Truth Commissions

and Their Contributions to Atrocity Prevention
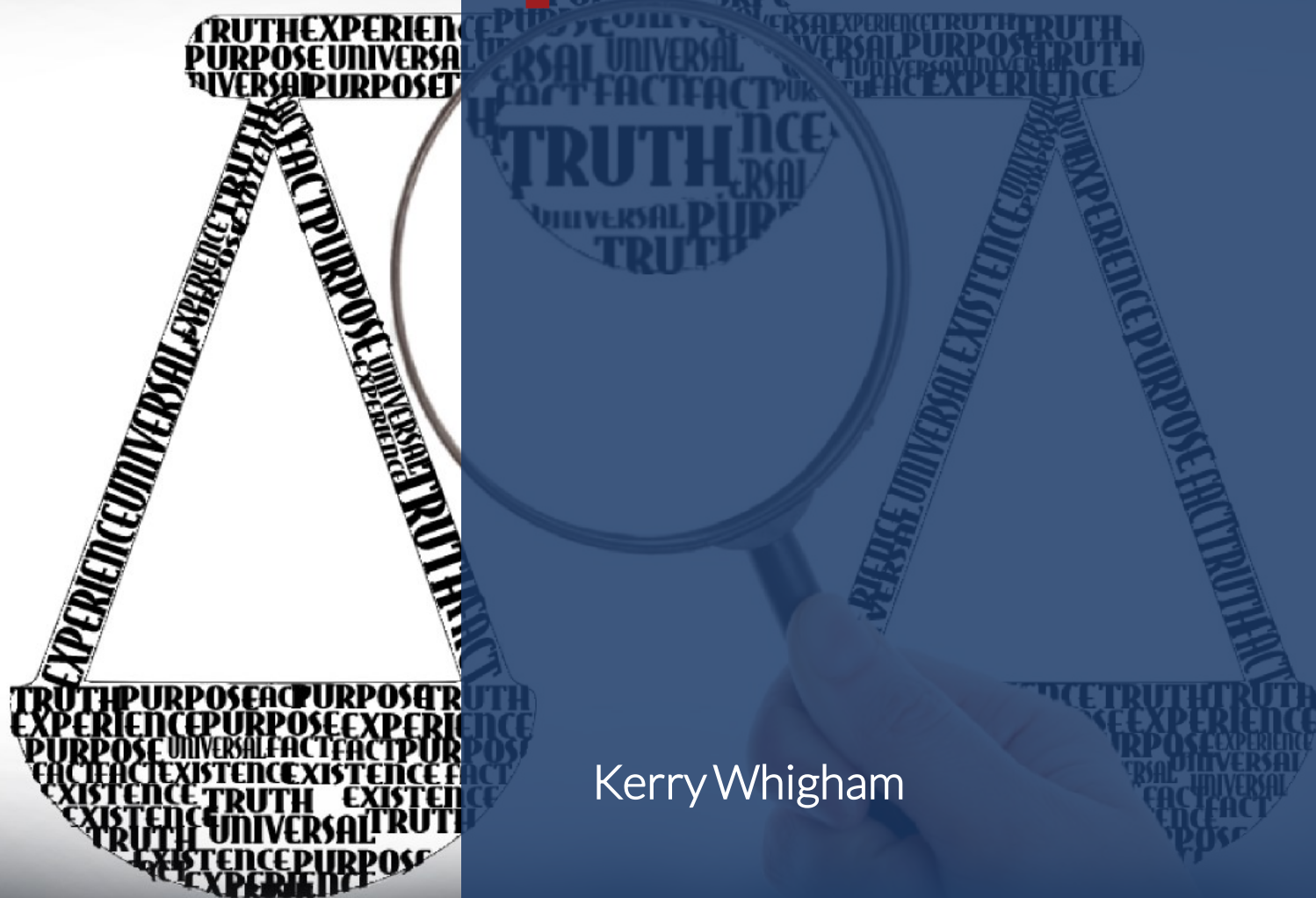
Kerry Whigham

March 2020

Contents

Transitional Justice as a concept and as a set of practices emerged most directly out of the fall of military dictatorships in Latin America in the 1980s and the collapse of communism in Central and Eastern Europe in the late 1980s and early 1990s. Broadly speaking, transitional justice refers to the full set of measures—both juridical and non-juridical—that respond to a period of systematic human rights abuses.[1] As transitional justice has developed and normalized over the last several decades, it has increasingly been linked by practitioners and policymakers not only to confronting and offering redress for human rights violations in the past, but also to the prevention of future abuses.[2] To date, however, this preventive aspect of transitional justice has largely been taken for granted; few have attempted to evaluate if and exactly how transitional justice serves as a preventive force.

This report seeks to fill this gap by asking an important question: how and when can truth commissions contribute to mass atrocity prevention?

Traditionally, atrocity prevention has been viewed through a narrow lens. Rather than the broader field of conflict prevention, which focuses on structural causes of violence in an effort to build peace, many have understood atrocity prevention to apply narrowly to the interventions (military and otherwise) that can be made in the immediate lead-up to or in the midst of atrocity to prevent and stop mass killing.[3] Increasingly, scholars and practitioners are challenging this limited view of atrocity prevention, arguing that real prevention requires a much wider lens and interventions that must occur long before the physical violence of mass atrocity breaks out.[4]

The Auschwitz Institute for the Prevention of Genocide and Mass Atrocities understands real mass atrocity prevention to be a long-term, multi-stage process. Upstream or primary prevention describes the tools stakeholders can use before mass killing breaks out in order to prevent it from ever happening. Typically, this stage of prevention involves the assessment of risk in any given society and subsequent measures to mitigate those risks so that mass atrocity does not occur. Midstream or secondary prevention describes the political, legal, economic, and military response tools actors can use in the midst of atrocity to bring it to an end. Finally, downstream or tertiary prevention describes the steps taken in the aftermath of mass atrocity to respond to past harms and simultaneously make the recurrence of violence less likely.[5] Given that societies who have experienced a genocide in their recent past are statistically much more likely to experience genocide again,[6] successful downstream prevention also involves an honest assessment of the risk factors that led to mass violence, many of which may still exist, followed by actions to mitigate those risks. As such, good downstream prevention is also upstream prevention, illustrating the cyclical nature of this broader understanding of mass atrocity prevention.

The mechanisms of transitional justice fall squarely within this third stage of downstream prevention. They include all the social and political tools that can be implemented to respond to past mass atrocities, that is, genocide, crimes against humanity, and war crimes. The term "transitional justice," however, is something of a misnomer, because it implies 1) that these processes occur exclusively in periods of transition and 2) that they revolve primarily around the implementation of justice. Initially, transitional justice did, in fact, describe processes undertak-

en by regimes in transition—specifically, regimes moving from authoritarianism to democracy. Today, however, we are seeing the tools of transitional justice being used in other instances, as well, including regimes transitioning to authoritarianism and in regimes experiencing no political transition at all. Secondly, while transitional justice does include mechanisms of justice and accountability, such as criminal prosecutions, it also includes an array of other tools that have nothing to do with criminal justice at all. Still, the term has become so ubiquitous that the name has stuck, even if it does not perfectly describe these processes.

Over the past four decades, transitional justice has transformed from an emerging field to one that has become quite normalized within the international human rights regime. According to international organizations like the United Nations, transitional justice is built upon four pillars: 1) **the right to truth**, or the right of a people to understand what violence occurred, how it occurred, and where the remains of victims lie; 2) **the right to justice**, or the right of victims to see perpetrators face some level of accountability; 3) **the right to reparations**, or the right of victims to receive some form of redress for the harms suffered; and 4) **guarantees of non-recurrence**, or the right of a people to know that they will not have to suffer such violence again. As the field has normalized, these four rights, which could be translated into a whole array of practices and mechanisms based on the specific political and social realities of any given context, have transformed into four specific mechanisms, each of which corresponds with one of the four pillars, respectively:

1) **truth commissions**; 2) **criminal prosecutions**; 3) **material and symbolic reparations**; and 4) **institutional reform**.[7]

The codification of the four rights into four corollary mechanisms has contributed to a sense that transitional justice is a "checklist" of tasks that must be implemented by a post-atrocity society, rather than a fruitful opportunity for a society to reconsider what it is and how it operates through creative ideas and practices. This normalization process has also contributed to an understanding that the truth-seeking process is the primary and exclusive goal of truth commissions, just as guaranteeing non-recurrence is the primary purview of institutional reform. To date, little research has sought to examine if and how a popular mechanism of transitional justice, the truth commission, contributes not only to fulfilling the right to truth, but also to guaranteeing that such violations do not recur. **This report seeks to fill this gap by asking an important question: how and when can truth commissions contribute to mass atrocity prevention?**

What Are Truth Commissions?

Before proceeding any further, it is essential to outline exactly what a truth commission *is*. Scholars and practitioners have offered an array of definitions as this mechanism has grown since its first implementation in the 1970s. In the first major book-length study of truth commissions, Priscilla Hayner defines them as such:

> A truth commission (1) is focused on the past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review.[8]

For the purposes of this research, we have also drawn from the definition of Bronkhurst, who defines a truth commission as:

> A temporary body, set up by an official authority (president, parliament) to investigate a pattern of gross human rights violations committed over a period of time in the past, with a view to issuing a public report, which includes victims' data and recommendations for justice and reconciliation.[9]

A few points of these definition warrant emphasis. **First, truth commissions are not permanent institutions, but temporary bodies.** They usually operate over a period of six months to two years, though there is some flexibility here. **Second, the truth commissions examined here have been established by some official authority**—either an executive decree, a law, or a peace agreement. Increasingly, we are seeing the emergence of unofficial or informal truth commissions taking place at more local levels or without the support of the government. These initiatives, though important and fascinating, are not the purview of this research. **Third, every truth commission has a mandate that governs the scope of its investigation.** This mandate usually includes a specific date range for the violations and will often include specifications on which types of human rights violations fall within the purview of the commission. **Finally, truth commissions—at least if they are to have any legitimacy and to succeed in their goal of illuminating the truth to the public—must produce some sort of final report detailing the findings of the commission.** It has now become standard protocol that these reports include recommendations for further reform. Although Bronkhurst writes that these recommendations refer to justice and reconciliation, that is not always the case, nor is it a requirement of a truth commission.
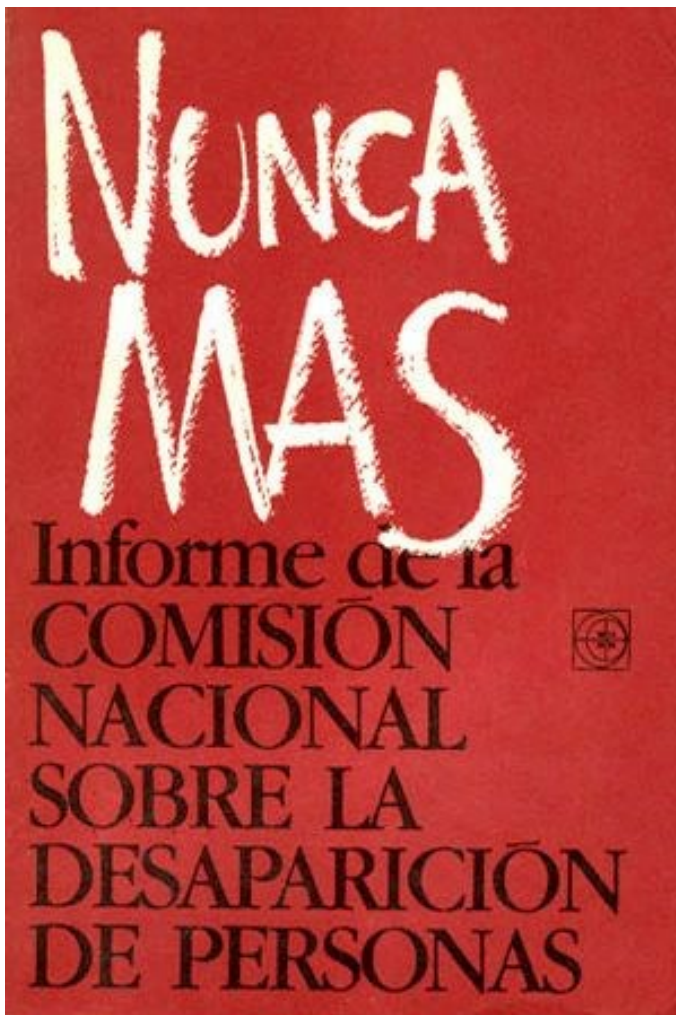
The final report of Argentina's CONADEP, which became a bestseller when it was published in 1984.

