the conveners of the truth initiative, and should they drive the process alone or with other civil society actors? Should they serve as commissioners and researchers? Should they be consulted on findings? The answers to these questions again point back to the initiative’s original goals and the organizers’ assessment of local conditions.

Because victims and their families feel the effects of human rights abuses most acutely, they also tend to feel the most urgency about addressing those wrongs. They can be in the best position to push for a truth-seeking process—either with government or civil society backing—and to advocate for it to meet the needs of victims at every juncture. That said, human rights abuses do not take place in a vacuum. Victims tend to belong to groups with less traditional power, who are therefore more easily marginalized by those with more traditional power—at both governmental and civil society levels.



So, on the one hand, depending on the goals of the initiative, victims may find it useful to involve a broader range of individuals and organizations at different phases of the project. If successful, this could allow the project to enjoy a greater sense of legitimacy with a broader range of the population, especially those with the traditional power to implement the project's recommendations. This is the model followed by the survivors in Greensboro, NC, ensuring that the GTRC was fully independent, not just of local authorities but of victims' organizations, too.

On the other hand, because victims' groups may distrust outside groups, they may not feel safe sharing their experiences with outsiders. Further, they may be concerned that outsiders who do not understand their experiences may be responsible for, and/or benefit from, the harm inflicted on them, which will undermine their efforts. In cases like the Indonesia truth initiative, it may make more sense for victims to create, lead, and implement a truth-seeking initiative alone or alongside only their closest allies, with the hope that it will lead to future truth-seeking, truth-telling, or advocacy efforts with a broader audience.

In cases where a group other than the victims have initiated a civil society-led truth-seeking initiative, there may be concern that involving victims in ways other than as research subjects will lead to charges of bias against the initiative. Groups organizing such initiatives should consider their original goals and then strike a balance between the risks posed by charges of bias versus the risks posed by excluding victims from the process and thereby unintentionally disempowering them.

It is important to note that victims' groups are not homogenous. The different types of abuses suffered by members of broad victims' groups should be considered, acknowledged, and incorporated into every initiative's truth-seeking efforts. Specific attention should be paid to experiences of, and impacts on, women, children, Indigenous peoples, groups marginalized due to race or ethnicity, and LGBTQ individuals. Without considering these different experiences, unofficial truth initiatives run the risk of alienating and further harming some victims as well as coming up short in the goal of addressing victims' needs.

### **Creating an Interface with Official Bodies**

Although civil society-led truth initiatives are not initiated or sponsored by government bodies, depending on their context and goals, it may be useful to think creatively about how they may benefit from a relationship with government officials. This is particularly important when governmental bodies have relevant information to share regarding the abuse in question or if the process is likely to lead to recommendations that would need government action for implementation.

In situations of ongoing abuse, unofficial truth initiatives face the opposition or inaction of government as a whole but still may find support from individual officials or special institutions, sometimes at the local level. In these cases, supportive officials have lent their names to the processes in various ways. Some have lent legitimacy to civil society-led processes by playing convening roles and/or participating in events like commissioner swearing-in ceremonies, public hearings, and final report-related events, as in the case of Scotland's Poverty Truth Commission or the Greensboro TRC, where authorities declined to endorse certain activities but participated in others.

Even when there is official inaction or hostility, unofficial truth commissions may communicate with the government to request action and cooperation. Even if their requests are declined or ignored, it is useful to document the fact that truth commissions made the effort to engage with those who have the authority to enact policy. Moreover, in cases of acute distrust, the fact itself

that authorities ignored or opposed a civil society-led commission may signal to victims that the initiative is independent and can be trusted and, so, in a paradoxical way, increase its credibility.

### Creating Legitimacy

Official truth commissions operate with the authority granted to them by legislative action or executive orders, but, in reality, most commissions derive their legitimacy from a broader range of sources than the state entity that established them, including the contents of their investigative mandate and the process of debate that led to its establishment in the first place.

Civil society-led truth initiatives need to openly explain their sources of legitimacy and the values that guide their operations. They also need to decide whether they want, or have the ability to, forge a formal mandate through social consultation. The GTRC did articulate a very formalized document after years of detailed discussions in the community, which resulted in strong acceptance by the public of its seriousness and rigor. Even though the Colombian women's initiative and the Scottish commission did not have formal mandates, they both emerged from large public events where hundreds of participants listened to testimony and demanded action. Such origins arguably provided impetus and visibility for the initiatives. In the case of the Scottish initiative, it had the added advantage of the existing support of a large faith-based institution that already enjoyed the respect of large segments of society.

### Engaging the Public

Although truth commissions conduct most of their operations behind closed doors, as researchers compile and systematize information, their public outreach and educational activities help the public to learn about the commission and form an opinion about it. Forms of engaging the public include the following:

- *Public Hearings.* Because commissions focus on previously silenced or marginalized parts of a community's history, holding public hearings at which victims, witnesses, and others are provided with an official-style platform on which to share their experiences can be groundbreaking. In many cases, a public hearing will garner more attention than a written final report.
- *Broad-based statement taking.* Collecting testimonies from victims, witnesses, and others is not only an investigative activity, it is also a social process of dialogue and engagement. A civil society-led truth initiative should explain to the public its reasons for collecting information, prompting responses and questions.
- *Media.* Technology makes it possible to communicate directly with the public—through social media, blogs, newsletters, television shows, radio programs, and more—over the course of research. The extent to which it may be desirable to do so will depend on the project's goals and available resources. Of course, established media outlets, such as newspapers, radio, television news, etc., may also be interested in covering the commission's work. Relationships with media outlets can either support or harm the efforts, so care should be taken from the early stages of the process to cultivate healthy communication and understanding with journalists when possible.

## Following Up

### Using the Report

Because truth commissions are temporary bodies, activists should think carefully and intentionally about how the seeds planted by the initiative can continue to bear fruit after the commis-

sion ends its work. The most obvious way this happens is through the publication of a final report with specific findings and recommendations, which is widely disseminated.

A traditional written report is necessary but not necessarily the most useful for reaching a larger audience. Brief educational materials, like those published by the Scotland's Poverty Truth Commission, may be most practical. Graphic novels, short video clips, and other media can also be effective.<sup>10</sup>

While there is value in a truth commission creating its own media to educate the public about its findings and recommendations, the reality is that the majority of the population will learn about its findings through other outlets, especially the media, which means that an unofficial truth commission must develop relations of trust with journalists and use the ecosystem of creative, alternative media that tends to emerge in situations of oppression and ongoing threats.

### **Maximizing Impact**

Civil society-led truth initiatives have bold visions of speaking truth to power and achieving profound societal transformation, but their operations and actual products may appear to be simple: meetings, dialogue, and information databases. How do those deceptively simple and straightforward elements contribute to maximum effect and potential change?

Truth commissions galvanize the identity and enhance the capacities of a victims' group by providing a challenge to dominant modes of power that is both concrete and imaginative. So many processes are needed for a truth commission to take place that each component ends up having value for different groups in the community. For some, the most valuable process is the societal dialogue that the initiative fosters and the recognition of victims' experiences taking place there; for others, it is the development of the skills necessary to carry out an ambitious piece of research; for others, it is the substantive information and analysis provided in a final report.

The aggregate effect is that victims' groups become empowered in different ways, including by gaining visibility and acceptance, formalizing their grievances around concrete findings and proposals, and developing new skills and capacities. Certainly, a commission's final report often represents its main concrete output, but it has been making an impact throughout the commission's entire process.

