

Learning from the Past – An Empirical Study on the Existence of a Pattern of Truth Commissions

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Zusammenfassung

In Transformationsprozessen stehen Staaten fast immer vor der Frage, wie sie mit vergangener politisch motivierter Gewalt, Folter und Verschleppungen umgehen. Wahrheitskommissionen sind dabei ein immer beliebteres Instrument zur Aufarbeitung schwerer Menschenrechtsverletzungen. Ihrem Konzept liegt die Idee der reinen historischen Aufzeichnung der Gräueltaten, der Schaffung einer gemeinsamen Vergangenheit und die damit verbundene Aussöhnung der Gesellschaft zu Grunde.

Sie unterscheiden sich von Gerichtsverfahren nicht nur dadurch, dass ihr Ziel nicht die Strafverfolgung der Täter ist, sondern auch durch das Fehlen etablierter Gesetznormen, an welche die politischen Entscheidungsträger gebunden sind. Obwohl es eine breite normative Diskussion gibt, mit welchen Elementen eine solche Kommission ausgestattet sein soll, fehlt es in der Literatur dazu an empirischen Belegen.

Seit der ersten Wahrheitskommission 1974 in Uganda hat ihre Anzahl stetig zugenommen. Der Trend zur Einrichtung von Wahrheitskommissionen wirft die Frage auf, ob sich diese Entwicklung auf die bloße Einrichtung der Kommissionen beschränkt oder ob sich darüber hinaus ein Standardmodell der historischen Aufarbeitung etabliert. Überwiegen in der Literatur einzelne Fallstudien, erlaubt uns die Anzahl von mittlerweile 29 Wahrheitskommissionen, die ihre Arbeit abgeschlossen haben, einen quantitativen Ansatz zu verwenden. Damit ist es auch möglich,

Verallgemeinerungen zu diesem Phänomen zu treffen.

In dieser Arbeit werden die 29 Wahrheitskommissionen, die ihre Arbeit beendet haben, statistisch analysiert. Im Einzelnen werden Variablen zu Ressourcen, Mandat, Inhalt und Ergebnis von Wahrheitskommissionen untersucht. Als Ergebnis zeigt sich, dass es über diesen Zeitraum keine Tendenz zu einem Standardmodell von Wahrheitskommissionen gibt. Die Ressourcen, Zusammensetzung, Dauer, Arbeitsweise und Ergebnisse dieser Aufarbeitungsprozesse hängen sehr stark vom nationalen Kontext ab. Dennoch lassen sich für einzelne Elemente, wie öffentliche Anhörungen, Benennung von Straftätern oder Empfehlung von Reparationen klare Tendenzen erkennen. Nicht weniger interessant sind die Korrelationen einzelner Variablen untereinander, wie zum Beispiel der positive Zusammenhang zwischen Amnestiegesetzen und Reparationszahlungen.

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“Nunca Mas” – “Never Again”

Title of the report of the CONADEP¹
and bestseller book in Argentina

I. Introduction

Truth, Inquiry, Historical Clarification, Reconciliation, Investigation and Reception are only a few key words appearing in titles of Truth Commissions. All of them follow the concept of creating a record of past human rights violations by an investigative body. Truth Commissions have become more popular over the past four decades (*Graph 1*). In theory the main idea of truth as an alternative concept to justice leaves plenty of room for discussion of how to deal with the past. Virtually all Truth Commissions differ in their quantity of resources and in the quality of their mandate.

By now the literature on transitional justice has developed three different questions. Scholars have asked how this concept could be valued based on international law discussing the normative advantages and disadvantages over trials and judicial prosecution.² One argument

most commonly stated in this context is that Truth Commissions would lead to reconciliation and democratic development.³ Therefore, recent research concentrates on the question how different mechanisms contribute to the reconciliation process of transitional societies.⁴ A third field of discussion has questioned what imperatives influence the design of the transitional justice process in general⁵ and of Truth Commissions in particular⁶.

of Truth Commissions, in: Robert I. Rotberg/Dennis Thompson (eds.), *Truth V. Justice: The Morality of Truth Commissions*, Princeton, NJ: Princeton University Press, 2000, p. 22-44; *David A. Crocker*, *Reckoning with Past Wrongs: A Normative Framework*, *Ethics & International Affairs* 13, no. 1, 1999, p. 43-64.

¹ National Commission on the disappearance of Persons which investigated on the fates of thousands of people who disappeared during Peron's military junta.

² *Carlos S. Nino*, *The Duty to Punish Past Abuses of Human Rights Put into Context: The Case of Argentina*, *Yale Law Journal* 100, no. 8, 1991, p. 2619-2640; *Diane F. Orentlicher*, *Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime*, *Yale Law Journal* 100, no. 8, 1991, p. 2537-2615; *Martha Minow*, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*, Boston, MA: Beacon Press, 1998; *Amy Gutmann/Dennis Thompson*, *The Moral Foundations*

³ *Mark R. Amstutz*, *The Healing of Nations: The Promise and Limits of Political Forgiveness*, Lanham, MD: Rowman & Littlefield Publishers, 2005; *Carlos S. Nino*, *Radical Evil on Trial*, New Haven: Yale University Press, 1996.

⁴ *Alexandra Barahona de Brito/Carmen González-Enríquez/Paloma Aguilar* (eds.), *The Politics of Memory: Transitional Justice in Democratizing Societies*, New York, NY: Oxford University Press, 2001; *Eric Brahm*, *Uncovering the Truth: Examining Truth Commission Success and Impact*, *International Studies Perspectives* 8, no. 1, 2007, p. 16-35; *Pierre Hazan*, *Juger La Guerre, Juger L'histoire: Du Bon Usage Des Commissions Vérité Et De La Justice Internationale*, Paris: Presses universitaires de France, 2007; *Stefan Engert*, *Crime and Punishment - a Comparative Analysis of the Effectiveness of Tribunals and Truth Commissions as Instruments of Reconciliation*, paper presented at the Annual Meeting of the International Studies Association, 2007; *Monika Nalepa*, *Punish All Perpetrators or Protect the Innocent? Designing Truth Revelation Procedures*, paper presented at the Southern Political Science Association, 2007.

⁵ *Luc Huyse*, *Justice after Transition: On the Choices Successor Elites Make in Dealing with the Past*, *Law & Social Inquiry* 20, no. 1, 1995, p. 51-78; *Jon Elster*, *Closing the Books: Transitional Justice in Historical Perspective*, Cambridge, UK/New York: Cambridge University Press, 2004.

⁶ *Elin Skaar*, *Truth Commissions, Trials - or Nothing? Policy Options in Democratic Transitions*, *Third World Quarterly* 20, no. 6, 1999, p. 1109-1128; *Chandra Lekha Sriram*, *Confronting Past Human Rights Violations: Justice Vs. Peace in Times of Transition*, New York, NY:

In contrast to trials there are no general principles and legal norms to which policy makers can turn when they establish a Truth Commission. They only can consider the experiences of previous Truth Commissions and adjust the design of the commission to the specific national context.⁷ Although Sara Parker argues that the main reason for the growing popularity of Truth Commissions lies in the international context, we argue that the design of them is mostly shaped by domestic factors.⁸ It might be true that states choose to install a Truth Commission, because they pick up the idea from abroad. The “diffusion of changing ideas and norms”⁹ and the rise of human rights to an international norm may force new elites to deal with the past. But how they do it, is mostly up to them.¹⁰ Still we argue that they are not totally free in designing the commission. There are dependencies between different elements of Truth Commissions.

