

Research Brief

Ex-Combatants and Truth Commissions

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Truth-seeking is a key element of most transitional justice mechanisms: prosecutions, local justice processes, lustrations, and, of course, truth commissions. Done well, truth commissions may contribute to both accountability and redress. They can reveal the specifics of individual cases, the scope and systematic nature of abuses, and the complicity of key actors and institutions. At a minimum, they can help debunk myths and misperceptions while creating a more accurate historical accounting, limiting the range of acceptable lies.

Generally, disarmament, demobilization, and reintegration (DDR) programs and truth commissions have operated independently of one another. This has resulted in missed opportunities for strengthening DDR and truth commissions. DDR's reintegration aims may be furthered by increased truth-telling, and truth commissions may help victims and communities individualize guilt by differentiating between those combatants who perpetrated international crimes or gross human rights abuses and those who did not. From the perspective of truth commissions, ex-combatants are often key witnesses for uncovering international crimes, command responsibility, and joint criminal enterprises. Aggregated data from DDR programs can also aid in documenting the larger causes and patterns of violence.

The Right to Truth

Truth commissions are premised on the right to truth—a right whose legal recognition they helped spur. Over the past twenty years, a growing body of international and regional human rights law has recognized a right to truth about international crimes and gross human rights violations. Importantly, this right means that victims, their families, and society at large should know the identities of suspected perpetrators (consistent, of course, with the suspects' rights).

The right to truth has links to armed conflict and DDR programs. Yet, in practice, truth-telling by ex-combatants about international crimes and gross human rights abuses has not played much of a role in most DDR programs. DDR programs usually

Research Project

Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at ICTJ.

collect information from ex-combatants, provide them with psychosocial counseling, and help trace their family members (particularly in the case of former child combatants). While all these activities are implicitly truth-seeking, they only touch indirectly on the right to truth, if at all. The obvious reason why the right to truth is largely absent from DDR programs is the worry that it will create disincentives for combatants to disarm and demobilize.

Truth Commissions

Of all transitional justice mechanisms, truth commissions are the most explicitly concerned with truth-seeking and truth-telling. They are concerned with giving voice to victims, explaining the root causes of violence, constructing historical narratives, and issuing policy recommendations for redress and future prevention. They also may offer (de jure or de facto) amnesties to perpetrators in exchange for truth-telling. While some are more successful than others, truth commissions have provided a measure of accountability for large numbers of victims.

Three main criticisms are often leveled at truth commissions. First, there is considerable debate over whether truth commissions have lived up to their promise of generating “truth.” Second, critics have challenged the more grandiose claims that “revealing is healing” and that truth commissions promote reconciliation. Finally, critics express concern that truth commissions have been imposed on local communities without paying sufficient attention to their needs and cultural practices. In the end, these critiques are not arguments against truth commissions per se; rather, they raise concerns about how specific commissions were created, implemented, and oversold.

Ex-Combatants’ Experiences in Truth Commissions

It is often assumed that ex-combatants will be reluctant to participate in truth-telling processes for fear that their testimonies could be used against them in future prosecutions. However, there is some (very limited) empirical evidence suggesting that combatants and ex-combatants may be more willing to participate than supposed. In fact, ex-combatants have been involved in truth commissions in South Africa, Sierra Leone, Timor-Leste, and Indonesia and Timor-Leste.

Linking DDR and Truth Commissions

It is difficult to generalize about the experiences of ex-combatants in truth commissions, partly because of the variation among the truth commissions and their intended outcomes. What all four commissions discussed in this chapter had in common was their lack of coordination with DDR programs. The argument, however, is not that

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coordination would have made the commissions more successful (that is, after all, a counterfactual). Nonetheless, there are possibilities for linkages that could benefit both DDR and truth commissions.

Benefits for DDR Programs: Strengthening Social Reintegration

Truth-telling could be useful to DDR at both a programmatic and an individual (ex-combatant) level. DDR programs have a clear interest in ex-combatants telling the truth. First, they have to screen out fraudulent claims for benefits. Second, practitioners need to collect truthful personal information from ex-combatants to provide them with appropriate services. Third, for programs to be successful, practitioners need to learn ex-combatants' true motivations for joining armed groups and for later demobilizing. Finally, and more broadly, programs may better achieve the goal of social reintegration if different parties to a conflict have a forum where they can articulate their grievances and claims, and thus begin to recover a sense of agency and recognition.

At an individual level, ex-combatants may benefit from truth commissions. First, they may use them to “make sense of the war” and perhaps ease their own trauma, guilt, shame, or fear. Second, ex-combatants may want an opportunity to explain that they too were victimized (particularly if they were forcibly recruited) or to distance themselves from those who committed international crimes or gross human rights abuses. Finally, ex-combatants may want the chance to apologize or show contrition in order to ease their reintegration back into communities.

Still, ex-combatant perpetrators may be unwilling to testify in truth commissions for fear that such information could lead to their own prosecution or that of their comrades or commanders. Such fears are magnified when a commission operates concurrently with internationalized tribunals, especially when there is insufficient outreach to clarify how the two bodies will share information. Ex-combatants also may fear that if they confess their crimes, it will make their communities more afraid or more vengeful, and actually inhibit reintegration.

Benefits for Truth Commissions: Information Sharing

Truth commissions can benefit enormously from former combatants telling the truth about international crimes and gross human rights abuses that they perpetrated or witnessed. Such testimony can help locate victims' remains, identify beneficiaries for reparations, prompt security sector reforms, and construct more honest accounts of the past. In fact, a major weakness of many commissions is their overreliance on victim statements. Most noncombatant victims do not possess useful information about military orders, command structures, and larger patterns and practices of conflict. Such information can only come from former combatants willing to provide it.

The main way to enhance coordination and cooperation between DDR programs and truth commissions is for them to share information. DDR programs are generally reticent about sharing personal details of individual ex-combatants. There is good reason

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for this: ex-combatants, especially those responsible for recruiting or using child soldiers, may fear their information could eventually wind up in the hands of prosecutors.

The more likely prospect for information sharing is for truth commissions to request, and DDR programs to provide, aggregated data on armed groups, such as their size, arms, movements, territory, recruitment methods, command structures, and the like. Such information would be particularly useful for truth commissions in documenting the patterns of armed conflict and accompanying human rights abuses. Sharing such aggregated data would not create disincentives for ex-combatants to participate in DDR programs. Still, care would need to be taken to ensure that reliance on such information does not skew a truth commission's final report, say, in terms of underestimating the role played by women combatants and girl soldiers. There appears to be very limited precedent for such information sharing, although Sierra Leone's National Committee for Disarmament, Demobilisation and Reintegration made three submissions to the country's truth commission in 2003.

Conclusion

DDR programs and truth commissions generally work in isolation from one another, partly based on the assumption that ex-combatants will not cooperate with truth commissions and that closer links might dissuade combatants from disarming and demobilizing. In fact, ex-combatants have submitted statements and testified in several truth commissions. DDR programs should want more truth-telling, both for programmatic reasons and to give individual ex-combatants a broader range of reintegration options. Some ex-combatants may have an easier time reintegrating into their local communities if they have a forum where they can tell the truth, apologize to victims and communities, and explain their actions. This may persuade victims and communities to differentiate between ex-combatants who perpetrated gross human rights abuses and those who did not. Truth commissions should request aggregated data from DDR programs on armed groups to aid in documenting the larger causes and patterns of violence. Through these linkages, DDR programs and truth commissions may reinforce each other while benefitting the groups they are meant to serve.

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