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<sup>10</sup> The Greensboro Truth and Community Reconciliation Project prepared a 12-minute video describing the truth process and the commission's findings. See Laurel Seel, "Greensboro Truth and Reconciliation Commission, 2004-2006 in Greensboro, NC, USA" (2006), available at [www.youtube.com/watch?v=wnT4q384JTk](http://www.youtube.com/watch?v=wnT4q384JTk). The Scotland Poverty Truth Commission continues to publish a blog connecting its work to ongoing policy debates and other current events: <http://povertytruthcommission.blogspot.com/>.



## Case Studies

The following four case studies represent diverse types of civil society-led truth-seeking initiatives from different geographic regions and with varying scope, processes, victims' roles, and relationships with the state. While each initiative is unique, the study describes their constitutive elements, such as their mandate, methodology, and report contents, as well as follow-up processes that have taken place after the commission's work ended.

- *Mandate.* Like official truth commissions, some of the highlighted initiatives followed a formal mandate outlining the terms of reference for the truth-seeking assignment and publicized it, seeking public engagement. However, there are different degrees of formalization among projects, and in some cases there is no formal document detailing the task at hand.
- *Methodology.* Some of the more formalized initiatives, which built on alliances with academic institutions or experts, conceptualized their research process as a complex set of logically interrelated procedures. Less-formalized projects tended to rely on an iterative process of collecting and analyzing data, as it emerged spontaneously from victimized communities.
- *Reporting.* Like official truth commissions, civil society-led truth projects share the goal of establishing the facts, causes, and consequences of human rights abuses. Their findings end up being shared with the public in some format, usually a written report. All of the initiatives highlighted in this study published written reports, though some placed more symbolic and political emphasis on the report than others.
- *Follow-up.* While each of the initiatives highlighted in this study had forward-looking recommendations, to date they have had different levels of success in seeing them achieved. Some are still relatively recent that their impacts are yet to be seen. And some saw impacts that are not easily attributable directly to the project. Nevertheless, the following considers what possible impacts, in terms of state response or further activism, resulted from these civil society-led truth projects.

### Greensboro Truth and Reconciliation Commission

A growing body of literature has described the GTRC, which has become an inspirational example for multiple US-based initiatives established in its wake, to look into issues of racial injustice, socioeconomic exclusion, and government abuse.<sup>11</sup>

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<sup>11</sup> The GTRC was the first initiative in the United States to use the title of *truth and reconciliation commission*, but it is not the only, or even the first, civil-society truth-seeking initiative to take place in North America. Predating it were the

The GTRC was established to investigate the context, causes, chronology, and consequences of the events of November 3, 1979, a day in which several political and historic processes converged tragically. On that day, in a context of racial and class tension, white supremacists attacked a rally organized by left-wing activists in a Black housing project, leaving five activists killed and 10 wounded. The Greensboro Police Department did not escort the rally, a fact interpreted by some over the years, including survivors, as calculated to enable the attack.

News crews from national media were on the scene and captured the violence on camera. However, two criminal trials resulted in all-white juries finding the attackers not guilty. A further civil trial resulted in the finding that the Greensboro Police Department, a paid informant in the Klu Klux Klan, and the shooters were jointly liable for the wrongful death of one of the activists killed.

Two decades after the shooting, the Greensboro community was still divided about how it understood what had happened on November 3, 1979. For survivors,<sup>12</sup> many of whom were still involved in social justice advocacy in the city, disagreement about such an emblematic event mirrored other social divides, including the fraught relations between the police department and non-white communities. Finding inspiration in the South Africa's post-Apartheid truth-seeking experience, survivors and other civil society institutions underwent a process of reflection and decided to call for the establishment of a truth commission, to be appointed directly by different segments of the community, including faith-based institutions, unions, universities, political parties, and professional associations. The creation of the Greensboro Truth and Community Reconciliation Project (the "Project") led to the selection of seven commissioners (five women and two men) appointed by different segments of society. The commissioners, who were solemnly seated in 2004, conducted hearings, obtained testimonies, and, in 2006, issued a comprehensive report.

### **Mandate**

The Project, the initiating body for the commission, preceded the commissioner selection process by publishing a formal mandate.<sup>13</sup> The document charged an independent truth and reconciliation commission with investigating the context, causes, sequence, and consequences of the events of November 3, 1979, for the following purposes:

1. Healing and reconciliation of the community through discovering and disseminating the truth of what happened and its consequences in the lives of individuals and institutions, both locally and beyond Greensboro.
2. Clarifying the confusion and reconciling the fragmentation that has been caused by these events and their aftermath, in part by educating the public through its findings.
3. Acknowledging and recognizing people's feelings, including feelings of loss, guilt, shame, anger, and fear.

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Rosewood Massacre Commission (1993) and the Oklahoma Commission to Study the Tulsa Race Riot of 1921 (2001). The 1898 Wilmington Race Riot Commission was a state-sponsored truth-seeking initiative that took place at the same time as the GTRC. Since the GTRC's work, efforts have been initiated in Maine, Detroit, and Mississippi. Examples of truth-telling initiatives that borrow the truth commission terminology also abound, including the Winter Soldier Investigation (1971), [www2.iath.virginia.edu/sixties/HTML\\_docs/Resources/Primary/Winter\\_Soldier/WS\\_entry.html](http://www2.iath.virginia.edu/sixties/HTML_docs/Resources/Primary/Winter_Soldier/WS_entry.html); a Poverty Truth Commission; and a Truth Commission on Conscience in War (2010), [www.pbs.org/wnet/religionandethics/tag/truth-commission-on-conscience-in-war/](http://www.pbs.org/wnet/religionandethics/tag/truth-commission-on-conscience-in-war/).

<sup>12</sup> The victims of the events of November 3, 1979, intentionally refer to themselves as *survivors*.

<sup>13</sup> GTRC, Mandate, May 6, 2003, <http://greensborotrc.org/mandate.php>

4. Helping to facilitate changes in social consciousness and in the institutions that were consciously or unconsciously complicit in these events, thus aiding in the prevention of similar events in the future.<sup>14</sup>

### **Methodology**

The GTRC was made up of seven commissioners representing a variety of backgrounds in the community; all but one hailed from Greensboro. The commission hired a small five-person staff to support its research and community engagement efforts. Over the course of two years, the GTRC collected almost 200 statements from individuals with some connection to the events, hosted three two-day public hearings, conducted a door-to-door campaign in the community, facilitated a community dialogue, reviewed documentary evidence, and consulted with relevant experts.

One of the GTRC's greatest external challenges was the opposition that it faced from large parts of the Greensboro community—most notably from power brokers within City Hall, the Police Department, the media, and Chamber of Commerce, but also from parts of the general population. The vast majority of critics were white and argued that the 1979 events were better left in the past or were justified as a confrontation between equally violent and radical groups, whom they labeled as Communist organizers and Ku Klux Klan white supremacists.

Internally, the GTRC's greatest challenges included limited resources and access to information. Both challenges were addressed by developing relationships with people and groups outside of the commission. The commission was funded by grants from foundations outside of Greensboro and by individual contributions from people inside and outside of the community. The work of the small staff was supplemented by support from a wide range of volunteers and consultants, including significant research and technical support from ICTJ and its consultants. The lack of formal access to information beyond survivor narratives was addressed through establishing personal relationships with individuals who were originally not inclined to share information with the commission but who changed their minds over the course of the work.

When it came time to deliberate over the findings and make recommendations, an additional challenge for the commissioners became navigating how to make those decisions. The commissioners decided early on to operate by consensus, but as they got into the report writing phase, they had to debate and clarify what consensus meant. In the end, some of the GTRC's most significant findings were only agreed on by a majority of the commissioners, rather than the full body.