Furthermore, the overwhelming majority of the literature deals with individual cases, making general conclusions problematic. Although there are some more comprehensive studies¹¹ no study has

compared the data available statistically so far. This article will take a more quantitative point of view to generate new hypotheses and correlations between crucial elements of Truth Commissions. Even though the quantitative approach lacks to embed the single cases in the national context, generalizations can be made which provide essential information for a future evaluation of success or failure of past Truth Commissions.

The statistical approach can indicate, whether some elements like reparation programs, amnesties or “naming individual perpetrators” tend to appear more frequently, or whether there is a tendency towards a pattern in Truth Commissions. We conclude that after the statistical analysis there is not yet a best practice or a common model of Truth Commissions. In addition, this approach reveals whether some elements appear often in combination and whether causal mechanism can be assumed. So far no study has used this approach. The most likely reason for this is that the number of Truth Commissions has, until recently, been too small for quantitative analysis. However, Truth Commissions have become a popular instrument over the last years. Over 30 of them have been established, which allows us to take a more quantitative point of view.

In this article, we compare data on twenty nine Truth Commissions using simple statistical methods. In order to find a pattern of Truth Commissions we ask whether they have similarities in structure, ideology and organization in relation to their date of establishment. This also allows us to test some hypotheses proposed in literature and furthermore develop own hypotheses based on the findings presented in this work. The range of possible hypotheses is wide. It reaches from pure organizational assumptions as that the length of the commission’s work should correlate positively with the length of the period it covered to more contextual theses as a positive relationship between amnesty and reparations.

Frank Cass, 2004; Sara Parker, Why States Choose Truth Commissions, paper presented at the International Studies Association, 2007.

⁷ Michelle Parlevoliet, Truth Commissions in Africa: The Non-Case of Namibia and the Emerging Case of Sierra Leone, *International Law FORUM du Droit International* 2, no. 2, 2000, p. 98-111 (107).

⁸ Parker (note 6), p. 25.

⁹ Kathryn Sikkink/Carrie B. Walling, Errors About Trials: The Political Reality of the Justice Cascade and Its Impact, paper presented at the Annual Meeting of the American Political Science Association, Washington, DC, 2007, p. 2.

¹⁰ Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions*, New York, NY: Routledge, 2002, p. 7-8.

¹¹ Priscilla B. Hayner, Fifteen Truth Commissions - 1974-1994: A Comparative Study, *Human Rights Quarterly* 16, no. 4, 1994, p. 597-655; Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (note 10); Brahm (note 4). But see with different question Parker (note 6).

First of all we outline the theoretical framework under which Truth Commissions are established and defined. The main part analyses and discusses the different aspects of the commissions. Finally, we will present our results on the initial question of the existence of a pattern of Truth Commission over time.¹²

II. Theoretical Approach

1. Case Selection and Variables

The most well known definition of the Truth Commission was introduced by Priscilla Hayner. She characterized them as “bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or by armed opposition forces”¹³. Hayner outlines four main parameters that Truth Commissions have in common. First, Truth Commissions focus on the past meaning that no current crimes are investigated. Second, Truth Commissions investigate a period of time rather than a specific event.¹⁴ Third, these bodies are set up temporary and finally are officially sanctioned and authorized by an official body.¹⁵ In practice this can be either the executive or the parliament of the state or the international community. Furthermore, the United States Institute of Peace accentuates the role of the commission as a forum for victims, witnesses and perpetrators. This can also be seen as the main dif-

ference to Commissions of Inquiry since the latter are more narrowly mandated.¹⁶

We would like to point out two further characteristics of Truth Commissions. First they are established and work outside the regular national administration body and second they are always instructed to write a final report about the inquiries on the subject in question. The report may be published and contain recommendations for the future.

In total, 35 Truth Commission in the period between 1974 and 2006 fit this definition. In six countries – Uganda (2000), Lebanon (2001), Paraguay (2004), The Democratic Republic of Congo (2004), East Timor (2005) and Liberia (2006) – the Commissions were still functioning when the data was collected. These commissions are not included in the statistical analysis due to the ongoing process and a lack of material about these cases.¹⁷

In order to examine changes and tendencies in the design of Truth Commissions over the years it is necessary to develop a set of variables. While the characteristics elaborated in the definition have to be kept constant, we determine which elements have to be looked upon to understand best the design of the commissions. The variables have to fulfill two qualifications: First, they have to map the whole process of the truth finding. The work of Truth Commissions can be divided in four broad categories or aspects which equal the consecutive periods of a commission in process: resources, mandate, content and ending. Second, the variables in the categories have to be as exhaustive as possible. In each of the categories at least two variables are included. To get an overall picture of a possible trend towards a model of Truth Commissions the variables vary widely in quantity as well as quality. We primarily included elements which have

¹² Graph 1: Amount of Truth Commissions since 1974 (see Annex).

¹³ Hayner, *Fifteen Truth Commissions - 1974-1994: A Comparative Study* (note 11), p. 600.

¹⁴ An exception might be the investigations of the Commission for Investigation of the Events in and around Srebrenica between the 10th and 19th of July, 1995 in Bosnia which focuses on a very short period of time

¹⁵ Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (note 10), p. 14.

¹⁶ *United States Institute of Peace, Truth Commissions Digital Collection*, www.usip.org/library/truth.html (4/2009), 2005.

¹⁷ E.g. the collection of data on the Ending variables would have been impossible.

been previously discussed and examined by scholars.

To find out about changes in the design of Truth Commissions we use the date of establishment as the independent variable. Yet we also want to find out about coherence of individual elements. The data contains variables on both nominal and metrical level measurements. Due to the variety of elements included and for the sake of understanding the variables are mostly dichotomous. Hence for the statistical evaluation different coherence coefficients are used.

2. Why Truth Commissions?

Rebuilding the rule of law is one of the main tasks that states emerging from periods of internal unrest, civil war, or dictatorship have to face. Accomplishing the transition to a new democratic order and securing social peace in future often evoke the question of how to deal with gross injustices that occurred in the past.¹⁸ To cope with this task there are different mechanisms from which policy-makers can choose. Defined by the term transitional justice, these mechanisms include efforts such as ad hoc trials, the International Criminal Court, lustrations and Truth Commissions which are often accompanied by reparations for victims and amnesty offers to perpetrators.

A Truth Commission is a commission tasked with discovering and revealing past wrongdoing by the former regime and sometimes by non-governmental actors like armed opposition parties. They distance themselves, however, from trials by waiving the claim of prosecution. Truth Commissions therefore emphasize 'truth aspects' of dealing with the past while

trials focus on 'justice aspects'¹⁹. Yet leaving perpetrators unpunished needs some moral foundations.

Some authors argue that the term "justice" outreaches the retributive prosecution of perpetrators and includes restorative, historical and compensatory aspects. In this context "truth" does not turn out to be an antonym of "justice", but rather a part of it.²⁰ Arguing in the same line, Gutmann and Thompson have adopted a distinction between moral justice and prudential individual justice. For them, Truth Commissions offer moral justice for the victims instead of prosecuting the responsible perpetrators.²¹ Hence, acknowledging when human rights have been abused in the past and setting the record straight by itself provides help for the victims to find relief, suffer less from their past experiences and move on with their lives.

