

Truth Commissions II

Of the more than 30 truth commissions created since the 1980s, four that were organized in Africa and the Americas are notably good examples of how circumstances in each society helped shape the commissions' work.

SOUTH AFRICA

The South African Truth and Reconciliation Commission (TRC) was formed in 1995 after the end of apartheid. Its mandate was to record and acknowledge crimes motivated by the political aims of protecting apartheid or fighting to abolish it. The TRC was empowered to recommend reparation and institutional reforms. In addition the commission had the authority to grant amnesty to those who committed crimes, as long as those crimes were politically motivated, proportionate to their political objective and if the person seeking amnesty fully disclosed the facts.

Hearings began in April 1996. The commission heard testimony from more than 23,000 victims and witnesses in closed proceedings and public hearings, and considered amnesty applications from each side. On Oct. 28, 1998, the commission presented its formal report, which condemned both the apartheid government and the African National Congress for committing atrocities.

The most controversial aspect of the TRC's mandate was the offer of "amnesty for truth." This raised concerns about the continuation of an aura of impunity. While many have criticized the TRC for prioritizing truth over justice, the commission is largely regarded as having been crucial to South Africa's peaceful transition from apartheid.

PERU

From 1980 to 2000 much of Peru was a battlefield for an internal armed conflict between the government and the Shining Path guerilla group. The conflict claimed around 69,000 lives; roughly 75 percent of the victims were indigenous peasants. Peru's democratic government collapsed during that time. President Alberto Fujimori's authoritarian regime promoted brutal counterinsurgency tactics. After corruption scandals led Fujimori to flee the country, a Truth and Reconciliation Commission (TRC) was established in June 2001 to investigate human rights abuses committed by the state or the insurgents. The investigations extended to events that occurred during the regimes of three presidents, as well as to the actions of Shining Path and the Tupac Amaru Revolutionary Movement.

The commission investigated the conditions that gave rise to the violence, provided findings for judicial investigations, drafted proposals for reparations and recommended institutional reforms. Its report, completed on Aug. 28, 2003, condemned the atrocities committed by combatants on all sides and criticized the nation's elites for abdicating responsibility and leaving matters in the hands of the military. The TRC's work has helped propel political reform, prosecutions and reparations to victims—crucially contributing to Peru's democratic transition.



GUATEMALA

Guatemala's internal armed conflict, a battle between right-wing landed oligarchs and leftist guerillas was perhaps the bloodiest in the Americas, resulting in mass atrocities against the indigenous Maya that have been widely recognized as genocide. In 1996 the UN helped produce a peace agreement between the government and the guerillas. This led to creation of a Historical Clarification Commission (CEH in Spanish).

The CEH's mandate allowed it to investigate human rights violations as part of an effort to safeguard victims' interests and to support the peace-building process. The commission determined that torture, forced disappearance, arbitrary detention and extrajudicial execution were systemic state policies and that state forces committed 93 percent of all violations. Four out of five victims were indigenous people, whose populations were decimated in hundreds of massacres.

The CEH is the only truth commission to find evidence of genocide. Its recommendations included comprehensive reparations, an aggressive policy of exhumations and far-reaching reforms of Guatemala's judiciary and security forces.

GREENSBORO (UNITED STATES)

In countries where authorities have not established truth commissions, civil society has established unofficial mechanisms with similar mandates as a tool to promote knowledge of past crimes and to advocate for justice. In 2004, a community initiative known as the Greensboro Truth and Reconciliation Commission (GTRC) was seated in that North Carolina city to examine the context, events and legacies of violence by Ku Klux Klan (KKK) and Nazis on Nov. 3, 1979, against anti-Klan protestors. Although the shooting was broadcast on TV and five protestors were killed and several more wounded, all-white juries acquitted the racist extremists.

The GTRC, established in consultation with a cross-section of civil society groups, took statements, organized public hearings and examined judicial archives. In its final report in 2006, it found that the shooters had not acted in self-defense, and that the heaviest responsibility was on the Ku Klux Klan and Nazi groups, who planned to provoke violence. It also found that loss of life could have been avoided had police been visibly present. The commission was an innovative effort to draw on the experiences of other truth commissions and apply them in a community context.

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