### **Report**

The GTRC found that the greatest responsibility for the loss of life on the day in question lay with the white supremacists and the Greensboro Police Department. It ascribed lesser responsibility to the organizers for using provocative language in promoting the rally. Importantly, the report contextualized the 1979 events by describing the way the organizers were connected to labor organizing in the local textile mills, anti-Communist sentiments in the region, the city's rich history of Black Power and multicultural organizing, ongoing federal law enforcement tactics to suppress progressive organizing, and white supremacy in North Carolina and beyond.

The GTRC made 29 recommendations to local institutions and community members in the areas regarding memorialization, institutional reform, future research, and reconciliation. These included the establishment of a citizens review board (with subpoena power) for the Police

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<sup>14</sup> Ibid.

Department, a living wage for city workers (and all contractors), anti-racism training for all city and county employees, and the inclusion of portions of the GTRC's report into the local school curricula.

### Follow-up

Work in Greensboro to implement the GTRC's recommendations is ongoing. Three years after the report was released, the City Council—which had voted along racial lines to oppose the truth and reconciliation process in 2005—voted to endorse a statement of regret for what had happened in 1979 and committed to ensuring it would not happen again.<sup>15</sup> The vote saw the council member who had made the original motion to oppose the GTRC change course and cast his vote in favor of the statement.

In October 2020, the City council of Greensboro passed a resolution stating:

The City Council of the City of Greensboro hereby expresses its apology to the victims, the survivors, their families and the members of the Morningside Homes community for the events that occurred on November 3, 1979 and the failure of any government action to effectively overcome the hate that precipitated the violence, to embrace the sorrow that resulted from the violence, and to reconcile all the vestiges of those heinous events in the years subsequent to 1979.<sup>16</sup>

The resolution also says that every year the City of Greensboro will honor and award five graduating seniors at James B. Dudley High School with Morningside Homes Memorial Scholarships, an academic award of \$1,979 in memory of the five victims: César Vincente Cauce, Michael Ronald Nathan, William Evan Sampson, Sandra Neely Smith, and James Michael Waller. The scholarships are to be given to students who submit pieces of an expressive medium focusing on racial and social justice issues. The resolution directly cites the report of the GTRC.

Community groups continue to advocate for the implementation of other GTRC recommendations. Steps were taken with the establishment of a citizen's review board for the police department, consisting of nine council-appointed residents and titled the Greensboro Criminal Justice Advisory Commission;<sup>17</sup> yet, the commission reports to the City Council and City Manager's Office and holds no subpoena power. The Police Community Review Board, a subcommittee of the review board, specifically investigates community complaints against police officers but only after those complaints have been investigated and ruled on by the police department's Professional Standards Division.

### Takeaways

While most civil society-led truth initiatives are developed by victims' advocates and other human rights professionals, the GTRC process was developed largely by survivors of the 1979 events themselves along with their allies in the community. This genesis posed several particular challenges for the Greensboro process that may be informative for others considering similar victim-led civil society truth initiatives.

Most notably, because one of the major goals of the Greensboro process was establishing the truth about the 1979 events in a way that was legitimate to a broad swath of the city population, the survivors had to strike a balance between owning the process and creating distance

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15 Gerald Witt, "City's Regret May Soften Tone of Debate," *Greensboro News & Record*, June 17, 2009.

16 Dusty Christensen, "Greensboro, NC Issues Historic Apology for Police Complicity in 1979 massacre," *Daily Hampshire Gazette*, October 7, 2020, [www.gazettenet.com/City-of-Greensboro-issues-apology-four-decades-after-massacre-36676219](http://www.gazettenet.com/City-of-Greensboro-issues-apology-four-decades-after-massacre-36676219)

17 "Greensboro Criminal Justice Advisory Commission," Greensboro, NC, website, [www.greensboro-nc.gov/departments/legislative/greensboro-criminal-justice-advisory-commission](http://www.greensboro-nc.gov/departments/legislative/greensboro-criminal-justice-advisory-commission)



between themselves and the commission to ensure its independence. They did this through a transparent commissioner selection process that invited the participation of organizations and individuals beyond their ranks, including the Greensboro Police Department, city hall, political parties, local colleges and universities, labor unions, religious groups, and the chamber of commerce. Most of these groups chose to appoint a representative to the selection committee, which was responsible for sifting through dozens of nominations and choosing the seven commissioners. This ensured that even though the survivors took the lead in initiating the process, they did not maintain undue influence over the commission's research, findings, and recommendations. In fact, many of the survivors were unhappy with some of the commission's findings and recommendations, a sign that, for better or worse, the GTRC was indeed independent of its initiating group.

The Greensboro process was explicitly modeled after the state-sponsored truth commissions in South Africa and Peru. One of the most visible ways that these models had influenced the GTRC was through public hearings that borrowed heavily from the formats of the hearings in those two countries. The GTRC hosted three two-day public hearings covering different themes related to the 1979 events. During that time, 52 individuals—survivors, white supremacists, police officers, attorneys, one judge, reporters, public housing residents, children of survivors, academics, and elected officials—shared their statements related to the context, causes, sequence, and consequences of the events of 1979. The official-style hearings gave the speakers an opportunity to share their experiences in front of an audience and gave the general public an opportunity to hear their stories, sometimes for the first time, either in person (directly) or through media reports on the hearings (indirectly).

Finally, although this unofficial truth commission was focused on a single event, the GTRC was also mandated with investigating the context in which the events took place. Therefore, it was able to address the systems that had made the events and their aftermath possible. Some of the themes addressed by the GTRC were labor organizing and anti-Communist biases in the region, Black Power and multiracial organizing, local/federal law enforcement attempts to control opposition groups, and white supremacist activity in North Carolina.

## **“Enough Is Enough!” Report of the Documentation Working Group on Violence and Human Rights Violations Against Papuan Women**

### **Background**

West Papua's recent history has been marked by a sovereignty dispute and violent confrontations, partly due to its abundant natural resources, including gold, timber, and oil. In 1962 the Dutch government, which had exercised colonial powers over the territory, handed over control of the island to Indonesia on the basis of a consultation process that Papuan nationalists rejected as illegitimate. Indonesia's dictatorial regime, led by President Suharto starting in 1965, strongly repressed West Papuan liberation movements, both armed and unarmed. At the end of the regime, in 1998, new approaches were implemented, including, in 2001, a scheme to grant the region “special autonomy.”<sup>18</sup> In spite of the new status in the region, Indonesian human rights activists and West Papuan organizations continue to document serious abuses and discrimination against Indigenous populations.

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18 Thorton, Songok H. “Lesson of the ‘Broken Hearts’: The Rise and Fall of Indonesian *Reformasi*.” *World Affairs: The Journal of International Issues* 10: 2 (2006): 90–109. <https://www.jstor.org/stable/48577773>.

The impact of abuses in West Papua is compounded by a climate of impunity. Even after the fall of the Suharto regime, Indonesia has failed to bring perpetrators to account or provide adequate redress to victims. As part of the special autonomy process, Indonesia committed itself to the establishment of a local truth commission, but it has not taken effective action to create it. Failures to achieve accountability in West Papua are consistent with a lack of willingness to achieve truth, accountability, institutional reforms, and reparations for the most serious crimes.<sup>19</sup>

In particular, Indonesia failed to establish a national truth commission to examine violations committed since 1965, at the outset of the Suharto regime. In 2004, a law establishing such a commission failed a constitutional challenge, and the government has not attempted since then to pass new legislation. However, human rights activists in civil society and some officials in independent official institutions continue to demand the creation of a formal truth commission.