Furthermore, realists point out that widespread prosecution is often not practical²² and that an amnesty offer can also provide an incentive for political actors to stop fighting and to participate in a reconciliation process²³. By establishing past facts and creating a shared history Truth Commissions can help a nation to come together and avoid historical revisionism and the return of such crimes²⁴. Because of its public prominence, an official investigative body is likely to provoke public

¹⁸ Theodor W. Adorno, What Does Coming to Terms with the Past Mean?, in: Geoffrey H. Hartman (ed.), Bitburg in Moral and Political Perspective, Bloomington, in: Indiana University Press, 1986, p. 10-28.

¹⁹ Robert I. Rotberg/Dennis Thompson (eds.) (note 2).

²⁰ Luc Huyse, Justice, in: David Bloomfield/Teresa Barnes/Luc Huyse (eds.), Reconciliation after Violent Conflict: A Handbook, International IDEA, 2003, p. 97-122; Crocker (note 2).

²¹ Gutmann/Thompson (note 2).

²² Nenad Dimitrijevic, Justice Beyond Blame: Moral Justification of (the Idea of) a Truth Commission, Journal of Conflict Resolution 50, no. 3, 2006, p. 368-382.

²³ Ronald C. Slye, Amnesty, Truth, and Reconciliation: Reflections on the South African Amnesty Process, in: Rotberg/Thompson (eds.) (note 2), p. 170-188 (177).

²⁴ Ruti G. Teitel, Transitional Justice, Oxford; New York: Oxford University Press, 2000, p. 91.

debate and encourage national civil society to ensure a “Nunca más”.²⁵ In this respect the main purpose of Truth Commission is rather to acknowledge the truth than to find it.²⁶ Overall, Truth Commissions are established to symbolize the end of torture, to engage deliberation and transition to a new democratic order and “to generate and consolidate new and distinctive conceptions of political morality that can henceforth inform the political culture”²⁷.

The critique of scholars on Truth Commissions solely concentrates on individual elements. In particular, granted amnesties which sometimes accompany Truth Commissions were criticized for not concurring with standards of international law.²⁸ Further animadversions relate to the possible naming of responsible perpetrators and the keeping of confidential details.²⁹ Aldana argues, however, while trials may remain the optimal and most accurate way of dealing with human rights violations Truth Commission can be a useful mechanism to complement rather than to substitute them.³⁰ Only a few authors reject the concept of Truth Commissions as a whole. They argue that they increase

tension and hinder reconciliation.³¹ The majority argues that they are superior to other transitional justice mechanisms and that the question is less whether to reject Truth Commissions, but rather when they have to be implemented.

III. Empirical Analysis of Truth Commissions

1. The Creation of Truth Commissions

Different authorized institutions can set up a Truth Commission. The majority are created by the executive (69 %) which is in most cases the President (58.2 %). Another 17.2 % are created by the legislative. The UN introduced 13.8 %, either by an UN Moderated peace accord (El Salvador, Guatemala and Sierra Leone), or by the UN Security Council (Burundi). Although these unofficial or semi-official commissions can contribute exceedingly to the reconciliation process in these countries and sometimes prompt the establishment of an official Truth Commission we understand the state as the central actor for coming to terms with the past.³² For this reason we only included commissions established and sanctioned by the state or the United Nations.

The head of the executive is usually the one to create a Truth Commission. Established by a presidential degree, this means that the opposition does not necessarily have a stake in the creation process. Nevertheless it is often due to pressure of interest groups of victims and human rights organizations that a commission to investigate human rights violation is estab-

²⁵ David Backer, *Civil Society and Transitional Justice: Possibilities, Patterns and Prospects*, *Journal of Human Rights* 2, no. 3, 2003, p. 297-313; *Brahm* (note 4).

²⁶ Hayner, *Fifteen Truth Commissions - 1974-1994: A Comparative Study* (note 11), p. 607.

²⁷ André Du Toit, *The Moral Foundations of the South African TRC: Truth as Acknowledgment and Justice as Recognition*, in: Rotberg/Thompson (eds.) (note 2), p. 122-140 (125).

²⁸ Reed Brody, *Justice: The First Casualty of Truth? The Global Movement to End Impunity for Human Rights Abuses Faces a Daunting Question*, *Nation* April 30th, 2001; *Orentlicher* (note 2).

²⁹ Hayner, *Fifteen Truth Commissions - 1974-1994: A Comparative Study* (note 11), p. 648.

³⁰ Raquel Aldana-Pindell, *In Vindication of Justiciable Victims' Rights to Truth and Justice for State Sponsored Crimes*, *Vanderbilt Journal of Transnational Law* 35, no. 5, 2002, p. 1399-1446.

³¹ Jack L. Snyder/Leslie Vinjamuri, *Trials and Errors: Principle and Pragmatism in Strategies of International Justice*, *International Security* 28, no. 3, 2003, p. 5-44 (20).

³² Ruth Fuchs/Detlef Nolte, *Politikfeld Vergangenheitspolitik: Zur Analyse der Aufarbeitung Von Menschenrechtsverletzungen in Lateinamerika*, *Lateinamerika Analysen* 9, 2004, p. 59-92 (66). We also did not include commissions set up by the African National Congress in 1992 and 1993, which were sponsored by an opposition political party to investigate its own past record of abuses.

lished.³³ Maybe due to destabilized situations, parliaments have not been the main institution to create Truth Commissions³⁴. They are often too weak and torn by intern conflicts. Yet it seems that the main reason for the president to be the one in charge is that he or she as the head of the state is the first to be addressed by pressure groups and by the international community. Even though all forms of establishment have their advantages and disadvantages, it neither has any impact on the resulting design of the commission nor is there a tendency towards a pattern of establishment over the years.

It is argued that timing plays a major role in whether to establish a Truth Commission. In this context Hayner states that the initial weeks of the transformation process provide “the only chance to establish a truth commission”³⁵. Considering that the start of the transitional stage equals the end of the violations against human rights we observe that the period which lies between the last cases of torture and the establishment of the commission used to be significantly short. Until 1999 the time span between the date of establishment and the last year covered by investigations was at a maximum three years and had an average of 0.5 years. In recent years we observe that this time span increases. Since 1999 it has jumped up to 6.2 years on average and commissions are also established when the last human right violations are up to 15 years in the past ($r = 0,49^{**}$)³⁶. In other words, it seems that timing for a Truth Commission has lost importance. In this respect, they are not only

used as an instrument for ‘transitional justice’ in the truest sense of the word. We argue that this is due to the fact that Truth Commissions are getting more popular as an instrument for dealing with violations against human rights. As a stepping stone for a peaceful transformation of a society the public, governments and international actors have acknowledged that massacres, tortures or disappearances of the past must not be kept secret. Therefore a growing internal as well as external pressure on political leaders results in the establishment of Truth Commissions even years after the initial transitional stage.

2. Resource Variables

We have analyzed the resources of Truth Commissions using five variables. They represent the general environment of the commissions and can be considered as the first phase in the truth finding process. We included financial, administrative and temporal equipment which are essential elements regarding the outcome of any investigative body.

Due to a lack of information the data on budget is limited. The results on this variable are rather general assumptions than profoundly empirical analysis. The amount of money funded varies from almost none in Serbia and Montenegro or Bolivia up to \$ 36,000,000 in South Africa.³⁷ While it is generally acknowledged that the budget of Truth Commissions is often limited, they need intensive investments in order to fin-

³³ Backer (note 25).

³⁴ Hayner, *Fifteen Truth Commissions - 1974-1994: A Comparative Study* (note 11), p. 641. See also Neil J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes: General Considerations*, vol. 1, Washington, D.C.: United States Institute of Peace Press, 1995, p. 220.