There is some debate over which is the world's first truth commission. Technically speaking, the mechanism was first implemented in Uganda in 1974 by the government of Idi Amin to investigate human rights abuses perpetrated by his own regime. Needless to say, this truth commission is not viewed by many as legitimate. Because of this, many consider the first truth commission to be Argentina's National Commission on the Disappearance of Persons (CONADEP, its Spanish acronym). This commission, which started almost immediately after the fall of Argentina's last military dictatorship in 1983, investigated the disappearances perpetrated by the military juntas from 1976-83. When the final report of CONADEP was released a year later, it became an instant bestseller and irrevocably shaped all subsequent transitional justice measures in the country.

Since CONADEP and depending on how one defines a truth commission, there have been around 50 truth commissions and/or commissions of inquiry globally, and that number continues to grow. As the practice has proliferated, so too have a set of internationally recognized best practices relating to truth commissions. For instance, there is now general consensus that truth commissions should be **independent** entities that operate outside of the control of the executive. Truth commissions should work in **complementarity** with other transitional justice mechanisms, like trials or reparations, rather than in isolation. They should **empower** victimized populations to testify and should **consult** with relevant civil society stakeholders throughout their implementation. They need to remain **flexible** and able to respond to changing social and political realities. Finally, truth commissions need **support**, both political and financial, in order to do their job well.[10]

As is clear from this short list of commonly accepted best practices, most, if not all, of these guiding principles have focused on strengthening the procedural aspects of truth commissions, rather than increasing their capacity to contribute to atrocity prevention or the non-recurrence of violence. **In other words, there has been ample focus on building truth commissions to investigate well and thoroughly *the past* and to meet the needs of victims in *the present*, but not nearly enough research exists on how truth commissions can contribute to the prevention of recurrence in *the future.*** This research seeks to refocus attention on if and how truth commissions can be conceived and implemented so that they also have a preventive impact.

Laura Tabac (Dene) testifies at an event for the Canada Truth and Reconciliation Commission about the long-term impact of residential schools on her marriage . Photo by Michael Swan.

Measuring Prevention

Before explaining the specific research methodology used in this project, it is essential to first answer a larger question: how does one measure preventive capacity? Traditionally, prevention has been understood as a difficult thing to measure because, when prevention efforts succeed, nothing happens. This so-called "non-event problem" opens space to wonder whether the intervention actually succeeded at preventing or whether the event was never going to happen in the first place.

There are two problems with this way of measuring prevention, however. First, this standard of proof makes it impossible to prove that *anything* contributes to prevention. Second, it assumes that one intervention can single-handedly prevent a massive socio-political process like genocide. Asking so much of a single intervention is foolhardy. Genocide and other mass atrocities are long-term, complex phenomena. As such, preventing them requires complex solutions—numerous complementary interventions, rather than a single silver bullet. Given that mass atrocities are complex problems that require complex solutions, our means for measuring their prevention should reflect that complexity. There are much more nuanced ways to assess preventive potential than the binary measure of "did a genocide occur or not."

Over the last two decades, scholars and practitioners have become increasingly adept at assessing which risk factors most put a society at risk to experience genocide or other forms of mass atrocity. This research has resulted in an array of risk assessment models that outline

We can say, however, that when truth commissions contribute to mitigating one or more of the risk factors associated with mass atrocity violence, they are playing a preventive role, in addition to the other work they are doing to rebuild a traumatized society.

these risk factors for mass atrocity.[11] Although some inconsistencies exist across these models, there is widespread consensus on many of the factors that put a society most at risk for genocide and other mass atrocities. If we recognize that no one initiative will in itself be the preventive panacea, but we know the risk factors that most commonly contribute to genocidal violence, we can measure preventive impact by evaluating if and how an initiative or intervention contributes to mitigating one or more of these commonly accepted risk factors. If an initiative has a positive impact on a risk factor, we can think of that initiative as contributing to prevention.[12] Importantly, this methodology also highlights a need for long-term thinking when it comes to atrocity prevention, encouraging practitioners and policymakers to think of prevention as a continual process, rather than a precise and decisive intervention once mass killing has already begun.

This research takes as its hypothesis that truth commissions are not always or inherently preventive. Notably, even if they do not contribute to prevention, this does not necessarily signify that truth commissions do not succeed at accomplishing other important tasks in a post-atrocity context. We can say, however, that when truth commissions contribute to mitigating one or more of the risk factors associated with mass atrocity violence, they are playing a preventive role, in addition to the other work they are doing to rebuild a traumatized society.

Prior Research

This research builds on a handful of other research initiatives to measure the impact of truth commissions.[13] Two of these studies have been particularly important in shaping efforts to measure the impact of transitional justice mechanisms, and therefore warrant some discussion upfront. The first of these is a study by Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter that used quantitative data to measure the impact of various transitional justice mechanisms (truth commissions, amnesties, reparations, lustration, and criminal prosecutions) on democratization and human rights.[14] Their findings, as stated in the conclusion of their study, were as follows:

> None of the mechanisms by themselves proved to have a significant effect in fulfilling both goals [strengthening democracy and reducing human rights violations]. Trials and amnesties proved inconclusive for improving democracy and human rights. Truth commissions, when used alone, have a significant, negative effect. In other words, those countries that use only truth commissions are likely to experience a decrease in measures of democracy and human rights.[15]

These results are disappointing at first glance. Their research did find, however, that truth commissions, when paired with trials and amnesties, increased democracy and decreased human rights violations.

A second critical study of the impact of truth commissions was conducted by Eric Wiebelhaus-Brahm,[16] who also served as an expert consultant on the present project. In this study, Wiebelhaus-Brahm used both quantitative and qualitative analysis to measure the impact of truth commissions on human rights and democracy. Similar to Olsen, Payne, and Reiter,

Wiebelhaus-Brahm's quantitative analysis finds that truth commissions have a negative impact on the human rights indicators he measures and no impact on the democracy indicators. Through his qualitative analysis of four specific cases (Chile, El Salvador, South Africa, and Uganda), however, he does find evidence that truth commissions have impacted both democracy and human rights in a positive manner, even if those effects are not reflected in the quantitative data.

While the importance of this research cannot be overstated for those of us studying the impact of TJ processes, it is necessary to point out a few distinctions between these two projects and the present one. First, both are measuring changes to human rights and democracy, rather than atrocity prevention. Some of these factors overlap with our own measures, as you will see. For instance, both Olsen, et al., and Wiebelhaus-Brahm use the Polity IV scale and indicators from Freedom House to measure democracy. These are important measures that we also use here. They do a great job of providing a big-picture-assessment of the state of democracy in a country, and the nature of a state's democracy is certainly a component of atrocity risk. In our analysis, as you will see, we have tried to deepen this assessment, however, to include not only these "big picture" indicators. We also measure specific aspects of democracy that we know to be related to mass atrocity risk, including the strength of civil society, levels of executive constraint, and rule of law measures. This analysis paints a clearer picture of changes in atrocity risk, which is the goal of this study. Both of the above studies also measure human rights violations in the same way—by pulling data from the CIRI Human Rights Dataset and the Political Terror Scale, both of which measure threats and violations of the physical integrity of individuals in a place. This is certainly an important aspect of human rights, but we know

that there are also other human rights measures tied to atrocity risk which these datasets may not measure. We have tried to respond to this reality by selecting indicators that represent atrocity risk factors rather than human rights protections more broadly.

Second, these studies have not made a distinction between the quality of the truth commission in each location. Rather, their quantitative assessments measure all truth commissions the same, as if they are all created equal. As you will see below, in our quantitative analysis, when we measured all truth commissions without qualifying them, we found similarly disappointing results to those produced in these studies. When we filtered out truth commissions that did not meet a certain standard of "legitimacy," however, the numbers changed significantly. Adding this qualitative assessment to the quantitative measure, then, uncovers some new results that are potentially more hopeful.

Research Methods

We have taken a mixed-methods approach to this research, evaluating both quantitative and qualitative data to measure if and how truth commissions can impact the mitigation of mass atrocity-related risk factors. A mixed-methods approach enables us to capitalize on the strengths of both quantitative and qualitative methods. For the quantitative research, we began by creating a list of 50 truth commissions, starting with the 1974 Commission of Inquiry in Uganda and ending in 2012 (so that we had at least five years of data to measure change after the truth commission began). Within this set of truth commission cases, we also created a subset of 34 "legitimate" truth commissions. We deemed a truth commission legitimate if 1) the violence to which it referred had fully abated when the truth commission began; 2) the truth commission's mandate was complete and not a form of "victor's justice"; and 3) a final report was produced and made public. These criteria are based on best practices of truth commissions, as the have been articulated by practitioners and scholars. For a list of truth commissions, see Appendix 1.

Next, we compiled a list of 54 negative cases to serve as a control group. This list was drawn from the Major Episodes of Political Violence Dataset and included any country that had experienced at least one year of internal political or ethnic violence after 1974 (the year of the first truth commission). For the case to be consider, the violence had to have ended, but no truth commission had been implemented in its aftermath. This is also an important distinction from past studies. Olsen, Payne, and Reiter, for instance, perform their analysis by measuring all countries that transitioned from authoritarianism to democracy between 1970 and 2004.[17] By putting these restrictions on the sample, however, this study ignores two contexts out of which truth commissions now emerge: 1) they can be used by non-democratic regimes (e.g. Morocco) and/or 2) they can be initiated in non-transitional societies (e.g. Canada). Wiebelhaus-Brahm opts for the opposite tack, including within his sample all countries for which data exist. In this case, however, the sample includes countries that might not have a motivation for implementing a truth commission at all. We have opted to solve this dilemma by taking a middle route; we have selected as negative cases only those countries that have experienced internal political or ethnic violence, and therefore have a potential motivation for implementing a truth commission, but have chosen not to do so, regardless of their democratic status.

Having clearly delineated what are essentially our experimental and control groups, we pulled an array of known risk indicators for mass atrocity violence from three well-respected risk assessment models: 1) the UN's *Framework of*

Analysis for Atrocity Crimes; 2) James Waller's "Categories of Risk Factors for Violent or Genocidal Conflict" from *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*"; and 3) the Atrocity Forecasting Project (AFP) model out of Australia National University. We culled through these models to identify all risk factors that could potentially be impacted by the presence of a truth commission and found fifteen risk factors that fall into three broader categories: governance, economic conditions, and social fragmentation.

Next, in order to perform statistical analyses of how these risk factors have changed, we translated these fifteen risk factors into specific data indicators. Drawing from several datasets, we found data indicators that closely aligned with the risk factors and used that data as a measure of each risk factor. Because many of the risk factors are quite broad, they required that we examine multiple data indicators. For instance, regime type is a consistent predictor of atrocity risk, with democratic regimes at the least risk, followed by authoritarian regimes, followed even still by anocratic regimes, which have some characteristics of both.[18] To measure regime type, then, we compiled data from 12 different indicators to evaluate democratic institutions and behavior, giving us a fuller picture of the democratic qualities of each country. Collectively, for these 15 risk factors, we evaluated 26 risk indicators. These data were drawn primarily from four different datasets: The Center for Systemic Peace's Polity IV Project, Freedom House, the World Bank, and the Varieties of Democracy (V-Dem) dataset.

We gathered data on these 26 risk indicators for all 104 cases (50 truth commission cases and 54 negative cases). For the truth commission cases, we compiled data on the year when the truth commission began, then subsequent data for 5, 10, 15, and 20 years after in order to track both short– and long-term impacts of the truth commissions. For the negative cases, we compiled data for the year in which the violence ended (given that most truth commissions begin 0-2 years after the end of violence), then subsequent data for 5, 10, 15, and 20 years after. Obviously, more recent cases may not have had data for the full 20 years; in these cases, we measured as far out as possible.

Which Risk Factors Might Truth Commissions Impact?