### Mandate/Objective

In May 2009, the National Commission on Violence Against Women (Komnas Perempuan),<sup>20</sup> an ombudsperson institution focused on gender-based violence, convened a group of Papuan women—human rights workers, religious and civil-society representatives, academics, and others—to create a truth-seeking process on violence committed against Papuan women from 1963 to 2009. This led to the publication of a comprehensive portrait of abuses, titled “Enough Is Enough!” in 2010.<sup>21</sup>

The initiative’s stated objective was to prepare for the promised national Indonesian truth commission, so that it would include this subset of violations, even though it was unclear whether such a commission would be established. The unofficial truth project then, provides an example of cooperation between a state institution acting on its own initiative and civil society groups from a discriminated population coalescing around a new state institution—thus, not a fully official initiative but also neither devoid of official support.

### Methodology

The Documentation Working Group (DWG), established as a result of the alliance between Komnas Perempuan and Papuan activists, narrowed the scope of the initiative’s work to three main objectives: (1) to document cases of violence against women and gender-based human rights violations experienced by Papuan women from 1963 to 2009; (2) to conduct an analysis of those cases using the gender and human rights provisions of the constitution, national laws, and other national policies, as well as international law; and (3) to prepare a final report complete with findings and recommendations to be presented to the Papuan People’s Assembly (the legislative body under the special autonomy status) in a public forum.<sup>22</sup>

The DWG prioritized cases for documentation that had a large impact, were associated with major events, and had not been revealed in prior human rights reports, in order to complement those reports.

19 ICTJ and the Commission for the Disappeared and Victims of Violence (KontraS), “Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto (2011), Executive Summary and Recommendations.

20 This independent national body was established by presidential decree in 1998 after riots that involved rampant sexual attacks against ethnic Chinese women in several large cities, including Jakarta. As a transitional justice mechanism, the group is mandated to eliminate violence against women. See Komnas Perempuan website, <https://komnasperempuan.go.id/>; and ICTJ and KontraS, “Derailed,” 25.

21 Information on this process comes largely from three sources: ICTJ, Women Commission, and the Women Working Group of Papuan People Assembly, *Enough is Enough!: Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963–2009*; interview with Galuh Wandita, director, Asia Justice and Rights (AJAR); and ICTJ and the Institute of Human Rights Studies and Advocacy, “The Past that Has Not Passed: Human Rights Violations in Papua Before and After Reformasi.” (2012).

22 ICTJ et al., “Enough Is Enough!,” 2.

The main researchers were Indigenous Papuan women from the regions under investigation. The DWG also received technical support from ICTJ and the National Commission on Violence Against Women. At the start of the research phase, the team met to map the organizational and conceptual challenges they would face and to build their research tools. Over the course of three months, the documentation teams—made up of two or three local researchers and one facilitator—interviewed 261 people, mostly women. They also conducted focus group discussions with traditional leaders, village heads, and elders.

Midway through the research process and then again at the end, the team met to present and discuss their data. They identified key lessons and recommendations emerging from the stories they had collected and supplemented them with information from existing human rights reports and previous research. Then, a smaller group of the DWG wrote a report.

### Report

In 2010, the DWG handed over its report, “Enough Is Enough!,” to the Papuan People’s Assembly in a public ceremony, acknowledging that the events that it revealed were “just the tip of the iceberg” but represented a broader pattern of violence against women.<sup>23</sup> Calling attention to a process that was largely initiated and implemented by the same population as those whose experiences it was documenting, the team notably drafted the report’s introduction in the first person, which begins, “We women of Papua have been bruised, cornered, besieged from all directions.”

Using the definition of violence from the UN Declaration on the Elimination of Violence Against Women (1993), the documentation team initially divided violence into three categories: (1) violence perpetrated or supported by the state; (2) physical, sexual, and psychological violence occurring in the family; and (3) violence in the general population. Even with these different categories of violence, the group found that the violence could not be sorted into different boxes but, instead, existed as “layered violence” where “one form of violence had an impact on other forms.”<sup>24</sup> Because state violence was so closely associated with forms of violence in public spaces perpetrated by nonstate actors, the report collapsed the first and third of the UN Declaration’s categories into one and ultimately focused on state violence and domestic violence in its report. The report explains:

Papuan women who are fighting for their dignity and human rights face two challenges. One challenge comes from outside the indigenous people of Papua in the form of conflict of interests related to central and local governments, corporations, security institutions, and other outsiders who undermine the everyday life of Papuan women. Papuan women also face a second challenge, namely that they have not received fair recognition and no role in decision-making processes in their traditional culture or in society.<sup>25</sup>

After highlighting gut-wrenching testimonials that revealed a range of representative ways in which Papuan women experience domestic and state violence, the report lists the team’s five major findings:

1. The state’s security approach prioritizes violence to paralyze the opponent, without any serious sanctions for perpetrators of human rights violations, including perpetrators of violence against women.

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23 ICTJ et al., *Enough Is Enough!*

24 ICTJ et al., *Enough Is Enough!*, 15.

25 Ibid, 13.

2. Discrimination against women in Papuan tradition and culture results in the normalization of violence against women.
3. Natural resource conflict, political conflict, and power struggles from the local to national levels foster a situation in which both state and domestic violence against women is increasing.
4. There is no serious response and political will from the government to resolve the conflict in Papua, in general, or the problem of violence against women, in particular.
5. Overlapping layers of trauma and powerlessness that are not addressed perpetuate a cycle of recurrent victimization.<sup>26</sup>

The report goes on to make many recommendations to bodies, including the central government, the Indonesian military and police force, the National Commission for Human Rights, the National Commission to Eliminate Violence Against Women, provincial and district/city governments in Papua and West Papua, the Papuan People's Assembly, the Papuan Parliament, religious institutions, Tribal Council and Papuan tribal leaders, civil society organizations, mass media, and private companies. Among other reforms, it calls for a wider transitional justice process, including the creation of a Human Rights Court and a Truth and Reconciliation Commission in Papua. The recommended process would entail prosecutions for perpetrators of violence against women, protection of women's rights, reparations and rehabilitation for victims of gender-based violence, acknowledgment of violence perpetrated by the military and police, the inclusion of women's issues in human rights reports, the inclusion of women in decision-making systems, and the cessation of the exploitation of natural resources and the Papuan people by private companies.<sup>27</sup>

### Follow-up

Elements of conflict are still ongoing in Papua. According to Galuh Wandita, director of Asia Justice and Rights (AJAR), and ICTJ staff during the truth-seeking process, "Broken promises from the Indonesian government are still broken promises."<sup>28</sup>

After the "Enough Is Enough!" report came out, organizers worked on a draft local law focusing on women victims of violence and, like the report, addressing the needs of victims of both domestic and state violence and providing for acknowledgment and support for victims. The Papuan People's Parliament officially passed the law in 2011, but it has not been effectively implemented to date.

Another significant development concerns the evolution of civil-society interests in truth-seeking in Indonesia. The West Papuan report showed that these local projects were feasible and that even in the absence of a national truth commission, a loose networking of civil society institutions could launch several truth-telling processes, hopefully with an aggregate effect of disseminating a clearer understanding of historical truth and promoting human rights. In fact, as the Papuan truth initiative was taking place, a growing number of Indonesian civil society organizations coalesced around truth-seeking initiatives, forming a network of like-minded groups under the banner the Coalition for Justice and Truth-Seeking (KKPK). In 2013, numbering already 47 organizations, KKPK launched a country-wide campaign called "The Year of Truth,"<sup>29</sup>

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<sup>26</sup> Ibid, 51–53.

<sup>27</sup> Ibid, 53–57

<sup>28</sup> Interview with Galuh Wandita, January 28, 2014.

<sup>29</sup> Annie E. Pohlman, "A Year of Truth and the Possibilities of Reconciliation in Indonesia," *Genocide Studies and Prevention: An International Journal* 10:1 (2016): 60–78. <http://dx.doi.org/10.5038/1911-9933.10.1.1323>

commemorating a wide range of human rights violations committed in the country since the tragic 1965 massacres that marked the beginning of Suharto's regime.