³⁵ Hayner, *Fifteen Truth Commissions - 1974-1994: A Comparative Study* (note 11), p. 640.

³⁶ An asterisk means significance at 0.05. Two asterisks mean significance at 0.01.

³⁷ See for closer discussion of these cases: Mark Freeman, *Serbia and Montenegro: Selected Developments in Transitional Justice*, International Center for Transitional Justice, Case Study Series, 2004; Estaban Cuya, *Wahrheitskommissionen in Lateinamerika*, in: Detlef Nolte (ed.), *Vergangenheitsbewältigung in Lateinamerika*, Frankfurt am Main: Vervuert, 1996, p. 33-66; Audrey R. Chapman/Patrick Ball, *The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala*, *Human Rights Quarterly* 23, no. 1, 2001, p. 1-43.

ish their work and find the truth.³⁸ This becomes clear regarding the data on the five Truth Commissions that have been disbanded or temporarily interrupted. All of them severely lacked financial support of the government.³⁹ Low financial support can indicate a strong influence of former national elites on human rights investigations. Thus, it is not surprising that the lack of resources accompanies disbandment of Truth Commissions. When the state is not able or willing to finance a commission it is often due to international donors as the United Nations or the European Union which help the commissions financially to finish their work. In El Salvador, for example, the international backing and funding was one of the major reasons why coming to terms with the past was possible even without functioning national institutions.⁴⁰

The commission size ranges from a minimum of one commissioner in Zimbabwe up to a maximum of 36 commissioners in Germany. The average commission consists of nine members. No significant tendency in relation to the date of establishment results from this data. It shows, however, that the majority of the created panels have a median number of seven members and Truth Commissions authorized appear to be larger in size. Although not significant at 0.05 a Cramer's V at 0.56 indicates an interrelationship between the institution responsible for the creation and the size of the commission.

Truth Commissions vary in the length of period they investigate as much as they do in size. On average, Truth Commissions scrutinize periods of 17 years. However, the two most recent examples in this study, the Bosnian Truth Commission (period of

time investigated: 0,027 years)⁴¹ and the Moroccan Truth Commission (period of time investigated: 43 years) – show the diversity in this variable. According to the data a positive moderate correlation between size of commission and period of time investigated indicates that in general more commissioners inspected a longer period of time ($r = 0.43^*$). Furthermore the statistics show that the longer the period of time investigated the longer the commission will function ($r = 0.38^*$).

As a general rule in the creation of Truth Commissions, scholars have stated that it is supposed to happen within a certain time frame.⁴² As noted above this rule can be questioned (Paragraph 3.1). The responsible authority specifies the period of time for investigations in the mandate and may extend it. Our survey shows that the overwhelming majority of the commissions have lasted between six and twelve months. In addition a moderately positive correlation between period of time investigated and size of commission respectively length of commission suggests that Truth Commissions are equipped more generously when they investigate a greater period of time.

3. Mandate Variables

The focus of Truth Commissions is on human rights violations. Human rights include certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety.⁴³ In some cases human rights violations were not specified by the act of establishment to avoid the exclusion of significant acts of human rights abuses. In South Africa the National Unity and Reconciliation Act de-

³⁸ Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (note 10), p. 223; Douglass Cassel, *International Truth Commissions and Justice*, in: Kritz (ed.) (note 34), p. 326-333 (333).

³⁹ Disbanded: Bolivia (1982), Philippines (1986), Ecuador (1996) and Serbia and Montenegro (2001). Interrupted: Uganda (1986).

⁴⁰ Cassel (note 38), p. 333.

⁴¹ Bosnia is one of the rare examples for a Truth Commission which investigates a specific event, the massacre of Srebrenica.

⁴² Kritz (ed.) (note 34), p. 220.

⁴³ Michelle Maiese, *Human Rights Violations*, in: Guy Burgess/Heidi Burgess (eds.), *Beyond Intractability*, Conflict Research Consortium: University of Colorado, 2003.

defined gross violations of human rights as “the killing, abduction, torture, or severe ill-treatment of any person,” or the “conspiracy, incitement, instigation, or command (...) by any person acting with a political motive”⁴⁴. This led to the exclusion of acts that did not result in killings, abduction, torture or severe ill-treatment as defined by the commission. The forced removal and displacement of millions of people based on race were also not investigated. Eleven Truth Commission – including the first four – had a special focus on disappeared persons. This special focus leads to the neglect of other human rights violations as in Argentina and Chile.⁴⁵

The concept of a Truth Commission does not focus on causes of the conflict (*jus ad bellum*). The centre of the investigations is rather limited on *jus in bello*.⁴⁶ This is true for all cases in this study except the Yugoslav Truth and Reconciliation Commission in 2001, which focused on the causes of the wars and related atrocities, rather than their effects and was abolished in 2003. As Mark Freeman argues, “[i]ts experience is a case study in *how not* to establish or run an effective commission”⁴⁷.

Human rights are by definition rights of the individual against the state. The state meets the obligation to protect its population against human rights’ violations and is – *de jure* – the only subject who can infringe upon them. Actions of individuals or groups of individuals against another do not fall directly into the category of human rights violations.⁴⁸ Nevertheless

Truth Commissions in Chile, El Salvador, Guatemala, Sri Lanka, South Africa, East Timor, Sierra Leone, Serbia Montenegro, Peru and Bosnia investigated violence committed not only by the state, but also by armed opposition groups. The broadening for abuses committed by all parties to a conflict did not result in blaming all parties equally for the violence.

Truth Commissions should, in principle, have greater access to information, greater security, and increased “assurance that its findings will be taken under serious consideration”⁴⁹. This finding reveals the necessity to measure the actual strength of its mandate. According to Hayner, “[s]ome [commissions] have been given subpoena powers or the right to gain access to official offices and official documents without warning. Others have had to rely on the voluntary cooperation – not only of high-level officials but also of direct perpetrators, sometimes in return for promises of confidentiality”⁵⁰. In this paper we distinguish between limited and extended authority given by the state. The authority can be considered as extended when both subpoena power and the right to secure evidence in all public institutions is given. If either subpoena power or the full access to public institutions is not assured, we classify the mandate as provided with limited authority.

The majority of Truth Commission had only limited investigation authority (73.1 %). Hayner states that a parliamentary-empowered body does usually have a larger authority because they are granted stronger powers.⁵¹ In our data this thesis does not appear to be true, since the majority of the commissions established by parliament have limited authority. The correlation between authority and the institutions responsible for creation is rather

⁴⁴ Promotion of National Unity and Reconciliation act, No. 34, 1995, p. 2.

⁴⁵ Priscilla B. Hayner, Truth Commissions: A Schematic Overview, *International Review of the Red Cross* 88, no. 862, , 2006, p. 295-310 (301 et seq.).

⁴⁶ Bronwyn Leebaw, The Politics of Impartial Activism: Humanitarianism and Human Rights, *Perspectives on Politics* 5, no. 2, 2007, p. 223-239.

⁴⁷ Freeman (note 37), p. 8.

⁴⁸ See for discussion: Pablo Policzer, Human Rights Violations Beyond the State, *Journal of Human Rights* 5, 2006, p. 223-239.

⁴⁹ Hayner, Fifteen Truth Commissions - 1974-1994: A Comparative Study (note 11), p. 604.

⁵⁰ Hayner, Truth Commissions: A Schematic Overview (note 45), p. 295.