Governance Risk Factors
1. Regime Type
2. State Legitimacy Deficit
3. Weakness of State Structures
4. Identity-Based Polar Factionalism
5. Systematic State-Led Discrimination
6. Lack of Executive Constraints
7. Lack of Security Sector Constraints
8. Lack of Rule of Law

Economic Risk Factors
1. Low Levels of Economic Development
2. Economic Discrimination
3. Trade Openness

Social Risk Factors
1. Identity-Based Social Divisions
2. Unequal Access to Basic Goods and Services
3. Gender Inequalities
4. Restrained Civil Society

We began by measuring differences in overall risk for atrocity, according to the Atrocity Forecasting Project's score, by using a "hybrid" model, which is otherwise known as "mixed" model or "between-within" model. This model essentially predicts two kinds of effects: "within" effects and "between" effects. Within effects refer to effects within the same entity—put simply, variable X causes a change in variable Y *within* an entity. Between effects refer to effects between entities—in this case, compared to a case without variable X, cases *with* variable X have some difference in outcome Y. We then performed bivariate analysis of each of the 26 risk indicators, comparing changes over time in the truth commission cases, the "legitimate" truth

Truth Commission Qualitative Case Studies

Argentina
Canada
Guatemala
Morocco
Sierra Leone
South Africa
Timor-Leste

commission cases, and the negative cases, in order to see if and when there is a statistically significant difference in change between these sets of cases. We likewise ran multivariate models that allow us to see the impact of a variable net of other variables in the model.

In addition to this quantitative analysis, this research also included a hefty qualitative component. We selected eight specific truth commissions from seven different countries to examine in greater depth: Argentina's National Commission on the Disappearance of Persons (CONADEP); Canada's National Truth and Reconciliation Commission (TRC); Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG); Guatemala's Commission for Historical Clarification (CEH); Morocco's Equity and Reconciliation Commission (IER); Sierra Leone's Truth and Reconciliation Commission (TRC); South Africa's Truth and Reconciliation Commission (TRC); and Timor-Leste's Commission for Reception, Truth, and Reconciliation (CAVR). These eight cases were chosen to represent a

diversity of geographic, formal, and contextual realities when it comes to truth commissions. For each country, an expert on the truth commission completed an in-depth questionnaire that asked if and how the truth commission contributed to mitigating various specific risk factors. The result was 239 pages of text from case experts on how these eight truth commissions impacted (or not) mass atrocity risks in their specific contexts. This qualitative data served both as means to support and explain quantitative results and to uncover other potential ways that truth commissions can reduce risk that may not show up in the statistical indicators.

Finally, both the quantitative and qualitative data were brought before a group of internationally recognized experts on truth commissions over a two-day experts' meeting in New York City in December 2019. These experts represented both truth commissioner researchers and implementers. The input from these expert scholars and practitioners added yet another analytical lens to this research.

Overall Risk

We began by measuring differences between positive and negative cases of truth commissions in the Atrocity Forecasting Project model. This is a model that measures overall risk that a genocide or politicide will occur within a country within a five-year period. To date, it is one of the most accurate early warning predictors developed. Measuring risk in 142 countries globally, it correctly forecasts genocide onset in 90.9% of cases and correctly forecasts which countries will not experience a genocide within five years in 79.2% of cases.

Applying the statistical analysis described above to the AFP model, we found that all cases—both negative and positive—saw an overall reduction of risk, which makes a great deal of sense, given that one assumes risk will go down when a mass atrocity comes to an end. **Cases that implemented a truth commission, however, saw a 46.1% greater reduction in overall risk, on average over time, compared with those cases that did not implement a truth commission.**

It is important to reiterate here that correlation does not necessarily equate to causation. That is, even though we are seeing this high degree of correlation between truth commissions and the reduction of risk, we cannot definitively attribute that reduction to the truth commission. In post-atrocity societies, there are often many complex factors impacting atrocity risk, with truth commissions only being one of them. These numbers may tell us, then, that, rather than causing the risk reduction, societies with a greater reduction of risk are more likely to implement truth commissions. Likewise, it could illustrate that countries with a greater impulse to prevent are more likely to implement truth commissions. More likely, the answer lies somewhere in the middle. Nevertheless, the correlation is noteworthy.

Change in Overall Risk
Atrocity Forecasting Project

	Coef.	SE
Between Effects		
Had TC	-0.62*	0.31
Year 5	-0.75	2.01
Year 10	1.45	1.62
Year 15	0.27	1.78
Year 20	1.15	1.61
Within Effects		
Year 5	-0.79**	0.23
Year 10	-1.06***	0.24
Year 15	-1.20***	0.26
Year 20	-1.27***	0.30
Constant	-5.35***	1.03
Chi2	38.84***	
Variance Within	1.36	
Variance Between	2.02	
ICC	0.4	

N=335, p<.05*; p<.01**; p<.001***

AFP Overall Risk Over Time
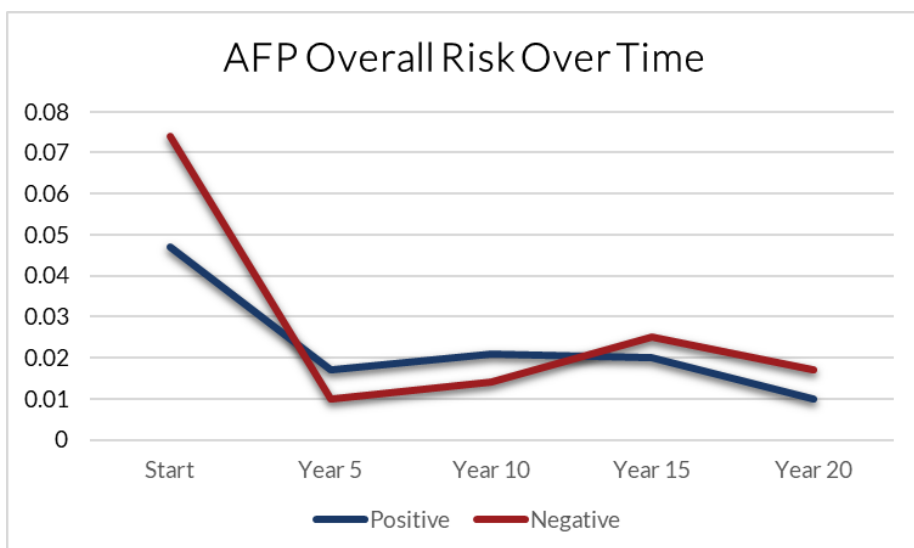
Risk Factors Related to Governance

Now that we have measured overall risk, we will turn to differences between truth commission cases and non-truth commission cases on the full array of risk indicators, beginning with risk factors relating to governance.
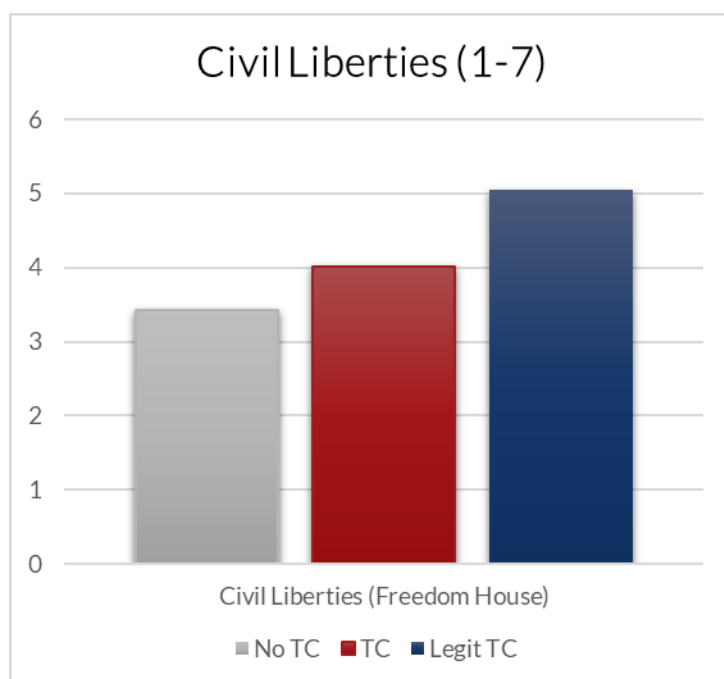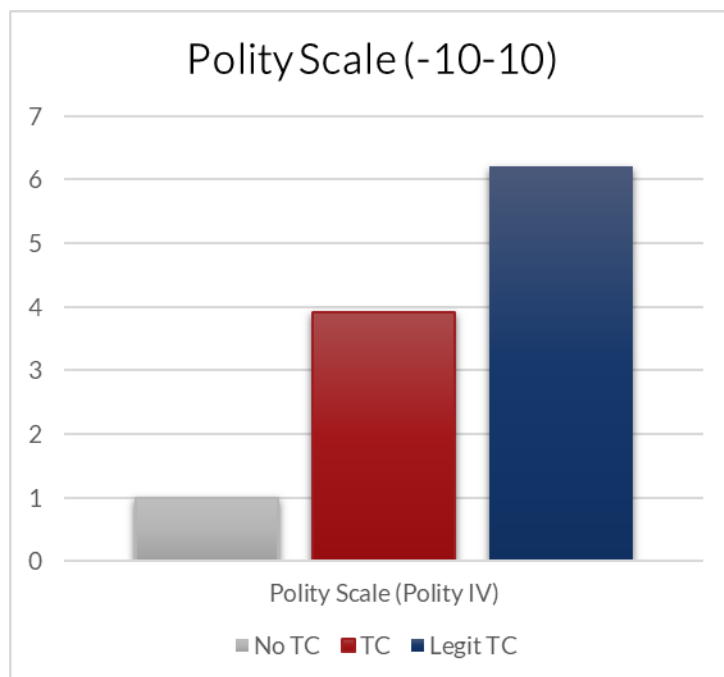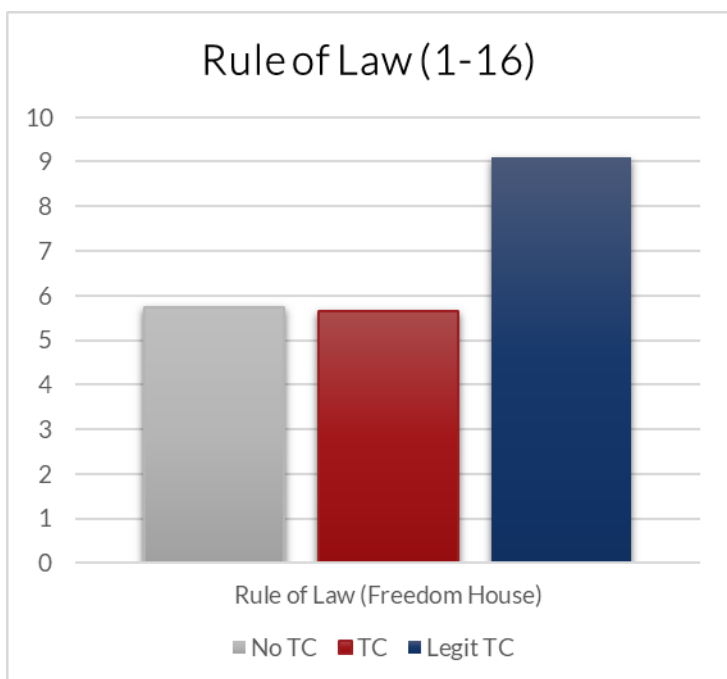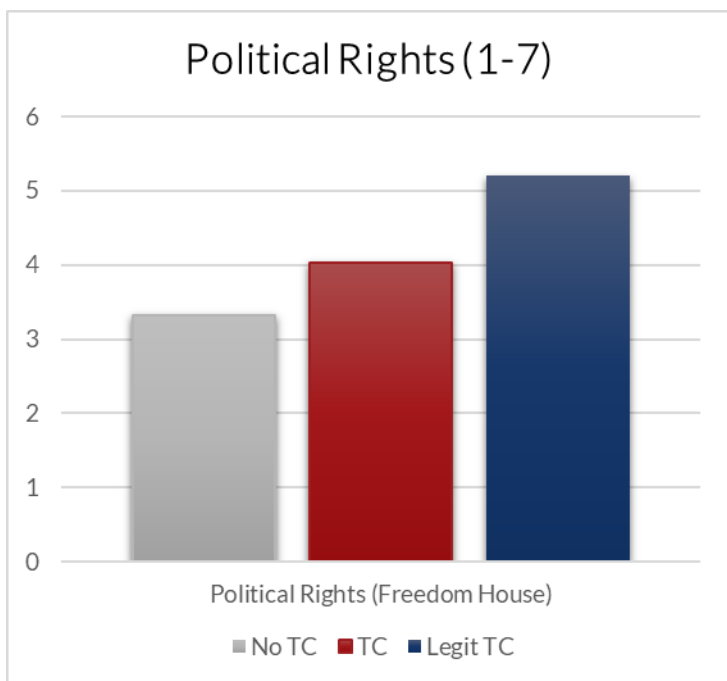
Regime Type

Analyses of societies that experience genocide demonstrate conclusively that authoritarian states are more likely to perpetrate atrocities than democratic states. Furthermore, "anocracies," or states that fall somewhere between authoritarian and democratic—or that may be transitioning from authoritarianism to democracy, or vice versa—are also more likely than democracies to experience mass atrocity. Measuring the quality of a state's democracy is a complex challenge. Other studies that have evaluated the impact of transitional justice mechanisms on democracy have relied predominantly on the Polity IV scale and indicators from Freedom House on civil liberties and political rights, and we have followed suit. Additionally, we have introduced a series of other indicators to represent a more complete picture of how democratic institutions and behaviors change over time. These include a third indicator from Freedom House measuring countries' rule of law and eight indicators from the Varieties of Democracy (V-Dem) Index that evaluate more specific components of a democratic society.