### Takeaways

A significant challenge for civil society-led truth initiatives is limiting the scope of the research in such a way that makes the work achievable while still adequately capturing the connected forms of violence and oppression that victimized groups face. The DWG struck this balance by identifying “layers” of violence, which provided a framework for examining both domestic violence and violence committed by government and government-related actors. This dual focus not only painted a more complete picture of the ways in which Papuan women have been victimized but also shows the ways in which violence and oppression occur in West Papua, why it continues, and how abuse is normalized in Papuan society.

According to Wandita, the groundbreaking part of this process was the involvement of Indigenous women as researchers. As community leaders, these local researchers were ideally positioned to conduct interviews. With less traditional training, however, they required technical support at certain phases of the research. That extra effort paid off because in the end the women felt that the report was their own. Even though it was more labor intensive than a traditional research process, this type of participatory research process might be worthwhile for other civil society-led truth initiatives to consider as a practical example of empowering community members.

Additionally, the truth process in West Papua is particularly interesting because it represents the interaction of the state and Indigenous communities, bridging different cultural approaches and knowledges. In this regard, the participation of West Papuan women as researchers of situations they themselves experienced provides for an interesting model of respectful interaction, entirely dependent on the day-to-day consent of the participants and their leadership. Women, then, can participate in projects not just as researchers but also as cultural mediators, facilitating mutual understanding and sharing of conceptual frameworks.

Again, a critically important element is that, while in essence this was a civil society-led initiative and an Indigenous-led initiative, the process was largely supported by a state institution, including with state funding, in partnership with civil society groups like AJAR and ICTJ. This offers a different model of constructive engagement, provided that the state apparatus is plural enough to allow for independent offices like ombudsperson institutions.

The project had an obvious challenge in that it focused on a very specific subset of human rights violations that do not represent the widespread nature of oppression in West Papua or Indonesia. Nevertheless, even if narrowly focused, it helped to reveal the systemic nature of violations and it can be viewed as part of a larger civil society strategy to seek truth.

## Scotland Poverty Truth Commission

### Background

This ongoing truth initiative led by Scottish faith-based organizations examines the experiences of people in poverty and fosters processes of personal empowerment so that impoverished communities and persons can interact directly with leaders and strategic thinkers.<sup>30</sup> It was directly

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<sup>30</sup> See two other examples of civil-society truth-seeking initiatives in Europe: The Ardoyne Commemoration Project in Northern Ireland (2002), which documented the stories of 99 people in a community in North Belfast who were victims of political violence, including in a book titled, *Ardoyne: The Untold Truth*, <http://bookdirectory.net/?p=293738>; and the

inspired by a methodology developed by the Poverty Initiative, a faith-based social justice program in the United States.<sup>31</sup>

The commission is hosted by a faith-based organization, Faith in Community Scotland,<sup>32</sup> and funded largely by the Church of Scotland. The conveners explain that their role is not one of directing the truth process, because decisions on its shape and objectives are made by the community it serves. According to Elaine Downie, community development worker for the Scotland Poverty Truth Commission, any initiative on poverty and truth should “hear from and be led by people who were living in poverty.”<sup>33</sup> The methodology draws inspiration from the principle of “Nothing about us, without us, is for us,” an imperative that persons who will be affected by a policy, even if allegedly in positive ways, must participate in setting up that policy.

To represent diverse forms of expression in exploring the question of poverty, the initiative operates through public hearings. Early on its process, in 2009, Faith in Community Scotland convened a “public hearing on poverty” in the Glasgow City Chambers. Approximately 400 people came together to hear “testifiers” tell stories about their experiences living in poverty. Testifiers shared their stories in a variety of formats, including storytelling, rap music, dancing, film, and song. A number of community leaders—religious figures, politicians, representatives from the police and the media—were invited to stand in the role of “commissioners,” witnessing the testimony.

After hearing the stories at the public hearing, commissioners and testifiers held direct meetings to reflect on what had been presented and set out specific programs to address the issues raised in the hearings. It was only as the result of these meetings that the initiative took the form of a truth commission, understood as a site of dialogue and creation of knowledge about poverty. While participants initially agreed on a two-year process of cooperation and dialogue, the initiative has been extended, gaining a semi-permanent status. More than a decade later, it continues to operate, holding numerous Poverty Truth Conversations, which facilitate direct relations between civil servants and persons living in poverty.

### **Mandate**

At the early stages of the initiative, a group of commissioners and testifiers decided that they would constitute themselves as a truth commission. They did not have a formal mandate beyond the general notion of tasking working groups with addressing a specific set of challenges experienced by people living in poverty, namely: (1) violence, (2) representations of poverty in the media, and (3) the situation of kinship caretakers (relatives, mainly grandparents, caring for their grandchildren because parents are struggling with drug addiction).

Each group worked to better understand their issue area through access to direct testimony and to explore ways to communicate better with the public about them. In particular, the working groups involved a number of institutions to obtain pledges of action during the post-commission phase, including the Church of Scotland, the Glasgow City Council, and social justice and human rights groups.

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Kosovo Memory Book (2015), a database of victims of war crimes, those killed in battle, NS forcibly disappeared during the conflict in Kosovo from 1998–2000, [www.kosovskaknjigapamcenja.org](http://www.kosovskaknjigapamcenja.org).

31 The Poverty Initiative was established in 2003 by the Union Theological Seminary, a well-established divinity school in New York, NY.

32 “Poverty Truth Community,” Faith in Community Scotland website, [www.faithincommunity.scot/poverty-truth-community-1](http://www.faithincommunity.scot/poverty-truth-community-1)

33 Elaine Downie, interview with author, January 22, 2014.

## Methodology

One of the most important elements of this process was the balance set between planning and contingency: Faith in Community reached out to testifiers and commissioners to motivate them to participate in the first public hearing, communicating the value of truth seeking as an instrument of social change. However, the organization did not decide in advance that there would be a truth commission or any other initiative, leaving it to the participants to decide at the hearing.

Faith in Community staff met with testifiers in one-on-one settings and in groups months in advance to prepare them for the initial hearing. Testifiers identified what relevant aspects of their experiences to share and then received support in preparing how to best share them. The preparation process does not seem to have followed a strict format. On the contrary, the conveners focused on creating trust so that testifiers would, in due course, decide about the nature of their own testimony. When asked to describe this process, Downie said:

It's about time, relationship, and the stories coming from the people themselves, not being extracted by me . . . [It's about] listening to people and listening again. Listening to what is said and what isn't said, of waiting until the time is right to begin to ask the "Why do you think it's like that? What could be different?" questions, of knowing the stories and the person so well that you are able to reflect that back to them and, in a safe way together, craft the story they want to tell.<sup>34</sup>

Once the commission was established, each of the three working groups consisted of decision makers and people most affected by the relevant issues: violence, media representation of people in poverty, and kinship care. Each group charted its own course with the common goal of better understanding the root causes of the problems they were investigating and identifying broad recommendations for how to address them:

1. The alternatives to violence group included people with direct experiences of poverty and violence in low-income communities, an academic, and a senior police officer; it explored topics such as domestic violence, early intervention, gang culture, and community disempowerment.<sup>35</sup>
2. In its effort to understand and address media stereotyping of the poor, the media group convened a group of press officers from civil society organizations to work on ensuring that the "real stories get heard."<sup>36</sup>
3. The kinship care group included persons who take care of children whose close relatives are unavailable due to poverty-related conditions like substance abuse, senior politicians, policy advisers, and civil society staff.<sup>37</sup>

Unlike other initiatives described in this report, beyond the initial public hearing, there was no formal statement-taking process or database of violations but an ongoing process of direct interaction and dialogue between persons living in poverty and public servants, producing reports and documents as needed to raise awareness in the public.