⁵¹ Hayner, Unspeakable Truths: Facing the Challenge of Truth Commissions (note 10), p. 214.

weak (Cramer's $V = 0.11$). However Truth Commissions had an extended authority when they investigated atrocities not only by the state but when their mandate included all parties of the conflict (Cramer's $V = 0.63^{**}$). It seems to strengthen their position as mediators and when all parties were toed the line it was easier to get the necessary information. The broader access to information also did mean, that the commission had a longer time to investigate (Cramer's $V = 0.75^*$).

It could be assumed that the agreement not to name individual perpetrators and not hold public hearings facilitates the work of Truth Commissions. Broader access to information can be expected, since it reduces the danger of political consequences for perpetrators. Especially, when the military is still in a powerful position one could suggest that they would only grant high authority to Truth Commissions if they are guaranteed not to name the responsible persons and not to hold the hearings in public.

Our empirical data draws quite a contrary picture. Out of fifteen Truth Commissions with limited authority thirteen did not name individual perpetrators and six of the eleven commissions with extended authority designated the perpetrators (Cramer's $V = 0.44^*$). Truth Commissions also tended to hold the hearings in public when they were equipped with extended authority (Cramer's $V = 0.54^{**}$). Where do these correlations come from?

Amnesty legislation can not be a sufficient explanation. The correlation between degree of authority and an amnesty law is weak (Cramer's $V = 0.14$) and between naming names of perpetrators and amnesty laws is not existent (Cramer's $V = -0.05$).

An explanation for the correlation of authority and naming individual perpetrators might be the public pressure. It can be a matter of a spurious correlation that the public pressure highly influences both the degree of authority and whether the commission names the perpetrators and hold

public hearings. Normally it is in the interest of the public that a Truth Commission is granted high authority, that the hearings are in public and that the perpetrators are named. Our thesis in this regard is that the higher the public pressure the higher the grade of authority given by the sanctioning body and the more likely is the naming of perpetrators. Possible indicators for its measurement are the salience of the Truth Commission, press coverage and the distance to next elections but this leaves space for further investigation.

The strength of a commission can be measured not only by the authority provided by the mandate, but also by the overall public impact of the commission. Whether a commission arranges public hearings or names the individual perpetrators also shapes the public bias of a commission. Trying to influence the public discussion seems to make sense to strengthen both this bias and the authority given in the mandate.

4. *Content Variables*

In our analysis of the proceedings of Truth Commissions we focus on the empirical characteristics of four variables. In all cases adequate data was collected on the existence of an amnesty law for perpetrators, the question whether a commission publicly named those responsible for human rights violations, whether the hearings were public and whether reparations have been given to victims.

One of the most controversial tasks is the question about whether to grant amnesty for perpetrators. There are different methods for how amnesty has been introduced for offenders of past human right violations. The most common way was by the former administrations having granted unconditional amnesty themselves before the transition (e.g. Argentina, Chile). Amnesties also were bargained in peace accords (Guatemala, Sierra Leone) or have been introduced right after the commission's work (El Salvador, Uruguay (1985), Algeria), sometimes even confirmed in a

referendum (Uruguay (1985), Algeria). The South African Truth and Reconciliation Commission offered individual amnesty in exchange for the commitment to the commission's work and the reconciliation process. The process included an Amnesty Committee to determine whether human rights violations were associated with a political objective.⁵²

When analyzing variations between Truth Commissions it is important to understand whether the commission was set up with an accompanying amnesty law. In our data, nine cases were classified with amnesty elements. The commissions in Guatemala and Sierra Leone are not classified as working in the context of an amnesty law. Although the peace accords which led to the establishment of these commissions also included amnesties for the involved parties, these amnesties were cut back before the commissions began their work.⁵³

A positive correlation of Cramer's $V = 0.6^{**}$ with reparations for victims indicates when exemption from legal punishment was granted reparations were paid by the state to the victims. Therefore we argue that in these cases justice was sacrificed for truth in exchange for financial compensation. For example, although Argentina abandoned the amnesty law by the former regime, the so-called Punto Final (amnesty) laws were passed after the commission had released its report. At the same time reparations were granted to victims. Victims then criticized the reparations as being nothing else "than a form of blood money, permitting the state to release itself of any future obligations to victims by providing them with financial or other support in the

present"⁵⁴. Although it is difficult to bring this in line with international law it might be a successful procedure in order to achieve one of the main goals of Truth Commissions – reconciliation.

Another equally controversial question is whether to name individual perpetrators or not. The names might not be named at all, be published in the final report or might be given only to a very limited group of people. In our survey we only consider perpetrators which were named in public. The issue on alleged perpetrators can be discussed ethically as well as legally. To argue ethically against it one might point out that the procedure results in a "perpetuation of moral arbitrariness and the creation of a new generation of victims"⁵⁵. On the other hand naming perpetrators provides accountability. Therefore it might be part of the truth finding process and important when the judicial system is not functioning properly.⁵⁶

Regarding the empirical data it appears that since the early nineties a trend has developed in which perpetrators are named (Cramer's $V = 0.52^*$). The Truth Commission in Chad was the first to publish names and also pictures of those being held responsible for human right violations. Since then twelve commissions have made names public as well. In this context the question can be posed in which direction the pendulum strikes in a tradeoff between truth vs. reconciliation. In order to name individuals it can be argued that reconciliation is sacrificed in favor of truth and retribution. This is true if the individuals who are published have to face legal prosecution in front of regular or spe-

⁵² James L. Gibson, Truth, Justice and Reconciliation: Judging the Fairness of Amnesty in South Africa, *American Journal of Political Science* 46, no. 4, 2002, p. 540-556.

⁵³ Christian Tomuschat, Clarification Commission in Guatemala, *Human Rights Quarterly* 23, no. 2, 2001, p. 233-258 (245); William A. Schabas, The Relationship between Truth Commissions and International Courts: The Case of Sierra Leone, *Human Rights Quarterly* 25, no. 4, 2003, p. 1035-1066 (1037).

⁵⁴ Ernesto Verdeja, Reparations in Democratic Transitions, *Res Publica* 12, no. 2, 2006, p. 115-136 (130).

⁵⁵ Bruce A. Ackerman, *The Future of Liberal Revolution*, New Haven: Yale University Press, 1992, p. 72.

⁵⁶ Margaret Popkin/Naomi Roht-Arriaza, Truth as Justice: Investigatory Commissions in Latin America, *Law & Social Inquiry* 20, no. 1, 1995, p. 79-116 (105).

cial courts or cannot apply for amnesty. For a majority of Truth Commissions this thesis applies due to the legal prosecution for perpetrators following the truth finding process. In a minority of four cases, namely El Salvador, South Africa, Sierra Leone and Ghana, where perpetrators might be granted amnesty one has to differentiate, if an unrestricted pardon is approved naming individuals can be understood as a complementary and necessary constituent of truth.

Beth Rushton states that naming names can be seen as an indicator for Truth Commission tending towards truth or towards reconciliation. She argues that: "If a commission seeks truth it will name them in the public domain, but if it seeks reconciliation it will not"⁵⁷. In order to name individuals we allege that reconciliation is sacrificed in favor of truth and public denunciation. It is important to note that Truth Commissions also tend to name the perpetrators when their hearings were in public (Cramer's $V = 0.47^*$). Many commissions collected data mainly by interviews and in the form of statements from victims and their families.