Of the twelve indicators we analyzed relating to democratic regime type, we found one to be positively statistically significant when comparing *all* truth commission cases with negative cases. That is, in one of the twelve indicators, the cases with truth commissions saw a statistically significant *increase* in democratic institutions and behavior and *decrease* in risk relating to regime type compared to cases without truth commissions. These lackluster results largely

correspond with those of earlier studies.[19] When the analysis was narrowed to compare the subset of *legitimate* truth commission cases with negative cases, however, ten of the twelve indicators saw a statistically significant change.

The one indicator that was statistically significant at all levels was the Polity Scale, which measures the democratic and authoritarian components of a country on a scale of -10 (fully authoritarian) to +10 (fully democratic). Cases with truth commissions saw, on average, a 2.93

Polity Scale (-10-10)

Civil Liberties (1-7)

Political Rights (1-7)

No TC | TC | Legit TC

Political Rights (Freedom House)

Rule of Law (1-16)

No TC | TC | Legit TC

Rule of Law (Freedom House)

-point higher increase on the Polity Scale than cases that did not implement a truth commission. When the truth commission cases were narrowed to include only the subset of legitimate cases, that average increased to 5.22 points, a highly statistically significant difference.

The nine other indicators of a democratic regime that demonstrate a statistically significant difference when the negative cases are compared with the legitimate truth commission cases include: the Civil Liberties Score (Freedom House); the Political Rights Score (Freedom House); the Rule of Law Score (Freedom House); the Egalitarian Democracy Index (V-Dem); the Freedom of Association Index (V-Dem); the Equality Before the Law Index (V-Dem); the Civil Liberties Index (V-Dem); the Physical Violence Index (V-Dem); and the Access to Justice Index (V-Dem). For more information on what these indicators measure and the degree of difference, please see the red sidebar on pages 16 and 17.

Within the qualitative data, we find several instances where truth commissions have impacted democratic institutions in the selected cases. For instance, in Argentina, CONADEP suggested in its final recommendations that a Subsecretariat of Human Rights be formed. That recommendation was followed, and this subsecretariat was formed in 1984. In 2002, this subsecretariat was elevated to the level of Secretariat of Human Rights. CONADEP also recommended that Argentina ratify or accede to all international human rights treaties, and this recommendation was implemented in the constitutional reform of 1994, within which all such

Truth Commissions and Governance

	TC vs. No TC	Legit TC vs. TC	Legit TC vs. No TC
Civil Liberties (1-7); reverse coded	N/S	1.03*	1.61***
Political Rights (1-7); reverse coded	N/S	1.89***	1.17*
Rule of Law (1-16)	N/S	3.39**	3.46**
Revised Polity Score (-10-10)	2.93*	N/S	5.22***

Regime Type Risk Indicator Comparisons (V-Dem)

Legend: No TC, TC, Legit TC
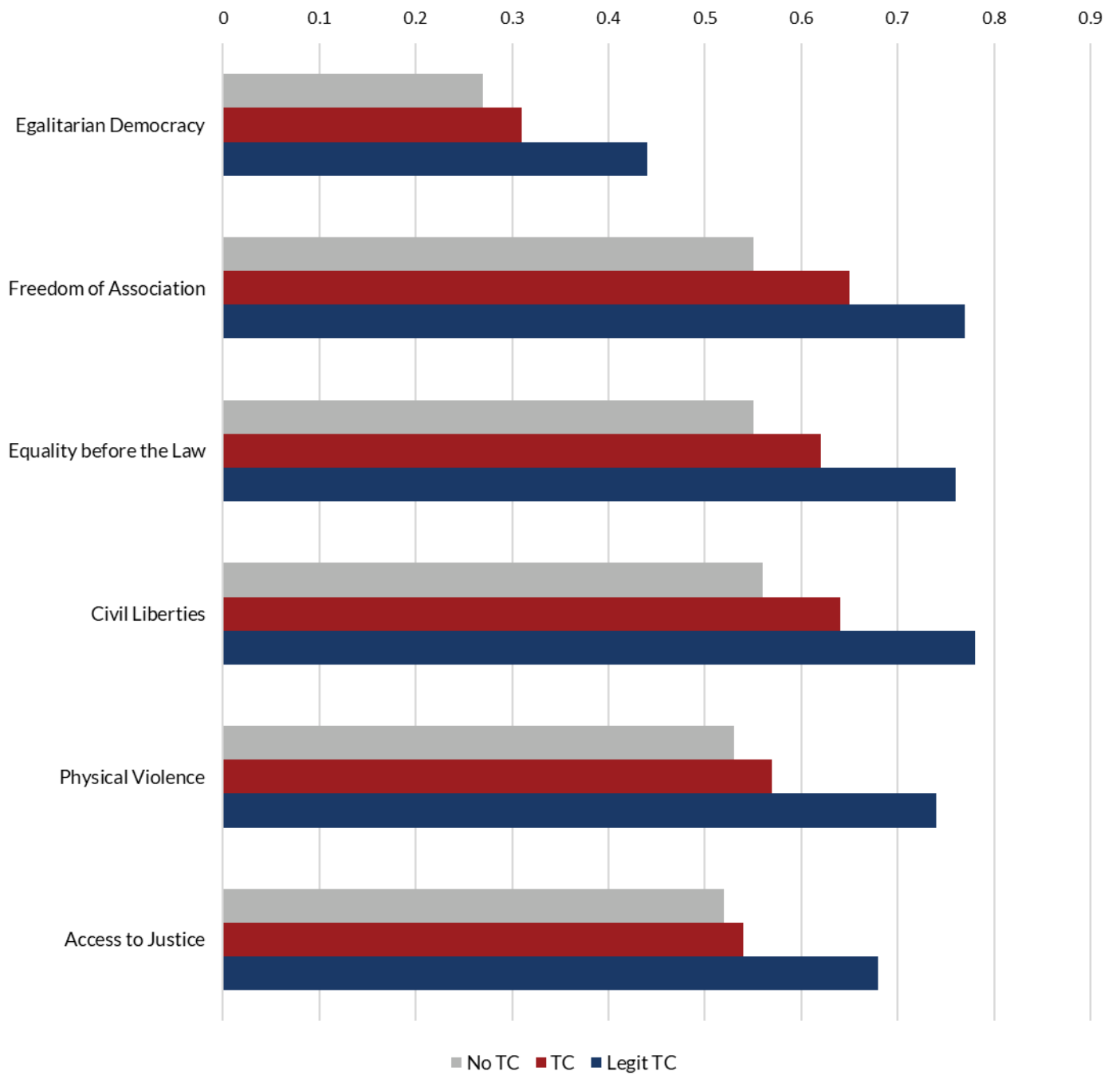
Varieties of Democracy | Regime Type Risk Indicator Comparisons

	Coefficient - TC vs. no TC	Coefficient - Legit TC vs. no TC	Coefficient - Legit TC vs. TC
Egalitarian Democracy	N/S	.17**	.14**
Freedom of Association	N/S	.22***	N/S
Equality before the Law	N/S	.22***	.14*
Civil Liberties	N/S	.22***	.14**
Physical Violence	N/S	.21***	.17*
Access to Justice	N/S	.16**	.14*

treaties became domestic law in Argentina.[20]

The qualitative data also demonstrates how truth commissions have contributed to an increase in rule of law in the selected cases. In Argentina, the truth commission's findings were integral in bringing perpetrators of human rights violations to justice when trials were reopened in 2005. This example supports other scholarship on the long-term impact of truth commissions, which may continue to shape societies and institutions even decades after their enactment.[21] In Canada, the TRC has led to reforms in the judicial sector, including the implementation of new guidelines that provide for Indigenous rights in judicial proceedings. For example, according to the questionnaire commissioned for this project, "judges must consider options other than imprisonment for all offenders, 'with particular attention to the circumstances of Aboriginal offenders.'"[22] In Guatemala, according to the questionnaire, "the CEH findings formed the basis for many claims filed in the Inter-American Court, the international genocide case against Guatemalan generals in the Spanish National Court, civil and immigration cases against Guatemalan human rights violators in US courts, and genocide and human rights cases slowly lurching through the Guatemalan court."[23] Sierra Leone has also seen judicial reforms based on the recommendations of its truth commission, including a concerted effort to decentralize the courts, moving most judicial hearings to the provincial, rather than federal, level, thus increasing access to justice.[24]

State Legitimacy Deficit

Through quantitative analysis, we also assessed changes in indicators measuring four other risk factors related to governance. First, a **state legitimacy deficit** refers to the lack in trust from a citizenry that its state can govern fairly and with equity. When state leaders do not respect the law or the constitution, when high levels of corruption exist, or when leaders re-write the constitution to extend presidential terms, this state legitimacy deficit can grow.[25] There are no known indicators to measure this risk factor

Explanation of Indicators

Polity Scale (Polity IV): Measures the autocratic and democratic characteristics of a state on a scale of -10 (strongly autocratic) to 10 (strongly democratic)

Civil Liberties (Freedom House): Measures freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state on a scale of 1 (least free) to 7 (most free)

Political Rights (Freedom House): Measures the right to participate freely in political processes, including voting, running for office, and joining political parties, on a scale of 1 (least free) to 7 (most free)

Rule of Law (Freedom House): Measures the independence of the judiciary; the extent to which rule of law prevails in civil and criminal matters; the existence of direct civil control over the police; and other factors relating to rule of law on a scale of 0 (worst) to 16 (best)

Participatory Democracy (V-Dem): Measures the active participation by citizens in all political processes, electoral and non-electoral

Egalitarian Democracy (V-Dem): Measures the extent to which rights and freedoms of individuals are protected equally across social groups, resources are distributed equally across all social groups, and groups and individuals enjoy equal access to power

Freedom of Association (V-Dem): Measures the extent to which parties, including opposition parties, are allowed to form and to participate in elections, and the extent to which civil society organizations are able to form and to operate freely

Equality Before the Law (V-Dem): Measures to what extent laws are transparent and rigorously enforced and public administration impartial, and to what extent citizens enjoy access to justice, secure property rights, freedom from forced labor, freedom of movement, physical integrity rights, and freedom of religion

Explanation of Indicators

Judicial Constraints on the Executive (V-Dem): Measures to what extent the executive respects the constitution and complies with court rulings, and to what extent the judiciary is able to act in an independent fashion

Legislative Constraints on the Executive (V-Dem): Measures to what extent the legislature and government agencies capable of questioning, investigating, and exercising oversight over the executive

Civil Liberties (V-Dem): Measures an absence of physical violence committed by government agents and an absence of constraints of private liberties and political liberties by the government

Physical Violence (V-Dem): Measures freedom from political killings and torture from the government

Access to Justice (V-Dem): Measures the extent to which citizens enjoy secure and effective access to justice
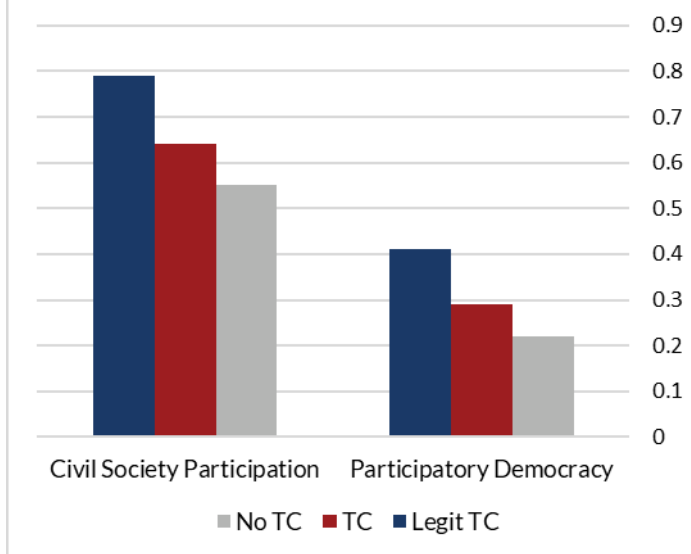
Civil Society Participation (V-Dem): Measures if major CSOs are routinely consulted by policymakers; level of involvement by people in CSOs; if women are prevented from participating; and how legislative candidates are selected

Participatory Democracy (V-Dem): Measures active participation by citizens in all political processes, electoral and non-electoral

Women Political Empowerment (V-Dem): Measures three components: the fundamental civil liberties of women; women's open discussion of political issues and participation in CSOs; and representation of women in formal political positions

Women Civil Liberties (V-Dem): Measures women's ability to make meaningful decisions in key areas, including freedom of domestic movement, right to private property, freedom from forced labor, and access to justice

State Legitimacy Deficit Comparisons (V-Dem)

specifically, but we assessed truth commission impact on state legitimacy by measuring three indicators from the Varieties of Democracy Index: Civil Society Participation, Participatory Democracy, and Civil Society Organization Consultation. We have selected the first two indicators because people are generally more likely to participate in systems that they deem to be legitimate. If they do not believe that their vote or participation will make a difference, it stands to reason that they are less likely to participate. Furthermore, states can gain legitimacy by consulting with civil society, rather than taking a top-down approach in implementing all policy and programs.