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<sup>34</sup> Elaine Downie, interview with author, January 22, 2014.

<sup>35</sup> "Nothing About Us Without Us Is for Us:" Findings of the Poverty Truth Commission, 9.

<sup>36</sup> *Ibid*, 14.

<sup>37</sup> *Ibid*, 12.



## Report

The commission's first report is a brief document (22 pages) structured as a set of assertions on the three main areas of work, supported by brief descriptions of case studies and personal stories, which are also summarized by commissioners.

The language of the report combines practical calls for action with a tone of moral indignation at the pervasiveness of poverty. For example, it reads "There is a [postal code] lottery for living, jobs, benefits, loans and services of all kinds for people living in our poorest communities. The result is that if you are from a deprived community life is more expensive and opportunities are fewer, creating a poverty trap."<sup>38</sup>

The commission calls on citizens to "share our outrage at the huge and growing levels of disparity which exist between rich and poor."<sup>39</sup> The report states that the commission "wanted to understand what causes poverty" because this is "crucial to change, so that solutions are not just sticking plasters for the symptoms but actually create systemic social change."<sup>40</sup>

Some findings in the report reflect the ideological tensions among the participants. For example, a finding on the root causes of poverty that affirmed that poverty itself "is a form of violence" created significant debate. Commissioners did not reach consensus on a deeper analysis of the nature of violence but chose to reflect their views through the voices of two members, with one focusing on "global growth capitalism" as the "single most pervasive force shaping the lives of people around the world" at the root of poverty and another focusing on a "lack of empathy" intrinsic to the human condition, requiring "an evolution in human consciousness and . . . national identity."<sup>41</sup>

Reflecting on the report, Downie explained, "As well as the written report, there was another public event in the City Chambers where again the stories and findings were creatively shared, showing that the dialogue and conversations were begun, relationships created, they had effected real change and understanding, and that this perhaps was the greatest finding of the Commission."<sup>42</sup>

## Follow-up

According to the project initiator Commissioner Martin Johnstone, other than the commission's report, the two best changes to come from the process were the confidence gained by people living in poverty and the knowledge that the people in office gained about the experiences of people living in poverty.<sup>43</sup>

In that spirit, although the initial commission officially concluded with the presentation of its report in April 2011, participants decided that the process should continue. A second round of the truth commission's work, called the "Legacy Process," followed the same methodology but with different participants, focusing on the impact of cuts to welfare services, poverty among employed persons, and the stigma of poverty. This phase ended in 2014 with the publication of a brief report stating findings and a new agreement to continue the process with additional rounds.

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38 Ibid, 7.

39 Ibid, 21.

40 Ibid, 15.

41 Ibid.

42 Elaine Downie, interview with author, January 22, 2014.

43 John and Molly Harvey, "From the Holy City: The Poverty Truth Commission," *Coracle*, Summary 2011.



There have been some concrete policy-level changes resulting from the commission, and even more could potentially occur. Several organizations—including the Scottish government, the UK government, the Glasgow City Council, and civil society organizations—have agreed to implement specific elements of the commission’s recommendations in their work. Perhaps just as interesting is the fact that the Poverty Truth Commission has become a point of reference and expertise for policymakers. In 2019, the Scottish government approached it to request research on six specific areas of policymaking related to poverty, including areas such as mental health and food insecurity. The commission answered with a new report, titled “A Fairer Scotland: Informing the Scottish Government on the Real Impact of Poverty Through Lived Experience.”<sup>44</sup>

In another significant achievement, the Scottish initiative’s methodology has inspired a number of similar processes in a dozen cities in the United Kingdom, including Birmingham, Edinburgh, Leeds, and Manchester, and the United States, including New York State. In fact, the proliferation of poverty truth commissions has led to the establishment of the Poverty Truth Network, a platform for knowledge exchange and an incubator of new initiatives on eliminating poverty.

### Takeaways

One common criticism of truth commissions is that they usually apply restrictive interpretations of human rights violations, limiting their mandate to violations of life, bodily integrity, and civil and political freedoms. Very few official truth commissions have endeavored to inquire about patterns of corruption or the violation of economic or social rights, let alone a systemic and multifaceted phenomenon like poverty. The Scottish commission in Glasgow and its follow-up institutions may mark a significant new area of intervention for human rights activism and truth seeking.

Also, the Scotland Poverty Truth Commission’s model departs significantly from official truth commissions, and other unofficial processes, in that its central goal was to empower harmed communities and individuals to participate directly in the inquiry, becoming effective stakeholders and advocates in direct contact with policymakers.

Like other unofficial initiatives, the commission enjoyed strong support from Christian churches, showing that in the absence of the political attention of government officials, faith-based institutions can be powerful conveners of civil society-led truth initiatives. This is at least partly because they tend to have the infrastructure—space, staff, and potential funding—and hold legitimacy among significant segments of society and some government officials. It should also be noted, however, that faith-based initiatives need to reach out to those who are outside of their religious traditions. The Scotland initiative strived for diversity and made a point of ensuring the participation of leaders of the Islamic community.

## Colombia: Colombian Women’s Truth and Memory Commission

### Background

The armed conflict in Colombia, which has involved several guerrilla groups and the state security forces, started in the mid-1960s, when struggles over land provided the context for the emergence of the main guerrilla group, the Revolutionary Armed Forces of Colombia (FARC).

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44 Dundee Fairness Commission, Edinburgh Poverty Commission, Fair for All Commission, Poverty Truth Community, Voices for Equity, “A Fairer Scotland?: Informing the Scottish Government on the Real Impact of Poverty Through Lived Experience” (2020), <https://static1.squarespace.com/static/5d72d9ffd7ef2750a4da336b/t/5f3a939fdbaga215628532do/1597674401857/A+Fairer+Scotland+Report+final+version.pdf>

The conflict was compounded by the appearance of other guerrilla groups operating either in major cities or rural areas, and, since the 1980s, right-wing paramilitary organizations frequently associated with regional elites and state security forces. These different armed groups, the Colombian police and military, and other actors, like drug traffickers, have unleashed extreme violence, making the Colombian conflict extremely complex and exposing the population to different forms of suffering, abuse, and serious human rights violations.

An official investigation into the armed conflict was carried out by the nongovernmental organizational Centro Nacional de Memoria Histórica (National Historical Memory Center), which released its report, “¡Basta Ya! Colombia: Memorias de Guerra y Dignidad,” in 2013. According to its findings, the conflict through 2012 claimed 220,000 lives and resulted in the enforced disappearance of 25,000 people, 80 percent of whom were civilians.<sup>45</sup> Between 1988 and 1992, the worst massacres were executed, mainly by paramilitary organizations in order to deter social mobilization and as a reaction to political gains from left-wing parties. Enforced disappearances have been largely invisible in Colombia, even though the phenomenon has been worse than under the military dictatorships of Chile and Argentina in the 1970s and 1980s.<sup>46</sup> As of December 2020, an estimated 4.9 million people remain internally displaced in Colombia.<sup>47</sup> As in many other armed conflicts around the world, the experiences of women and gender-based violence in Colombia have been less visible and not adequately acknowledged by the state, armed actors, or society at large.

Although human rights advocates, peace activists, labor organizers, and women’s rights defenders have been especially targeted, they have remained remarkably well organized and resilient. Civil society at the national and local levels has documented abuses in sophisticated and creative ways.