The term 'reparatory justice' circumscribes the financial and moral compensation for a legacy of violence. In the normative framework of a theory of reparations, a satisfactory act of reparation contains both material and symbolic components.⁵⁸ The main goals of reparations are described as restoring dignity of the victims and providing them sufficient material support so they can go on with their lives.⁵⁹ This aspect overlaps with one of the main theoretical goals of Truth Commissions - reconciliation - in the way that "transitional reparatory practices display multiple purposes: backward-looking, in repairing vic-

tims of past state wrongdoing, but also forward-looking, in advancing the purposes of peace and reconciliation in the transition"⁶⁰.

The Truth Commission in Argentina was the first to set up a large material reparation program for individuals. By 2004 the state had paid \$3 billion in total and up to \$220,000 per family⁶¹ in reparations. Since then ten commissions followed with an establishment of similar programs and many more have recommended them in their reports. Considering the empirical data, a positive correlation (Cramer's $V = 0.6^{**}$) exists between payouts of reparations and amnesty laws. Regarding the Truth Commissions considered in our data set, reparations go hand in hand with the amnesty offers. Therefore we agree with Verdeja who argues that reparations are a sort of public expression and recognition towards the victims.⁶²

Although the question on the moral justification of such a procedure must be answered, this might be a potential model of Truth Commissions for past human right violations and abuses that have not been taken into account in many countries. While on the one hand reparations recognize failures by the state, on the other hand amnesty in exchange for truth provides the prevention of a "second generation of victims"⁶³.

5. Ending Variables

The commission's final report symbolizes the end of its work and represents its task to establish a historic record of human rights abuses. Even if the report itself is not a commission's most important product, the "report is what a commission leaves for history"⁶⁴. Truth Commissions therefore

⁵⁷ Beth Rushton, Truth and Reconciliation? The Experience of Truth Commissions, Australian Journal of International Affairs 60, no. 1, 2006, 125-141 (138).

⁵⁸ Verdeja (note 54), p. 116.

⁵⁹ Haig Khatchadourian, Compensation and Reparation as Forms of Compensatory Justice, Metaphilosophy 37, no. 3/4, 2006, p. 429-448.

⁶⁰ Teitel (note 24), p. 127.

⁶¹ Centre for Study of Violence and Reconciliation, Justice in Perspective, <http://www.justiceinperspective.org.za> (11/2007), 2007.

⁶² Verdeja (note 54), p. 118.

⁶³ Ackerman (note 55), p. 72.

⁶⁴ Chapman/Ball (note 37), p. 30.

face two questions, what to put in the report and whether to publish it. Only the commissions in Bolivia, Philippines, Ecuador and Yugoslavia failed to publish reports. All four lacked sufficient resources and political support.

The report summarizes the work of the commission and elaborates the truths it uncovered. It normally contains a chronology of the torture and cases and patterns of violence. The reports, however, vary considerably in quality and quantity. The documents in Germany, Guatemala and Peru contain thousands of pages, while the Haitian Report is 26 pages long. Some cases indicate that the difference is due to the variation of the resources, “the disagreement of commissioners” and “the organizational collapse” that some Truth Commissions suffer.⁶⁵

One important aspect of the report is whether it contains recommendations. All commissions which made a report and data was available did provide recommendations to the incumbents. These include of how to deal with the perpetrators of human rights violations as well as for reparations to be given to victims of state terror. Truth Commissions provide in all cases recommendations for further reforms towards a more democratic political order. However, it is difficult to analyze how these recommendations are incorporated in following reforms. Although the given complexity there are approaches how to measure the impact of Truth Commission on transitional countries.⁶⁶

Overall, Truth Commissions are created to establish past facts and generate a shared history. Consequently, scholars have reached consensus that reports should be published. The empirical data approves this consent since about 88 % of the commissions that made a report also published it. The Truth Commissions in Haiti and Sierra Leone only published parts and sometimes it was only due to the public

pressure that these reports were released at all⁶⁷. The public responses to these reports also varied considerably. In some cases, the Truth Commission’s report became a powerful text that held great weight in society. In Argentina the published report became one of the biggest best-sellers ever published.⁶⁸

One especially important finding from our study is that there is almost no considerable relationship between other variables and ‘ending’ variables. The degree of authority, naming individual perpetrators, public hearings, amnesties for perpetrators and reparations all have only a weak influence on whether commissions publish a report. Only the date of establishment correlates significantly with the ending of a commission. When we look at the commissions that failed to produce a report it becomes apparent that they all belonged to different decades. These commissions lacked sufficient resources and were equipped with almost none of the elements considered in our data. Because making a report is a sine qua non for the success of a Truth Commission, this indicates that Truth Commissions with more powers are more successful.⁶⁹

IV. Learning from the Past

As we have shown in the introduction, Truth Commissions have become more and more popular over the last decades. They are now a widespread mechanism to deal with the past and are used in different contexts and different situations. In contrast to courtroom trials, Truth Commissions are not subject to any fixed norms and rules and can be designed by respon-

⁶⁵ Ibid. (note 37), p. 31.

⁶⁶ See: Hazan (note 4); Brahm (note 4).

⁶⁷ E.g. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (note 10), p. 69.

⁶⁸ See: David C. Anderson, *Painful Truth, Healing Truth: Commissions Help Wounded Societies Build a Future by Confronting the Past*, Ford Foundation Report, Ford Foundation, 2000, p. 16-21.

⁶⁹ Table 1a,b: Correlations between Variables.

sible politicians. It seems likely, however, that normative considerations and the international environment have a major impact on the form of the transitional justice mechanism.⁷⁰ This impact raises the question about whether there is a tendency towards a pattern. Do Truth Commissions learn from the past? Does 'best practice' and experiences from former commissions influence the design of more recent Truth Commissions, or is the design still totally depended on the national context in which they are established? This section will deal with these questions.

The creation of Truth Commission has been in the majority of the cases a matter for the executive. A weak correlation for the period examined in this study shows no clear tendency. It is likely that the creators of Truth Commissions remain predetermined by the national context. After 1990 the United Nations has played an important role in the establishment process of Truth Commissions. No such involvement, however, has been taken place after 2000. Providing guidelines and staff as it was the case in East Timor, the United Nations tend to passively support Truth Commissions rather than establishing them.⁷¹

Data collected on the resource category does not indicate any significant correlations concerning the date of establishment. The diverse political circumstances and interest of political actors in transitional countries might lead to this diversity in resource aspects. Monetary supplies in most of the countries considered are mostly scarce and therefore depend on the political will of the new government and public pressure. Moreover, the controversial relationship of Truth Commission to established elites influences the process of establishing a historical record. Also for the degree of authority and granting or recommending amnesty there is no trend over

the years. Amnesties depend just as little on the date of establishment as whether commissions are equipped with subpoena power or have access to all state institutions.

One of the most interesting findings is the clear tendency in respect to the naming of individual perpetrators. While until 1990 no commission had named the perpetrators, the overwhelming majority of the more recent Truth Commissions has published the names either during the process or in the reports. Although the question whether to publish information that allows to identify specific perpetrators is complex, most of the recent Truth Commissions have decided to name them (Cramer's $V = 0.52^*$). If we followed Breth Rushton's argumentation that Truth Commissions have to decide between truth and reconciliation on this variable, our data suggests that Truth Commissions over the years tend to emphasize their truth rather than their reconciliation goals.

Over the last years Truth Commissions also hold their hearings more often in public than they did in the beginning (Cramer's $V = 0.5^*$). Since public hearings are a platform for victims and perpetrators to defend their positions about the truth of gross human rights violations, it is in addition to the report the main tool to shape the public discussion. It can be argued that this public bias increases over the years.