Our analysis found an increase in civil society participation to be statistically significant in all cases. When comparing negative cases to only legitimate cases of truth commissions, that difference became highly statistically significant. Additionally, participatory democracy, which was not statistically significant in the first model, becomes highly statistically significant when measuring only legitimate TCs. CSO consultation, on the other hand, did not demonstrate a statistically significant difference in either case.

Several examples from the qualitative research demonstrate how truth commissions may be contributing to this reduction in state legitima-

cy deficit. For example, according to a 2008 survey in Sierra Leone to assess impact of the truth commission, around 74% of respondents reported that they were aware of security sector reforms made in the aftermath of the truth commission. Of those, 71% reported that they now trusted the police to protect people's rights, demonstrating a marked increase in state legitimacy.[26] According to the questionnaire on Timor-Leste's truth commission, the CAVR contributed directly "to building truth in the new model of governance being built in Timor-Leste," which it did both by exemplifying the destructive nature of the former colonial state and using that to support the project of building a new democratic state in its aftermath.[27]

Systematic State-Led Discrimination

Risk assessment models also point to practices of **systematic state-led discrimination**, whereby the state actively discriminates against specific identity groups through either repressive measures or through disparate application of policies, as a risk factor for atrocities.[28] We assessed state-led discrimination by analyzing changes in the Equal Protection Index (V-Dem), which measures how successfully a state "grants and protects rights and freedoms evenly across social groups."[29] We did not find a statistically significant difference between negative and positive cases regarding this risk factor. Our qualitative analysis, however, revealed some areas in which truth commissions have impacted state-led discrimination. For instance, in South Africa Apartheid excluded the vast majority from political representation. The overwhelming number of TRC victims were from the excluded majority, so in this sense the TRC reached out precisely to those excluded from the boundaries of citizenship prior to 1994.[30] Elsewhere, the Canadian TRC led to the passage of several laws to respond to discrimination of Indigenous populations through the child welfare system, including Bill C-92, which affirmed the right of Indigenous peoples to exercise justice in child and family services, and the Act respecting First Nations, Inuit, and

Métis children, youth and families, which, if properly implemented, will reduce the number of Native children under state care.[31] Additionally, the Follow-Up Committee of the IER in Morocco "launched an ambitious program of communal reparations with the aim of establishing socio-economic development projects in the identified regions that would benefit mainly women and the youth." [32] These projects were specifically selected for their ability to integrate women and children into political life and to provide economic activity in areas that had been underserved by the state.

Identity-Based Polar Factionalism

Identity-based polar factionalism is another risk factor for atrocity violence. This risk factor refers to governments within which the reins of power are controlled primarily or solely by one identity group, while other identity groups are excluded from the halls of political power.[33] We assessed this factor by measuring the Power Distribution by Group indicator in the Varieties of Democracy Index, but found no statistically significant difference between positive and negative truth commission cases. The qualitative research neither provided examples of truth commissions contributing to reduction in this particular risk factor.

Lack of Executive Constraints

Finally, the lack of **constraints on the executive** appear in several risk assessment models as an important indicator of risk for political violence.[34] These constraints come in two forms: legislative constraints, or the extent to which the legislature and other government agencies are "capable of questioning, investigating, and exercising oversight over the executive,"[35] and judicial constraints, or the extent to which the executive "[respects] the constitution and [complies] with court rulings," along with the independence of the judiciary.[36] We measured these constraints with the corresponding indicators in the Varieties of Democracy Index and found both to be statistically significant, but only when comparing negative cases with legit-

Executive Constraint Comparisons (V-Dem)

Judicial Constraints on the Executive

Legislative Constraints on the Executive

No TC   TC   Legit TC
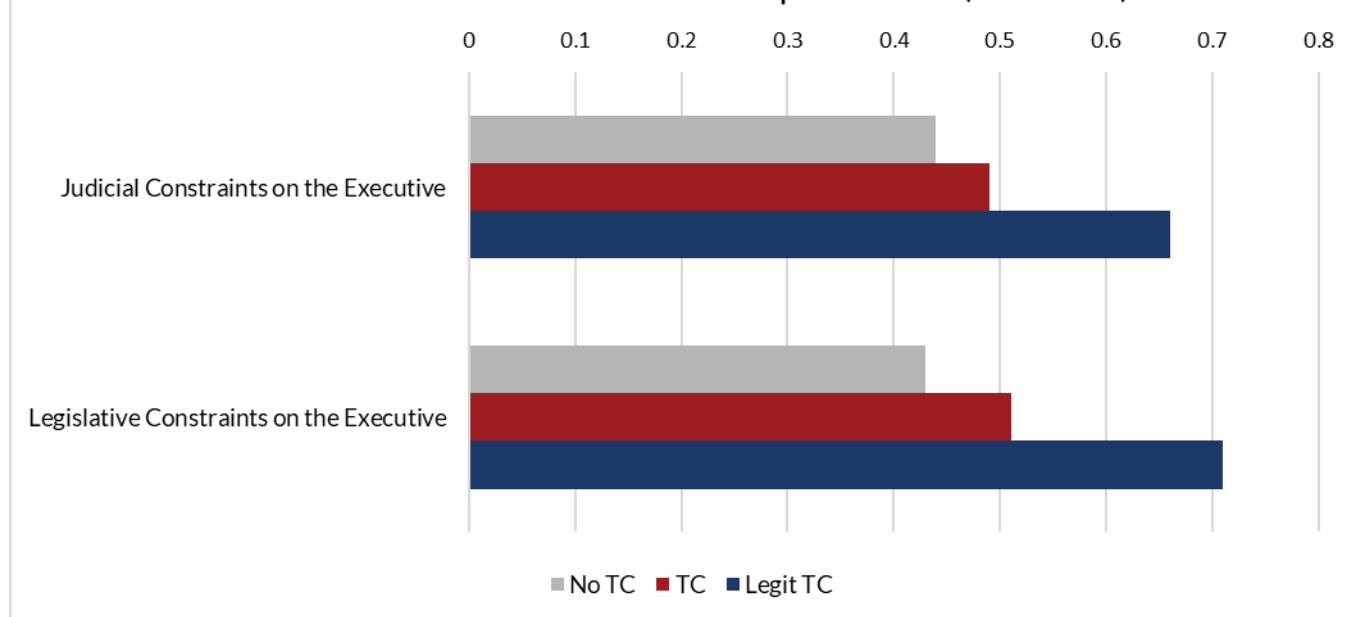
imate truth commission cases.

Qualitative evidence also supports this finding. In Morocco, for instance, the constitutional changes that occurred after the IER decreased the power of the country's monarch and increased the powers of its prime minister.[37] The qualitative data also asserts that truth commissions have contributed to greater constraints on the security sector, which is related to executive constraints. For example, CONADEP in Argentina led to the passage of legislation that prohibited the armed forces from getting involved in issues of internal/domestic security.[38] In Sierra Leone, the truth commission contributed to wholesale reform of the military and police, which were retrained to protect the rule of law and avoid interfering in politics. The success of this reform was made evident when a group of rank-and-file soldiers attempted a coup d'état in 2005, only to be stopped by the leaders of the armed forces themselves before any violence erupted.[39]

A few other examples from the qualitative research demonstrate some further impact that truth commissions have had on mitigating risk relating to governance in the selected cases. In Canada, the final recommendations of the TRC

have led to the Canadian government investing over $3 billion thus far in reforming the Indigenous child welfare system. Although it is too early to measure the impact of this level of investment, it is fairly certain that such investment would not have occurred without the TRC.[40] In Guatemala, our expert reports, despite a general lack of implementation of the CEH's final recommendations, "the CEH report has contributed to a decrease in state-sanctioned commission of human rights violations and increased support in some domestic judicial sectors for prosecution of past and contemporary human rights violations."[41] In Morocco, the IER led to the formation of a National Human Rights Council (CCDH), whose powers and mandate have continually increased in post-IER Morocco.[42] Finally, in Sierra Leone, our expert reports, the TRC has directly contributed to a general refusal by the citizenry to accept corruption as "normal"—a fact that is evidence by the recent creation of a new Commission of Inquiry into government corruption in early 2019.[43]

Risk Factors Related to Economic Conditions

Various risk assessment models include economic indicators as potential risks for mass atrocity, even though, as Waller states, "the quantitative support for economic risk factors is not as robust as that for many of the other risk factors."[44] We chose several of these risk factors to evaluate. We measured low levels of economic development by analyzing changes in three indicators from the World Bank: GDP per capita, GNI per capita, and Foreign Direct Investment as a % of GDP. One of the first risk assessment models designed by Barbara Harff assessed trade openness to be one of six important risk factors.[45] We measured this by analyzing changes in Trade as % of GDP (World Bank). Finally, we assessed changes to levels of economic discrimination by analyzing the Equal Distribution of Resources Index from V-Dem.

In our quantitative analysis, none of these risk factors presented a statistically significant difference among negative and positive cases. Similarly, the experts who filled out our questionnaires on the eight selected cases struggled to provide any examples of how each truth commission has contributed to reducing economic risk factors. As such, according to this research, at least, it seems as though mitigating risks relating to economic conditions is a job best suited for other mechanisms of transitional justice—perhaps reparations and institutional reforms—rather than truth commissions.

Risk Factors Relating to Social Fragmentation

Finally, we measured changes over time in four risk factors relating to social fragmentation: 1) identity-based social divisions; 2) unequal access to basic goods and services; 3) gender inequalities; and 4) a restrained civil society.

Identity-Based Social Divisions

Every society experiences some level of identity -based social divisions. When these divisions among identity groups lead to large-scale and systematic segregation of groups, where members of groups fail to interact and engage with members of other groups, the risk for mass atrocity increases. This risk continues to climb when these social divisions also lead to unequal access to wealth, resources, and political power.[46] We measured this risk factor by evaluating V-Dem's index for Social Group Equality in Respect for Civil Liberties, which evaluates if different social groups enjoy the same civil liberties, despite differences relating to language, ethnicity, race, religion, region, or caste. Our quantitative analysis showed no statistically significant difference between negative and positive cases over time.

Qualitative analysis, however, does reveal some direct ways that truth commissions have addressed risk factors relating to identity-based social divisions in specific cases. For instance, according to our questionnaire on the Canadian TRC, the very fact that this TRC centered on principles of inclusion of Indigenous populations in itself responded to the historical violence that necessitated the commission.[47] Our Timor-Leste expert discussed how the CAVR played a crucial role in instilling a new "culture of inclusion," which has been reinforced by a focus on human rights and a multi-party democracy. Specifically, the CAVR instituted a Community Reconciliation Procedure for low-level perpetrators. If these perpetrators confessed to their crimes, expressed remorse, and fulfilled a sanction (e.g. a public apology or community service), he or she would be re-welcomed into the community in a public celebration that helped to heal these social divides.[48]

Unequal Access to Basic Goods and Services

Like the risk factor of economic discrimination in the section above, this risk factor relates to specific identity groups having disparate access to the resources or services that make life livable. As was the case in the analysis above, we did not find there to be a statistically significant

difference between negative and positive cases when it comes to this risk factor.