In 2009, Ruta Pacífica de las Mujeres (Women’s Peaceful Journey), one of the leading women’s organizations in the country, organized a meeting in Bogotá to discuss the role of women in the conflict and the need to give visibility to women’s experiences and demands for justice.<sup>48</sup> The meeting, which was attended by representatives of over 300 human rights organizations, concluded with the decision to carry out a truth-seeking effort in order to highlight the experiences of women. As a result, the Colombian Women’s Truth and Memory Commission was established in 2010.<sup>49</sup>

### **Mandate**

The idea for the Colombian Women’s Truth and Memory Commission was directly inspired by Guatemala’s truth-seeking experience, where an unofficial truth project called the Proyecto Interdiocesano de Recuperación de la Memoria Histórica (REMHI), hosted by the Catholic Church and carried out in coordination with Indigenous communities, preceded the official state-led Historical Clarification Commission.

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45 Centro Nacional de Memoria Histórica (CNMH), “¡Basta ya! Colombia: Memorias de Guerra y Dignidad,” (Bogotá: CNMH, 2013), 32.

46 CNMH, *¡Basta ya! Colombia*, 51.

47 “IDPs in Colombia,” Internal Displacement Monitoring Centre website, [www.internal-displacement.org/countries/colombia](http://www.internal-displacement.org/countries/colombia)

48 Ruta Pacífica de las Mujeres defines itself as a feminist movement committed to seeking a negotiated end to violence, making visible the impact of violence on women and advancing demands for truth, justice, and reparations.

49 “About Us,” Ruta Pacífica para las Mujeres website, <https://rutapacifico.org.co/wp/quienes-somos/>. For more information about this initiative and gender and truth seeking, see ICTJ, “Gender and Transitional Justice: A Training module series,” [www.ictj.org/multimedia/interactive/gender-and-transitional-justice-training-module-series](http://www.ictj.org/multimedia/interactive/gender-and-transitional-justice-training-module-series)

The Colombian women's project adhered to the following guidelines and objectives:

- Reconstruct the memory of Colombian women during the armed conflict, including their experiences and resiliency,
- Reflect a vision of peace and an inclusive society,
- Be a process carried out only by women, and
- Generate reflection and discussion around the effects of war, inside and outside Colombia.

Carlos Martin Beristain, the coordinator of the research project, explained that the Colombian organization “wanted a project that really met women’s needs. And they also thought the time to share their stories had come in spite of the ongoing conflict. We considered adapting the same model applied to truth commissions.”<sup>50</sup>

### Methodology

As mentioned above, the project was originally inspired by REMHI, Guatemala’s unofficial truth-seeking experience. Beristain’s involvement in the Colombian women’s project ensured a direct link with REMHI, given his work on that initiative.

The Colombian women’s project sought to replicate REMHI’s community participation principles, which meant approaching affected communities to engage them actively in specific research tasks. Because it faced, among other things, the challenge of managing large amounts of information, the project utilized the coding methods developed by REMHI to collect, organize, and analyze the information provided by victims through a vast number of semi-structured interviews.

Thus, the Colombian women’s truth initiative sought to enhance a collective approach to bringing the population into both the decision-making and research design processes. This meant that participants contributed to making decisions about where the research should be focused and whether to launch the investigation in spite of persistent threats and risks in territories where armed actors still operated. Participants also took part in the general methodological design, the discussion and adoption of a gender perspective, and the writing of the project’s general mandate.

Emphasizing a participative process, the project committed to reflecting women’s interests and concerns from the start. Members of Ruta Pacífica de las Mujeres decided that the research should adopt a feminist approach and reflect the interpretations of the conflict elaborated by the women’s rights and feminist movements. This meant that the research focused not only on documenting human rights violations but also phenomena such as discrimination against women, difficult living conditions, and domestic violence. The project assumed the methodological challenge of striking a balance between a focus on gross human rights violations and a more inclusive focus on everyday social violence committed against women. As Beristain said, it was necessary to include a broader perspective but at the same time to collect more than a set of life stories.

Ruta Pacífica de las Mujeres organized training for interviewers, all of whom were women. Every aspect of the process was discussed by interviewers, analysts, and other participants. These discussions and agreements included decisions about which cases to investigate. The starting

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<sup>50</sup> Carlos Martin Beristain, interview by ICTJ intern Florencia Ruiz Mendoza, November 9, 2013, Mexico City.

point for decisions was an agreement to try to obtain ample representation of the different patterns of violence that Colombian women had been exposed to during the conflict. Ultimately, in addition to hundreds of individual interviews, the project focused on nine collective cases that were purported to be representative of the experiences of the different groups taking part in the project.

More than 1,000 women were interviewed for the project; all came from a background marked by poverty. Their stories included serious human rights violations, such as arbitrary killing, murder, massacres, torture, sexual violence, forced displacement, forced children recruitment, illegal detention, and kidnapping.

It was decided that the final report would be written by a group of women with some research experience, following the model of final reports by truth commissions. This meant rendering the results of the investigation in legal categories, elements of social science analysis, and an objective presentation of the facts; at the same time, the drafters balanced this approach with collective discussions and agreements over the results and conclusions. This required the organization of several seminars and a very exacting process of discussion during the different stages of drafting the report.

The project was not exclusively aimed at delivering a final report, although documenting the different crimes perpetrated against women was an extremely important goal. As a collective effort, emphasis was put on the dimensions of collective learning and highlighting the different materials produced by the women who took part in the project, as researchers and informants.

## Report

The commission presented its report “Memoria para la Vida” on November 14, 2013, at the Gabriel Garcia Marquez Cultural Center in Bogotá. The report systematized the experiences of human rights abuse against women, with a focus on the victims.<sup>51</sup>

The findings emphasized the wide array of crimes and abuses committed against women in Colombia during the armed conflict and the lack of a response from state authorities. It also stressed the variety of abuses suffered by women in different regions of the country and in different periods of the conflict, documenting not only human rights violations, but also their direct impacts on the personal lives of women, including, for example family and marital relationships.

The research uncovered that most women did not identify themselves as victims but as relatives of victims although most were severely affected by violence physically, emotionally, and psychologically and lived in constant fear. Many were displaced. They were very afraid to talk about their experiences and generally chose silence as a mechanism of protection. Victims’ testimonies revealed a deep distrust of the Colombian state, which they believed had forsaken them and left them completely unprotected.

The report also showed the need to raise awareness of victims’ rights as a means to reach peace and reconciliation. Many interviewees were unaware of their right to reparation and did not fully understand the concept itself. However, they were interested in learning about state reparations and discussing the meaning and possible contents of a reconciliation process.

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51 Ruta Pacífica de las Mujeres, Carlos Martín Beristain, Carla Alfonsín, *Memoria para la Vida: Una Comisión de la Verdad desde las Mujeres para Colombia* (April 2013), [https://publicaciones.hegoa.ehu.eus/uploads/pdfs/225/Memoria\\_para\\_la\\_vida.pdf?1488539769](https://publicaciones.hegoa.ehu.eus/uploads/pdfs/225/Memoria_para_la_vida.pdf?1488539769)

## Follow-up

Before the release of “Memoria para la Vida,” seminars were held with many of the organizers and actors, such as women groups, human rights organizations, and the United Nations. The report, which came as the result of a well-organized, nationwide process, demonstrated, beyond its findings, that women are critical stakeholders and leaders for peace processes and transitional justice.

As part of a broader project organized by Ruta Pacífica de las Mujeres, the Colombian women’s truth commission strengthened the legitimacy of women’s organizations as the peace accords with FARC resulted in the establishment of a transitional justice triad of institutions: the Truth Clarification and Coexistence and Non-Repetition Commission (CEV), the Special Jurisdiction for Peace, and the Unit for the Search for Missing Persons. In fact, Ruta Pacífica de las Mujeres has become an active partner in the CEV, gathering victim testimonies in different regions of Colombia.