Most of the more recent Truth Commissions also tend to recommended reparations in contrast to the proceeding commissions (Cramer's $V = 0.58^*$). When we look on the reparations materialized, the link to the date of establishment is weaker (Cramer's $V = 0.44$). Symbolic reparations through public memorials or national remembrance days might be often part of commission recommendations but did not fall in our definition of reparations. Although financial reparations by the state symbolize the recognition of former state crimes and collective guilt, the literature explaining their payouts is almost nonexistent.

⁷⁰ Parker (note 6).

⁷¹ *The Office of the UN High Commissioner for Human Rights, Rule of Law Tools for Post Conflict States: Truth Commissions, 2006.*

No tendency exists in respect of the formal success of Truth Commissions. As noted above, bringing its work to the end is a precondition for a commission being considered successful. We assumed if learning from previous Truth Commissions took place, disbandment would decrease over the years but this is not the case. The four failed Truth Commissions belong to different decades and the most recent occurred in 2001 (Cramer's $V = 0.19$). However, this does not necessarily mean that Truth Commissions are not learning from each other or that there are no tendencies over the years. This is also true for publications of the reports. Truth Commissions tend to make the report public, name the perpetrators, hold the hearings in public and recommend reparations.

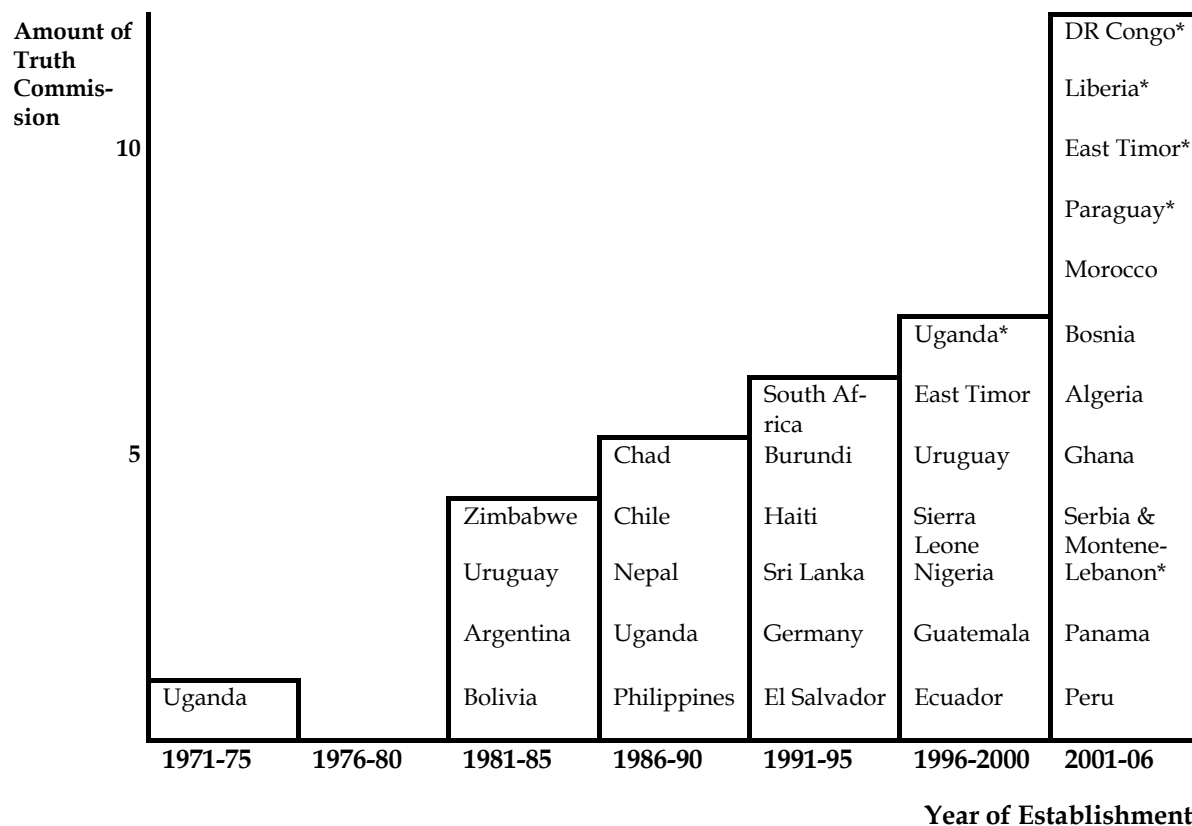
V. Conclusion

Although Truth Commissions have raised the interest of scholars and annalists they are still understudied in a comparative way. In general, there is no final conclusion why some states choose Truth Commissions while others do not. In particular, the question why some Truth Commissions are equipped with some elements while others are designed in a different manner is a nearly unresolved question. This article had therefore two objectives: First, we wanted to use quantitative data to find elements and characteristics which make comparison possible. Second, we wanted to find trends and cohesions within these elements. It was argued that the international environment had a major impact on the design of Truth Commission and for the elements naming perpetrators, public hearings and recommending reparations the trend support this assumption. However for all other variables considered in this article there are no clear tendencies. It seems that they mostly depend on the national context. Furthermore the co-appearance of some elements suggests the causal linkages between them. There seems to exist an organizational coherence between the length of the period the commission covered and the size of a commission

and the length of its work. Also commissions that held public hearings and had extended authority worked longer than commissions that did not. Moreover, commissions name the perpetrators of gross human rights violations when they extended investigation powers and when their hearings were held in public. There is also an interrelationship between amnesties and reparations. When Truth Commissions worked in the context of amnesty laws they were rather accompanied by reparations programs than when perpetrators had no chance to get amnesties. This does not automatically mean causality but it makes up a good starting point for further research. The objective of this article was to present the variation of the Truth Commissions rather than causalities and therefore context specific variables were not included. The result is that some of the hypotheses proposed to explain correlations found in this paper were not possible to back up with the data available. Other variables have to be included, such as the public pressure, the overall staffing of the commission, the involvement of the civil society and the balance of power. The form of the regime changes, the political context and the political regime in which the commission acts are the major features of Truth Commissions that explain differences in their form, function and effectiveness. They might explain the variations of some variables, which do not seem to have been influenced by the development of Truth Commissions as an international norm.

VI. Annex

Graph 1: Amount of Truth Commissions since 1974 (page XX)⁷²



* Still in Process

Source: Hayner 2001 and own amendments

⁷² This Graph includes all Truth Commissions which apply to our definition (see Chapter 2.2) and have been established until 2005. Truth Commissions which are still in process are also included in this Graph.

The 15 variables in Table 1a and 1b are discussed in the empirical analysis of chapter III. Two different analysis methods are used according to the measurement level of the collected data. (1.) The r correlation coefficient is a measure of the association of the dependent and independent variable ranging from -1 to 1. While 0 shows no association -1/1 indicate a full negative/positive dependency between the variables. (2.) Cramer's V is a chi-square-based measure of a nominal association varying from 0 to 1 for a contingency table larger than two rows by two columns. Close to 0 it shows small association between variables. Close to 1 it indicates a strong association.