Nevertheless, our qualitative research did uncover some instances of truth commissions mitigating this risk factor. For instance, many of the communal reparations projects that the follow-up committee for Morocco's IER sought to address unequal access to resources by funding socio-economic development projects in regions that had been underserved in the past.[49] In Canada, the billions of new funding granted to reforming Indigenous peoples' access to health care and education are also examples of an attempt to mitigate this risk factor.[50]

Gender Inequalities

Statistical analysis shows that societies that treat women unequally and do not provide them with equal access to political power and influence are at greater risk for atrocities than those with higher levels of gender equity.[51] We measured gender equality by drawing from two indicators from V-Dem: the Women Political Empowerment Index and the Women Civil Liberties Index. In both cases, we found there to be a statistically significant difference between

countries that implemented a truth commission and those that did not, though this difference is not as stark as we have seen in some of the other indicators. Furthermore, the Women Civil Liberties Index is only statistically significant between negative cases and legitimate cases of truth commissions.

Some qualitative data supports this finding. For instance, community reparations projects in Morocco were also directed toward increasing women's involvement in the political sphere.[52] Additionally, in Sierra Leone, according to the 2008 survey, more than 70% of respondents believed that the overall situation for women and children had improved in Sierra Leone since before the truth commission.[53] Further research is definitely warranted into how truth commissions can both increase the involvement of women in their implementation and improve the lives of women more broadly through that process.

Restrained Civil Society

Countries with a closed public sphere and a silenced civil society face greater risk for mass atrocity violence because an active civil society

Gender Inequalities Comparisons (V-Dem)
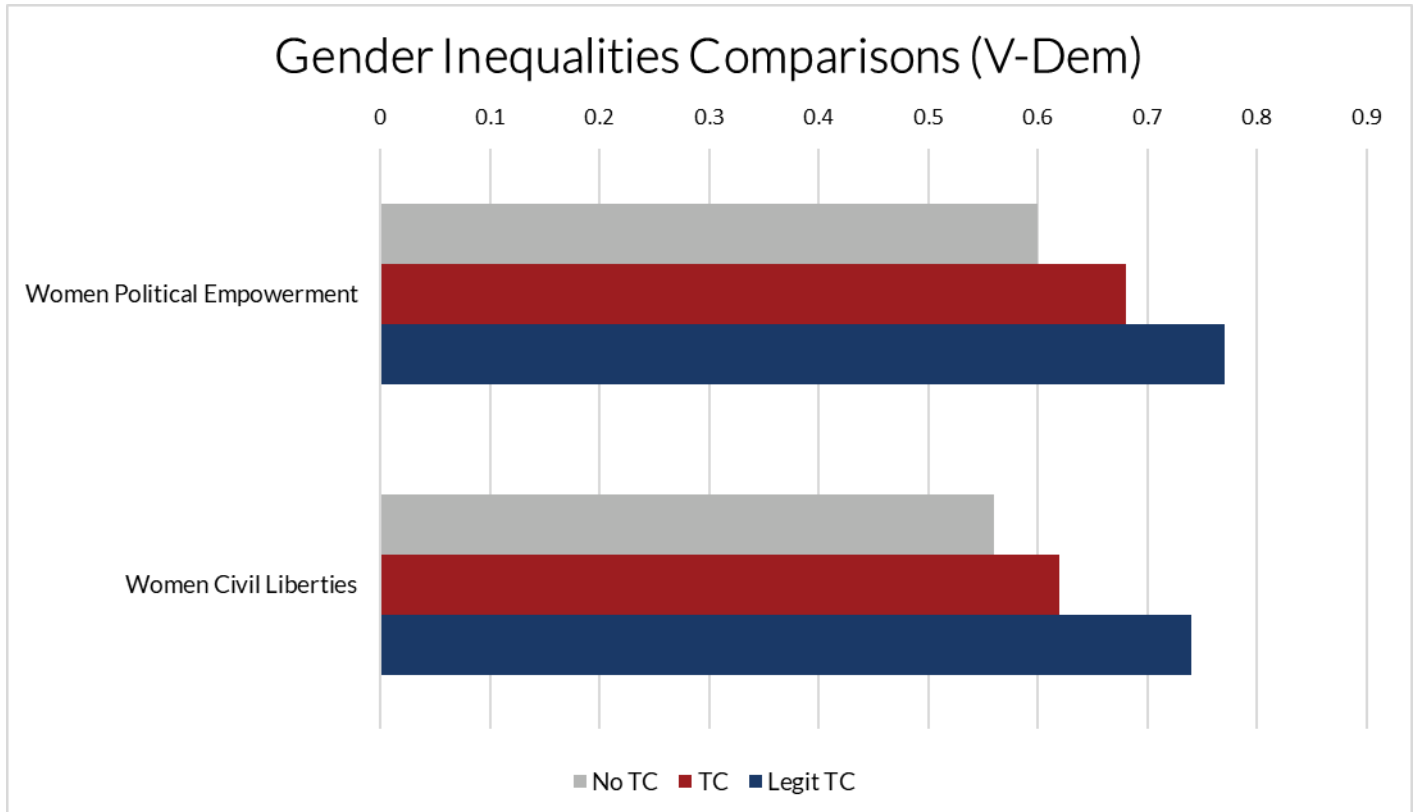
serves as a mitigating factor for such violence.[54] We measured two key indicators of civil society involvement in negative and positive cases, one which measured civil society consultation and one which measured civil society repression (both from V-Dem). In neither case was there a statistically significant difference between negative and positive cases.

That said, our qualitative analysis uncovered some important ways that truth commissions have contributed to a more robust civil society. In Argentina, CONADEP served as a major legitimizing force for human rights organizations, which are still very much a voice in Argentinian politics today.[55] In Canada, even if the TRC itself was not supporting civil society initiatives, many have emerged in response to its call. Our expert writes that many new civil society initiatives have emerged in direct response to the TRC's Calls for Action. One particularly notable one, Circles for Reconciliation, aims "to establish trusting, meaningful relationships between Indigenous and Non-Indigenous peoples as part of the 94 Calls to Action from the Truth and Reconciliation Commission."[56] In Guatemala, according to our expert, "Civil society was strengthened, and Guatemalan citizens achieved greater political space as a result of the CEH and other post-conflict efforts."[57] And in Morocco, which remains an authoritarian monarchy, our expert reports that the IER "pushed the limits of acceptable discourse for Moroccan civil society," opening new space for public dissent that had not previously existed.[58]

Discussion

Based on this research, truth commissions do open up possibilities for the reduction of mass atrocity risk. Whether the truth commissions themselves are causing risk reduction or if the implementation of a truth commission is indicative of a society that is taking the right steps to reduce risk generally speaking, it is evident that, on average, societies that implement a truth commission, especially legitimate truth commissions, see higher levels of positive risk reduction over time compared to those socie-

ties that do not on a number of indicators. This conclusion does warrant several important caveats.

First, it is unlikely that truth commissions alone are responsible for all the risk reduction we have found. Periods of transition in the aftermath of mass atrocity are particularly politically and socially complex times full of risk and opportunity. It is improbable that any one mechanism for dealing with past abuses can single-handedly mitigate all the risk that led to mass atrocities. Furthermore, asking so much of any one mechanism is certain to lead to disappointment. Instead, it seems clear that success is most evident when multiple mechanisms work in a complementary fashion to address all these risks. For instance, the quantitative research here demonstrates that societies with truth commissions do not see a statistically significant change in risk factors relating to economic conditions. When such risk factors are present, it must likely become the purview of other mechanisms—perhaps reparations and institutional reform—to address these risks.

Second, as we hope to show through the qualitative data, truth commissions may have a significant impact on some risk factors, even if the numbers do not show this impact. For instance, in Canada we see a vast array of policy and programs being implemented in response to the final recommendations of the TRC. To date, however, these changes are not so evident in the quantitative data. The lack of movement in the numbers, however, may have more to do with the fact that we only have access to nationwide numbers that do not reflect change at more local levels. Indigenous peoples represent less than 5% of Canada's population. As such, even if these communities do experience positive changes, national numbers may not reflect those changes so well.

Finally, and perhaps most importantly, the results here measure how risks have been reduced in societies that have implemented truth commissions, and it clearly finds that societies with truth commissions, on average, see an increased reduction of certain risk factors com-

pared to those without truth commissions. Such is the reality even though, to date, truth commissions have not explicitly been set up with risk reduction in mind. As we mentioned at the beginning of this report, best practices relating to truth commissions to date have focused largely on the procedural aspects of the commissions, rather than their preventive capacity.

If truth commissions could be contributing so significantly to risk reduction even when they have not been explicitly constructed to do so, the question becomes: how much more could they reduce risk if an atrocity prevention lens were actively incorporated into the founding and implementation of truth commissions?

Guiding Principles

In the same vein as truth commissions, which offer final recommendations as a result of their investigations, we end this report with our own set of recommendations. These guiding principles are suggestions for how truth commissions can be shaped with an atrocity prevention lens, in the hopes of increasing their preventive impact beyond where it already may be. Ultimately, based on this qualitative and quantitative research, we see five points of intervention—five key stages of every truth commission—in which a preventive lens could shape how a truth commission is formed and operates. These points include the truth commission's mandate, structure, implementation, recommendations, and follow-up. We will take each of these in turn.

Mandate

Risk assessment should be incorporated within the truth commission's mandate.

Every truth commission is established with a specific mandate that outlines the scope of its investigation. Typically, this mandate addresses a set period of human rights abuses in the past. Increasingly, truth commissions are also evaluating the structural risk factors that led to the perpetration of this violence. By asking commissioners not only to evaluate these structural risk factors from the past, but also which risk factors continue to exist, the truth commission could take on a more future-oriented valence. Truth commissions can therefore play a key

role in identifying the risk factors that are still present in a post-atrocity society, opening a pathway for thinking actively about how these risks can be reduced.

Broad mandates can provide more freedom to commissioners, but this requires commissioners who are willing to think big.

Every truth commission has a mandate it is established to investigate. This mandate outlines the types of crimes and the period of time to be evaluated by the commission. Increasingly, the mandates of truth commissions are broadening, as they ask commissioners not only to investigate the crimes themselves, but the histories of abuse that led to these crimes. Although there is some potential that these broad mandates can lead to higher levels of disappointment when truth commissions do not meet expectations, we assert that broader mandates also provide more political space in which commissioners can maneuver, leading to more creative choices and potentially more productive outcomes. For instance, the broad mandate of the Guatemalan commission allowed commissioners to outline how histories of colonialism contributed to the lead-up to genocide. Likewise, the broad mandate of the National Inquiry on Missing and Murdered Indigenous Women and Girls in Canada allowed commissioners both to describe the crimes as an ongoing atrocity and outline the structural risk factors that contribute to these ongoing crimes.[59] Of course, these broad mandates require creative and conscien-

tious commissioners to take advantage of their broadness. Less proactive commissioners can be intimidated by a non-explicit mandate, and as a result they may set stricter boundaries than necessary on the scope of a commission's investigation.[60]

Just because certain issues have been dealt with through other mechanisms does not mean the truth commission should not also confront these issues.

Oftentimes, the notion of complementarity is interpreted to mean that the goals of each transitional justice mechanism should not overlap with others' goals. This interpretation, however, ignores the reinforcing role that truth commissions and other mechanisms can play. Even if certain aspects of human rights abuses are being addressed explicitly by other transitional justice mechanisms, the truth commission can still support and reinforce those efforts. For example, in Timor-Leste, security sector reform was not a result of the truth commission; it was an aspect of the peace process and was already occurring in parallel to the CAVR. Nevertheless, the truth commission ultimately included security sector reform within its final recommendations...even though those reforms were already underway. The fact that the commissioners included this within their mandate, however, served to reinforce and legitimate the ongoing reform processes. Moreover, it has more recently opened the door for further human rights training of police and military forces by the Centro Nacional Chega!, which has cited the truth commission recommendations to give legitimacy to these new reform efforts.[61]

Structure

The truth commission's structure should reflect the risks and challenges that it is likely to face.