Truth initiatives from Colombia’s civil society have served as a reflection on the legitimacy of governmental transitional justice. Before the 2016 peace accords, human rights defenders viewed official truth-seeking processes with profound skepticism as measures that sought to legitimize dubious political processes, like the demobilization of paramilitary fighters. In that context, unofficial truth inquiries served as a response and challenge to official ones.<sup>52</sup> Since then, after a long process of negotiation, including consultation with victims’ groups, unofficial initiatives have converged with the new formal truth-seeking institutions. In fact, several organizations have forwarded reports and documentation of human rights violations to the CEV.<sup>53</sup>

## Takeaways

The Colombian Women’s Truth and Memory Commission was the first initiative to exclusively address the experiences of women in Colombia during the armed conflict. The project offers an interesting model of how to combine a focus on serious human rights violations related to armed violence within structural constraints and threats to women’s well-being and dignity as members of society. Recovering the voices of approximately 1,000 women and analyzing nine collective cases, the project portrayed the different ways in which women are victimized and called attention to the often-neglected links between violations and the persistent marginalization of low-income women in Colombian society.

The project focused not just on presenting findings; it considered it equally important to present itself as a process of collective learning and building of shared identities. To this end, archiving and systematizing the files (interviews and information) was particularly important. Reflecting on the steps taken in the pursuit of truth and in the different forms of participation in the process, the commission showed that truth seeking is also a way to strengthen citizen identities, raise awareness of victims’ rights, and reinforce or create social ties.

The interviews allowed victims to express themselves as protagonists of history and to reflect on their own biographies in a broader social process.

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52 Several unofficial truth initiatives have taken place in Central and South America. Other than REMHI and *Memoria para la Vida*, a few notable examples include the Servicio Paz y Justicia Initiative in Uruguay (see Louis Bickford, “Human Rights Archives and Research on Historical Memory: Argentina, Chile, and Uruguay” *Latin American Research Review* 35, no. 2 (2000): 160–82. <http://www.jstor.org/stable/2692138>); Colombia Nunca Mas, ([www.movimientodevictimas.org/](http://www.movimientodevictimas.org/)); and Brazil Nunca Mais ([www.usip.org/publications/commission-of-inquiry-brazil](http://www.usip.org/publications/commission-of-inquiry-brazil)).

53 Briceño-Donn et al., “Recordar en Conflicto.”

The report clarified the different ways in which violence transforms and instrumentalizes female bodies by defining them as military targets. The gender-based approach adopted by the project allowed it to move beyond a portrayal of women as victims deprived of any active role in the conflict. Women are portrayed as active agents in the process of personal and collective recovery, reconciliation, and peace building.

## Conclusions

The experience of civil society-led truth initiatives raises important questions from the perspective of transitional justice practitioners. The fact that governments are not always prepared to comply with their obligations to provide victims with the truth makes the idea of initiatives led by civil society attractive. However, given that a civil society-led effort will not immediately change the official record, some may challenge its ultimate usefulness. In the balance between need and initiative, and between societal demand and government willingness, civil society-led commissions demonstrate their value, motivating a few significant reflections.

### **1. Civil society-led truth-seeking initiatives do not absolve governments of their truth-seeking obligations.**

Civil society-led truth-seeking initiatives arise when governments fail to comply with their duties; they work with limited resources, little enforcement authority, sometimes under hostile conditions. Even in the best-case scenario, unofficial truth commissions still only serve as a demand for government to comply with the right to the truth for victims of gross human rights violations.

A civil society-led initiative is a tool to demand official recognition, to enhance or support current government-initiated truth-seeking projects, or to correct the record if official truth commission findings and recommendations are deemed insufficient or inaccurate. In Indonesia, for example, the cooperative approach taken by an ombudsperson institution and civil society was not presented as a final resolution of the problem of official denial of abuse; on the contrary, the “Enough Is Enough!” report makes the case that the Indonesian government must establish a national truth commission that has the means to undertake a larger, more complete investigation.

### **2. Civil-society-led truth seeking is an addition to the transitional justice toolbox.**

Civil society-led truth initiatives have spurred official truth seeking in some countries. The “Brasil Nunca Mais” report and the Recovery of Historical Memory project, implemented respectively by Christian churches in Brazil and Guatemala, preceded official action, and it can be argued that they set minimal standards for official initiatives to follow and surpass. They did so because they made it more difficult to deny abuses, and they channeled the strength of victims’ organizations effectively. Indonesian authorities may want to silence human rights violations in territories like West Papua, but, because of the work of the DWG, they are aware of their own actions and the potential of empowered victims’ groups to gain international visibility.

Similarly, Black, Indigenous, and other people of color facing systemic racism in the United States, people living in poverty in a rich European society, and women living in zones of armed conflict in Colombia are radically excluded populations, typically seen as powerless. However, their testimony is potentially powerful as a means to expose the inner operations of oppressive social systems and states failing to comply with their most essential duties.

That said, civil society-led initiatives are useful beyond their strength to make the hidden visible. They explore new methods of engaging with victims and examine abuses that traditional truth commissions did not previously or have only recently started to look into. Indeed, official truth commissions have been criticized for failing to go beyond investigating individual and institutional violations to effectively name, make visible, and explain socioeconomic injustices and contexts.<sup>54</sup>

Until recently, official truth commissions tended to focus on individual violations of civil and political rights, neglecting the social and economic violations and systems that created the conditions in which human rights abuses take place. Some more recent official truth commissions, such as those in Kenya and Tunisia, have taken those abuses seriously in their mandates, but this was not the case for the majority of truth commissions. Further, such enhancements in the material mandate of a truth commission pose several technical challenges.<sup>55</sup>

A successor government may be democratic and liberal in comparison to an ousted authoritarian ruler but still uphold inequitable models of economic development, accept gender structures that discriminate against women and LGBTQ persons, and/or maintain national identity discourses that undermine the rights of minorities and Indigenous peoples. In those contexts, unofficial processes empowering social sectors that do not find accommodation in the new political dispensation enriches public discourse. The Colombian and Papuan women's inquiries and Scotland's poverty truth initiative are all efforts in that direction.

A word of caution on this topic should be offered. Although civil society-led initiatives may be positioned at least in theory to make visible the systemic causes of human rights violations, the resources necessary for doing so should not be underestimated. Without adequate time, research capacity, and access to information sources, undertaking such a broad scope of inquiry may be unrealistic.

### **3. Civil society-led commissions can help to correct the top-down logic prevalent in many transitional justice mechanisms.**

Giving voice to victims of human rights abuses is regularly named as a core value of truth commissions. But the top-down nature of these bodies has also been criticized as potentially contributing to the marginalization of victims' voices. Patricia Lundy and Mark McGovern point to participatory action research theories to explain this marginalization. They write, "This rests upon a fundamental philosophical proposition that, in order to overcome the reproduction of conditions of alienation and oppression, it is necessary for people to identify these themselves and then to conceive of collective actions, based on that knowledge, to overcome them. Agency is therefore placed at the centre of the platform of change."<sup>56</sup>

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54 Mahmood Mamdani, "Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC)," *Diacritics* 32:3-4, Fall-Winter 2002, 33-59; and Patricia Lundy and Mark McGovern, "Whose Justice? Rethinking Transitional Justice from the Bottom Up," *Journal of Law and Society* 35:2 (2008): 265-92. <http://www.jstor.org/stable/20109794>.

55 Eduardo Gonzalez, Elena Naughton, and Félix Reátegui Carillo (eds.), ICTJ, "Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?" (2014), 35.

56 Lundy and McGovern, *Whose Justice?*, 280.



Viewed through this lens, the opportunities that a “bottom-up” truth commission can offer to victims and others in a community to participate in a truth-seeking effort at every phase—conception, process design, research, deliberation, dissemination, and implementation—should, at the very least, be researched, understood, and incorporated into transitional justice theory and practice.





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