Table 1a: Correlations between Variables

	Date of Commission	Established by	Size of Commission	Period covered	Time span	Length of Commission	Cases presented to the commission
Cramer's V and r							
Date of Commission ¹	1	0.39	0.11	-0.27	0.49**	0.02	0.17
Established by		1	0.56	-	-	0.55	-
Size of Commission ¹			1	0.43*	0.17	0.21	0.07
Period covered ²				1	0.08	0.38*	0.29
Time span ²					1	-0.2	-0.23
Length of Commission ¹						1	0.14
Cases presented to the commission ²							1

* Significant at 0.05; **significant at 0.01

- 1 Metric variable: When correlation analyzed in respect to other metric variables r is used, in respect to nominal variables analyzed in classes (Cramer's V).
- 2 Metric variables: When correlation analyzed in respect to other metric variables, r is used. Not analyzed in respect to nominal variables.

Table 1b: Correlations between Variables (continued)

	Authority	Number of Parties	Amnesty	Naming Perpetrators	Hearings Public	Reparations materialized	Produced Report	Published Report
Cramer's V								
Date of Commission ¹	0.17	0.29	0.2	0.52*	0.5*	0.44	0.19	0.48*
Established by	0.11	0.36	0.1	0.31	0.28	0.31	0.27	0.28
Size of Commission ¹	0.55	0.54	0.47	0.45	0.55	0.46	0.47	0.41
Length of Commission ¹	0.75*	0.50	0.27	0.44	0.76*	0.46	0.31	0.56
Authority	1	0.63**	0.14	0.44*	0.54**	0.14	0.28	0.25
Number of Parties		1	0.23	0.19	0.49	0.17	0.2	0.26
Amnesty			1	0.05	0.0	0.6*	0.27	0.23
Naming Perpetrators				1	0.47*	0.26	0.36	0.39
Hearings Public					1	0.36	0.37	0.15
Reparations materialized						1	0.3	0.27
Produced Report							1	-
Published Report								1

* Significant at 0.05; **significant at 0.01

¹ Metric variable analyzed in classes (Cramer's V).

Table 2a: The Elements of 29 Truth Commissions

Country	Date	Established by	Budget	Seize of Commission	Period covered (years)	Time span (years)	Length of Commission (months)
Uganda	1974	Executive	N/A	4	3	0	12
Bolivia	1982	Executive	limited resources	8	15	0	24
Argentina	1983	Executive	N/A	13	7	0	9
Uruguay	1985	Legislative	N/A	9	11	3	7
Zimbabwe	1985	Executive	N/A	1	1	2	12
Philippines	1986	Executive	N/A	7	14	0	12
Uganda	1986	Executive	limited resources	6	24	0	108
Chile	1990	Executive	N/A	8	17	0	9
Nepal	1990	Executive	N/A	4	30	0	12
Chad	1990	Executive	lack of resources	12	8	0	10
El Salvador	1991	UN	2,500,000	3	12	0	8
Germany	1992	Legislative	N/A	36	40	3	36
Haiti	1994	Executive	N/A	7	3	0	10
Sri Lanka	1994	Executive	lack of resources	9	6	0	36
Burundi	1995	UN	N/A	5	2	0	10
South Africa	1995	Legislative	18,000,000	17	34	1	72
Ecuador	1996	Executive	Lack of resources	7	17	0	5
Guatemala	1996	UN	9,500,000	3	34	0	18
Nigeria	1999	Executive	N/A	6	33	0	14
East Timor	2000	Legislative	4,000,000 -	7	25	1	60
Sierra Leone	2000	UN	N/A	7	9	1	26
Uruguay	2000	Executive	N/A	6	12	15	4
Serbia & Montenegro	2001	Executive	1.000.000	15	8	2	12
Panama	2001	Executive	N/A	5	21	12	6
Peru	2001	Executive	almost none	12	21	1	24
Ghana	2002	Executive	5000000	9	36	9	24
Algeria	2003	Executive	N/A	6	7	4	18
Morocco	2004	Executive	N/A	17	43	5	22
Bosnia	2004	Legislative	N/A	7	0,027	9	10

Table 2b: The Elements of 29 Truth Commissions (continued)

Country	Cases presented	Authority	Parties included	Amnesty	Naming Perpetrators	Public Hearings
Uganda	308	Limited	one	No	No	Yes
Bolivia	155	Limited	N/A	No	No	No
Argentina	8.961	Limited	one	Yes	No	No
Uruguay	164	Limited	one	Yes	No	No
Zimbabwe	N/A	N/A	one	No	No	No
Philippines	N/A	Limited	one	No	No	No
Uganda	1.478	Extended	one	No	No	Yes
Chile	3.428	Limited	two	Yes	No	No
Nepal	100	Limited	N/A	No	No	No
Chad	3.800	Extended	one	No	Yes	No
El Salvador	22.000	Limited	two	Yes	Yes	No
Germany	N/A	Limited	one	No	Yes	Yes
Haiti	8.600	Limited	one	No	No	No
Sri Lanka	27.000	Extended	more	No	Yes	Yes
Burundi	667	N/A	one	No	Yes	No
South Africa	21.000	Extended	more	Yes	Yes	Yes
Ecuador	300	Limited	N/A	No	No	No
Guatemala	42.275	Limited	two	No	No	No
Nigeria	11.000	Limited	one	No	Yes	Yes
East Timor	7.927	Extended	more	No	No	Yes
Sierra Leone	8.000	Extended	more	No	Yes	Yes
Uruguay	164	Limited	one	Yes	Yes	Yes
Serbia & Montenegro	N/A	Limited	more	No	No	No
Panama	110	N/A	one	No	Yes	N/A
Peru	318	Extended	more	No	Yes	Yes
Ghana	4.000	Extended	one	Yes	Yes	Yes
Algeria	6.146	Limited	one	Yes	No	No
Morocco	16.861	Limited	one	Yes	No	Yes
Bosnia	7.000	Limited	two	No	Yes	N/A

Table 2c: The Elements of 29 Truth Commissions (continued)

Country	Reparations (recommended)	Reparations (materialized)	Report	Report Pub- lished	Recommendations
Uganda	No	No	Yes	No	Yes
Bolivia	No	No	No	-	-
Argentina	No	Yes	Yes	Yes	Yes
Uruguay	No	No	Yes	Yes	N/A
Zimbabwe	N/A	No	Yes	No	-
Philippines	No	No	No	-	-
Uganda	No	No	Yes	Yes	Yes
Chile	Yes	Yes	Yes	Yes	Yes
Nepal	No	No	Yes	Yes	Yes
Chad	No	No	Yes	Yes	Yes
El Salvador	Yes	No	Yes	Yes	Yes
Germany	Yes	Yes	Yes	Yes	Yes
Haiti	Yes	No	Yes	Partly	Yes
Sri Lanka	Yes	Yes	Yes	Yes	Yes
Burundi	No	No	Yes	Yes	Yes
South Africa	Yes	Yes	Yes	Yes	Yes
Ecuador	No	No	No	-	-
Guatemala	Yes	No	Yes	Yes	Yes
Nigeria	No	No	Yes	Yes	Yes
East Timor	Yes	No	Yes	Yes	Yes
Sierra Leone	Yes	No	Yes	Partly	Yes
Uruguay	Yes	Yes	Yes	Yes	Yes
Serbia & Montenegro	No	No	No	-	-
Panama	No	No	Yes	Yes	Yes
Peru	Yes	Yes	Yes	Yes	Yes
Ghana	Yes	Yes	Yes	Yes	Yes
Algeria	Yes	Yes	Yes	No	-
Morocco	Yes	Yes	Yes	Yes	Yes
Bosnia	Yes	Yes	Yes	Yes	Yes