Every truth commission is operating within a political environment that will shape its capacity and its success. When they are established, these realities must be actively considered, and their structural capacities should help overcome any challenges these realities may present. A good example of this comes from the two commissions of Canada. The National Truth and Reconciliation Commission faced a number of problems obtaining the documents and materials it needed. Because it was established at the national level, they encountered particular challenges obtaining certain materials at the provincial level. Moreover, because it was established as a result of a court ruling rather than on the initiative of the state, commissioners also faced legal battles over obtaining evidence from the national government, which often attempted to railroad commissioners.[62] When the National Inquiry on Missing and Murdered Indigenous Women and Girls was established several years later, these challenges faced by the previous commission were taken into account in the way this new commission was established. Rather than one nationwide commission, from a legal perspective, the National Inquiry was established as one national commission and thirteen provincial and territorial commissions, all operating in parallel. This legal structure allowed for greater ease in obtaining and, when necessary, subpoenaing documents.[63]

The mainstreaming of traditionally excluded groups needs to happen from the very beginning, not as an afterthought.

If one of the central goals of a truth commission is to respond to the abuses faced by a group that has been historically excluded in some way from political life, efforts must be made from the very beginning to include those groups within the structure and mandate of the truth commission. Obviously, this means that traditionally excluded groups must be consulted on their needs in the process of setting up the commission. They should be represented within the commissioners and staff of the truth commission throughout its operation. Efforts must be made to ensure the participation of excluded groups in offering testimony and evidence to the truth commission. Finally, this process of consultation should not be a one-time effort

that is then abandoned. Rather, there should be a continual engagement with all stakeholders, especially traditionally excluded ones, throughout the process of implementation.

Implementation

Working groups and/or special sessions and hearings with specific identity groups can help to address identity-specific risk and to gather solutions from impacted stakeholders.

Increasingly, truth commissions are incorporating within their structure working groups that deal with specific relevant issues and special hearings with specific victim groups. For instance, the Sierra Leone TRC was the first in the world to incorporate children into all aspects of its implementation. Given that children were a targeted victim group during the civil war, the TRC organized dedicated hearings, reparations programs, and final reports specifically for children.[64] Similarly, Canada's National Inquiry made a special effort to involve the 2SLGBTQQIA (Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, and Asexual) communities within the Inquiry, recognizing that, without special effort and recognition, it would be less likely that this group would be represented.[65] We support such special efforts to incorporate relevant identity groups within the process of implementation. In addition, we see these processes of inclusion as a novel opportunity to consult with traditionally excluded groups, who can help to identify identity-specific risk that may not be so evident from the outside. Rather than only identifying risks, however, these stakeholders can also be consulted to gather potential solutions to mitigating these risk factors. By incorporating such groups within the political decision-making process, commissions can at once discover creative solutions that they may not have otherwise uncovered and provide space for the political participation of groups who have historically not been granted such space.

Women should be approached as more than victims of sexual crimes.

Increasingly, truth commissions are incorporating a gender lens into their operating structure, and a new focus has been given to the gendered aspect of violence faced by women in periods of atrocity. This development should continue. Importantly, however, women are not only victims of sexual violence and should not be viewed exclusively through this lens. Women are also statistically more likely to be victims of socio-economic crimes during periods of mass violence. By acknowledging and investigating this reality, truth commissions can also shine a light on structural risk factors relating to gender inequalities, opening avenues for these risk factors to be addressed through subsequent policy measures.

Commissions should evaluate and respond to economic risk factors that may prevent excluded groups from participating, and actively work to mitigate that risk throughout implementation, thus increasing participation.

All too often, the groups who have been most victimized during periods of atrocity have the least resources (both time and money) to participate in transitional justice processes like truth commissions. Often, this lack of means reflects the underlying risk factors that have led to the historic persecution of targeted groups. Truth commissions must take these economic factors into account and actively respond to those factors to increase the participation of relevant groups. In Guatemala, for instance, this took the form of interviewers traveling to rural Maya communities with interpreters so that Maya men and women could offer testimony in their own language without having to travel long distances.[66] In the Canada National Inquiry, commissioners arranged and paid for the travel of witnesses to sites where they could give testimony. They were also presented with the option of bringing another person as a form of emotional support. For those who needed it, childcare was also provided by the commission.[67] Implementing such initiatives that are sensitive to the economic needs of stakeholders requires a real evaluation of economic risk factors, and such an evaluation can also be vital in shaping the scope of the investigations.

Final Recommendations

The recommendations process can also involve other stakeholders, not only commissioners.

Traditionally, the final recommendations issued by a truth commission have been determined by the commissioners and staff based on the research they have gathered over the course of the commission. We recommend that the process of drafting final recommendations can and should also involve other stakeholders, in particular members of victimized populations, who are better equipped to articulate exactly what they would like to see change in response to the abuses they have suffered. A remarkable example of such an initiative comes from the Canadian NIMMIWG, which requested victims and those who gave testimony to submit their own recommendations for the report. The Inquiry received over 8000 recommendations from affected families. These recommendations were processed and coded to uncover recurrent themes, which were then used to shape the final recommendations in the final report.[68] By providing affected groups with a direct role in determining the final recommendations, the Inquiry responded to and mitigated risk factors relating to group exclusion and the legitimacy of the commission.

Recommendations can be framed in a way that asserts risk and presents recommendation as a mitigator of that risk.

Typically, final recommendations have been framed as responses to things from the past that have "gone wrong." Instead, we suggest an opportunity lies in final recommendations being more "future-focused." Each final recommendation, for example, can assert a still-present risk factor to which it is responding, offering itself as a means for mitigating said risk factor. For example, rather than merely recommending that a reparations program be implemented for a certain group because of what they have experienced, the same recommendation could assert that, given the current eco-nomic disparities faced by said groups, which results in a higher likelihood of their facing persecution again, a reparations program should seek to mitigate this still-present risk factor in an effort to prevent this risk from escalating. Framing the recommendation as an answer to a still-present threat may increase a sense of urgency to respond to its call.

Sometimes vague recommendations leave open more space over a longer period for innovative public policy when it comes to prevention.

Final recommendations can be incredibly specific in what they call for. At times, specific and narrow recommendations can be useful, as it is much easier to determine if and when they have been successfully implemented. But this does not mean that all recommendations need to be so specific. Sometimes vague recommendations can be equally effective. For instance, recommendation 3.1.1 of the CAVR states, "The Government of Timor-Leste adopts a human rights approach to governance, policy-making and development so that all decisions across the whole government system are informed by human rights principles." This recommendation does not state exactly how such an approach should be implemented. Instead, it leaves open spaces for political maneuvering and the different realities that various ministries and institutions may face. Vague recommendations, then, open a space for creative policymakers to maneuver, potentially generating policy that would never have occurred had the recommendation been more specific.

Follow-Up

If it's not seen, it doesn't exist.

Currently very little time is allocated for truth commissions to do any follow-up work once the final report is released. These temporary bodies are often set to dissolve mere weeks after the publication of a final report, leaving little time for efforts to disseminate and educate about the commission's findings. Not allowing

for the commissioners and staff to also have a hand in disseminating and educating the public about their findings is a missed opportunity, particularly when it comes to prevention. After all, it is not the truth commission itself, necessarily, but the socio-political changes it facilitates where real structural change can take place.

Some sort of follow-up mechanism is necessary.

It has become increasingly clear that some mechanism is necessary to monitor and promote the implementation of final recommendations after the truth commission has come to an end. Without such an institution advocating actively and publicly for the promotion of the truth commission's findings and recommendations, it can become too easy to rest on the laurels that the commission happened at all, put the truth commission's findings in a box, and move forward with the daily work of governance. This follow-up mechanism should be separate from the truth commission itself to maintain the independence of the commission. But

all too often the question of establishing a follow-up mechanism only comes up toward the very end of the process. Furthermore, the mechanisms are often underfunded and under-resourced. For follow-up mechanisms to work, their structure and funding should be considered as early as possible, while the truth commission is still in the midst of functioning.

Follow-up mechanisms should look not only at implementation, but at risk, as well.

Once this follow-up mechanism exists, it should incorporate a prevention lens in its mandate from the beginning. Rather than only evaluating the implementation of final recommendations, this mechanism should also have the mandate to perform consistent risk assessments of the given country, asking which risks from the past still exist and which new risks are emerging. In this way, the implementation of recommendations can be shaped and understood as a form of long-term prevention work, just as the mechanism can serve as a barometer on the fulfillment of that important fourth pillar of transitional justice: guarantees of non-recurrence.

Conclusion

In the first comprehensive text on truth commissions, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, Priscilla B. Hayner writes:

> [A truth commission] can reveal a global truth of the broad patterns of events, and demonstrate without question the atrocities that took place and what forces were responsible. If it is careful and creative, it can also go far beyond simply outlining the facts of abuse, and contribute to a much broader understanding of how people and the country as a whole were affected, and what factors contributed to the violence.[69]

Hayner is correct, of course, but it is our hope that this research has outlined how truth commissions can even go a step further. Rather than only articulating the factors that have contributed to violence, truth commissions, in the ways they are structured and implemented, present opportunities for reversing or mitigating various of these factors, as well. By applying an atrocity prevention lens to truth commissions from the beginning, we can only dream of how much more they can contribute to the non-recurrence of violence that, in the end, is the hope of all who enact this and other transitional justice mechanisms.

Research Team

Kerry Whigham, Principal Researcher; Academic Programs Officer, Online Education and Research Initiatives, AIPG; Postdoctoral Fellow, Institute for Genocide and Mass Atrocity Prevention, Binghamton University, New York, USA

Clara Ramírez-Barat, Researcher; Director, Educational Policy and Programs, AIPG

Tibi Galis, Researcher; Executive Director, AIPG

Jack Mayerhofer, Project Manager; Deputy Executive Director, AIPG

Special Thanks

This research would not have been possible without the following scholars and practitioners who generously contributed their time and expertise:

- **Emilio Crenzel**, Investigador Principal, CONICET; Professor of Sociology, University of Buenos Aires, Argentina

- **Geoff Dancy**, Associate Professor of Political Science, Tulane University, Louisiana, USA

- **Pablo de Greiff**, Senior Fellow and Director of the Transitional Justice Program, Center for Human Rights and Global Justice, School of Law, New York University, USA; Former UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence

- **Zoe Dugal**, Senior Deputy Director of Operations, CANADEM National Civilian Response Corps

- **Karine Duhamel**, Acting Manager, Public Programs, Canadian Museum for Human Rights; Director, National Inquiry into Missing and Murdered Indigenous Women and Girls

- **Laura Frizzell**, Doctoral Candidate, Department of Sociology, Ohio State University, USA

- **Benjamin Goldsmith**, Professor of Politics and International Relations, Australia National University, Australia

- **Philip Luther**, Research and Advocacy Director for the Middle East and North Africa, Amnesty International

- **Hollie Nyseth Brehm**, Associate Professor of Sociology, Ohio State University, USA

- **Max Pensky**, Professor of Philosophy; Co-Director, Institute for Genocide and Mass Atrocity Prevention, Binghamton University, New York, USA

- **Natalie Romeri-Lewis**, Founder, Global Truth Commission Index Project, Brigham Young University, Utah, USA

- **Nicky Rousseau**, Senior Lecturer, University of the Western Cape, Bellville, South Africa

- **Victoria Sanford**, Director, Center for Human Rights and Peace Studies, Lehman College, New York, USA

- **Pat Walsh**, Human Rights Advocate and Practitioner, Timor-Leste

- **Eric Wiebelhaus-Brahm**, Associate Professor, School of Public Affairs, University of Arkansas-Little Rock, USA

- **Kelebogile Zvobgo**, Pre-doctoral Fellow for Academic Diversity in International Relations, William & Mary, Virginia, USA

Appendix 1 | List of Truth Commissions

("Legitimate" Truth Commissions in **bold**)

- Uganda's Commission of Inquiry into the Disappearances of People in Uganda since 25 January, 1971 (1974)

- Brazil's Commission of Inquiry (1979-1982)

- Bolivia's National Commission for Investigation for Forced Disappearances (1982-1984)

- **Argentina's National Commission on the Disappearance of Persons (1983-1984)**

- Zimbabwe's Zimbabwe Commission of Inquiry into the Matabeleland Disturbances (1983-1984)

- **Uruguay's Commission for the Investigation of the Situation of the Disappeared and Related Events (1985)**

- Peru's Commission of Inquiry to Investigate the Massacre of Prisoners (1986-1988)

- Philippines' Presidential Committee on Human Rights (1986-1987)

- **Uganda's Commission of Inquiry into Violations of Human Rights (1986)**

- **Nepal's Commission of Inquiry to Locate the Persons Disappeared during the Panchayat Period (1990)**

- **Chile's National Commission on Truth and Reconciliation (1990-1991)**

- **Chad's Commission of Inquiry on the Crimes and Misappropriations Committed by the Ex-President Habré, His Accomplices and/or Accessories (1990-1992)**

- **Germany's Commission of Inquiry for the Assessment of History and Consequences of the SED Dictatorship in Germany (1992-1994)**

- **El Salvador's Commission on the Truth for El Salvador (1992-1993)**

- Ethiopia's The Special Prosecution Process by the Office of the Special Prosecutor (1993-2007)

- Honduras' Independent inquiry undertaken by the National Commissioner for the Protection of Human Rights (1993-1994)

- Rwanda's International Commission of Investigation on Human Rights Violations in Rwanda Since October 1, 1990 (1993)

- **Sri Lanka's Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons (1994-1997)**

- **Haiti's National Commission for Truth and Justice (1994-1996)**

- **Germany's Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity (1995-1998)**

- **Burundi's International Commission of Inquiry (1995-1996)**

- **South Africa's Truth and Reconciliation Commission (1995-2000)**

- Ecuador's Truth and Justice Committee (1996-1997)

- **Guatemala's Commission for Historical Clarification (1997-1999)**

- **Nigeria's Commission of Inquiry for the Investigation of Human Rights Violations (1999-2001)**

- Indonesia's Commission for Human Rights Violations in East Timor (1999)

- **South Korea's Presidential Truth Commission on Suspicious Deaths (2000-2004)**

- Cote d'Ivoire's Mediation Committee for National Reconciliation (2000-2001)

- **Uruguay's Commission for Peace (2000-2002)**

- **Panama's Truth Commission (2001-2002)**

- **Peru's Truth and Reconciliation Commission (2001-2003)**

- **Timor-Leste's Commission for Reception, Truth and Reconciliation (2002-2005)**

- Serbia and Montenegro's Commission for Truth and Reconciliation (2002-2003)

- **Sierra Leone's Truth and Reconciliation Commission (2002-2004)**

- Algeria's Ad Hoc Inquiry in Charge of the Question of Disappearance (2003-2005)

- **Chile's National Commission on Political Imprisonment and Torture (2003-2005)**

- Democratic Republic of Congo's Truth and Reconciliation Commission (2003-2007)

- **Ghana's National Reconciliation Commission (2003-2004)**

- Central African Republic's Truth and Reconciliation Commission (2003)

- **Paraguay's Truth and Justice Commission (2004-2008)**

- **Morocco's National Commission for Truth, Equity, and Reconciliation (2004-2005)**

- **South Korea's Truth and Reconciliation Commission (2005-2010)**

- **Liberia's Truth and Reconciliation Commission (2006-2009)**

- **Canada's Truth and Reconciliation Commission (2007-2015)**

- **Ecuador's Truth Commission to Impede Impunity (2007-2009)**

- **Kenya's Truth, Justice, and Reconciliation Commission (2008-2012)**

- **Mauritius' Truth and Justice Commission (2009-2011)**

- **Solomon Islands' Truth and Reconciliation Commission (2009-2012)**

- **Honduras's Truth and Reconciliation Commission (2010-2011)**

- **Brazil's National Truth Commission (2011-2014)**

[1] For more information on transitional justice, see Barkan, "Historical Reconciliation: Redress, Rights, and Politics"; De Brito, Gonzaléz Enríquez, and Aquilar, *The Politics of Memory: Transitional Justice in Democratizing Societies*; Elster, *Closing the Books: Transitional Justice in Historical Perspective*; Herz, *From Dictatorship to Democracy: Coping with Legacies of Authoritarianism and Totalitarianism*; Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*; Murphy, *The Conceptual Foundations of Transitional Justice*; Simić, *An Introduction to Transitional Justice*; Teitel, *Transitional Justice*; Verdeja, *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence*.

[2] See de Greiff, Pablo, "Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence," October 12, 2017; de Greiff, Pablo, "Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of Humanitarian Law, Including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and Their Recurrence"; Mayer-Rieckh and de Greiff, *Justice as Prevention: Vetting Public Employees in Transitional Societies*.

[3] Carnegie Commission on Preventing Deadly Conflict, "Preventing Deadly Conflict: Final Report."

[4] McLoughlin, *The Structural Prevention of Mass Atrocities: Understanding Risk and Resilience*; Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*; Whigham, "Remembering to Prevent: The Preventive Capacity of Public Memory."

[5] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[6] Goldsmith et al., "Forecasting the Onset of Genocide and Politicide: Annual Out-of-Sample Forecasts on a Global Dataset, 1988-2003"; Harff, "Assessing Risk of Genocide and Politicide"; United Nations, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention"; Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[7] International Center for Transitional Justice, "What Is Transitional Justice?"

[8] Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 11–12.

[9] Qtd. in Brahm, "What Is a Truth Commission and Why Does It Matter?"

[10] For more information, see de Greiff, Pablo, "Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence," August 28, 2013; González Cueva, "Where Are Truth Commissions Headed?"; Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*; International Center for Transitional Justice, "ICTJ Factsheet on Truth Commissions."

[11] Goldsmith et al., "Forecasting the Onset of Genocide and Politicide: Annual Out-of-Sample Forecasts on a Global Dataset, 1988-2003"; Goldstone et al., "A Global Model for Forecasting Political Instability"; Harff, "Assessing Risk of Genocide and Politicide"; University of Maryland, "Minorities at Risk Project"; United Nations, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention"; United States Holocaust Memorial Museum, "Early Warning Project — United States Holocaust Memorial Museum"; Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[12] Whigham, "Remembering to Prevent: The Preventive Capacity of Public Memory."

[13] Appel and Loyle, "The Economic Benefits of Justice: Post-Conflict Justice and Foreign Direct Investment"; Ben-Josef Hirsch, MacKenzie, and Sesay, "Measuring the Impact of Truth and Reconciliation Commissions: Placing the Global 'Success' of TRCs in Local Perspective"; Olsen, Payne, and Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*; Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*; Taylor and Dukalskis, "Old Truths and New Politics: Does Truth Commission 'Publicness' Impact Democratization?"; Van der Merwe, Baxter, and Chapman, *Assessing the Impact of Transitional Justice*; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*.

[14] Olsen, Payne, and Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*.

[15] Olsen, Payne, and Reiter, 153.

[16] Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*.

[17] Olsen, Payne, and Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*.

[18] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[19] Olsen, Payne, and Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*.

[20] Crenzel, "Questionnaire on Argentina's National Commission on Disappeared Persons."

[21] Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective*.

[22] Duhamel, "Questionnaire on Canada's Truth and Reconciliation Commission."

[23] Sanford, "Questionnaire on Guatemala's Commission for Historical Clarification."

[24] Dugal, "Questionnaire on Sierra Leone's Truth and Reconciliation Commission."

[25] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[26] BBC World Service, International Center for Transitional Justice, and Search for Common Ground, "Peace, Justice and Reconciliation in Sierra Leone: A Survey of Knowledge and Attitudes towards Transitional Institutions in Post-Conflict Sierra Leone"; Dugal, "Questionnaire on Sierra Leone's Truth and Reconciliation Commission."

[27] Walsh, "Questionnaire on Timor-Leste's Commission for Reception, Truth, and Reconciliation."

[28] Walsh; United Nations, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention."

[29] Varieties of Democracy, *Varieties of Democracy Codebook*, 50.

[30] Rousseau, "Questionnaire on South Africa's Truth and Reconciliation Commission."

[31] Duhamel, "Questionnaire on Canada's Truth and Reconciliation Commission."

[32] Luther, "Questionnaire on Morocco's Equity and Reconciliation Commission."

[33] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*; United Nations, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention"; Harff, "Assessing Risk of Genocide and Politicide."

[34] Goldsmith et al., "Forecasting the Onset of Genocide and Politicide: Annual Out-of-Sample Forecasts on a Global Dataset, 1988-2003"; United Nations, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention."

[35] Varieties of Democracy, *Varieties of Democracy Codebook*, 46.

[36] Varieties of Democracy, 46.

[37] Luther, "Questionnaire on Morocco's Equity and Reconciliation Commission."

[38] Crenzel, "Questionnaire on Argentina's National Commission on Disappeared Persons."

[39] Dugal, "Questionnaire on Sierra Leone's Truth and Reconciliation Commission."

[40] Duhamel, "Questionnaire on Canada's Truth and Reconciliation Commission."

[41] Sanford, "Questionnaire on Guatemala's Commission for Historical Clarification."

[42] Luther, "Questionnaire on Morocco's Equity and Reconciliation Commission."

[43] Dugal, "Questionnaire on Sierra Leone's Truth and Reconciliation Commission."

[44] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*, 173.

[45] Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955."

[46] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[47] Duhamel, "Questionnaire on Canada's Truth and Reconciliation Commission."

[48] Walsh, "Questionnaire on Timor-Leste's Commission for Reception, Truth, and Reconciliation."

[49] Luther, "Questionnaire on Morocco's Equity and Reconciliation Commission."

[50] Duhamel, "Questionnaire on Canada's Truth and Reconciliation Commission"; Duhamel, "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls."

[51] Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*.

[52] Luther, "Questionnaire on Morocco's Equity and Reconciliation Commission."

[53] BBC World Service, International Center for Transitional Justice, and Search for Common Ground, "Peace, Justice and Reconciliation in Sierra Leone: A Survey of Knowledge and Attitudes towards Transitional Institutions in Post-Conflict Sierra Leone."

[54] United Nations, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention."

[55] Crenzel, "Questionnaire on Argentina's National Commission on Disappeared Persons."

[56] Duhamel, "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls."

[57] Sanford, "Questionnaire on Guatemala's Commission for Historical Clarification."

[58] Luther, "Questionnaire on Morocco's Equity and Reconciliation Commission."

[59] Duhamel, "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls."

[60] Hayner 2001, 76.

[61] Walsh, "Questionnaire on Timor-Leste's Commission for Reception, Truth, and Reconciliation."

[62] Duhamel, "Questionnaire on Canada's Truth and Reconciliation Commission."

[63] Duhamel, "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls."

[64] Dugal, "Questionnaire on Sierra Leone's Truth and Reconciliation Commission."

[65] Duhamel, "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls."

[66] Sanford, "Questionnaire on Guatemala's Commission for Historical Clarification."

[67] Duhamel, "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls."

[68] Duhamel.

[69] Hayner 2001, 84.

Works Cited

Appel, Benjamin J., and Cyanne Loyle. "The Economic Benefits of Justice: Post-Conflict Justice and Foreign Direct Investment." *Journal of Peace Research* 49, no. 5 (September 2012): 685–99.

Barkan, Elazar. "Historical Reconciliation: Redress, Rights, and Politics." *Journal of International Affairs* 60, no. 1 (2006): 1–15.

BBC World Service, International Center for Transitional Justice, and Search for Common Ground. "Peace, Justice and Reconciliation in Sierra Leone: A Survey of Knowledge and Attitudes towards Transitional Institutions in Post-Conflict Sierra Leone." BBC World Service, ICTJ, Search for Common Ground, August 2008. http://www.rscsl.org/Documents/BBCWST2008.pdf.

Ben-Josef Hirsch, Michal, Megan MacKenzie, and Mohamed Sesay. "Measuring the Impact of Truth and Reconciliation Commissions: Placing the Global 'Success' of TRCs in Local Perspective." *Cooperation and Conflict* 47, no. 3 (2012): 386–403.

Brahm, Eric. "What Is a Truth Commission and Why Does It Matter?" *Peace & Conflict Review* 3, no. 2 (Spring 2009): 1–14.

Carnegie Commission on Preventing Deadly Conflict. "Preventing Deadly Conflict: Final Report." New York: Carnegie Corporation of New York, 1997.

Crenzel, Emilio. "Questionnaire on Argentina's National Commission on Disappeared Persons." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

De Brito, Alexandra Barahona, Carmen Gonzaléz Enríquez, and Paloma Aquilar, eds. *The Politics of Memory: Transitional Justice in Democratizing Societies*. New York: Oxford University Press, 2001.

de Greiff, Pablo. "Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of Humanitarian Law, Including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and Their Recurrence." Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide. New York: United Nations, June 6, 2018.

———. "Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence." UN General Assembly. New York: United Nations, October 12, 2017.

———. "Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence." UN Human Rights Council. New York: United Nations, August 28, 2013.

Dugal, Zoe. "Questionnaire on Sierra Leone's Truth and Reconciliation Commission." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

Duhamel, Karine. "Questionnaire on Canada's National Inquiry on Missing and Murdered Indigenous Women and Girls." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

———. "Questionnaire on Canada's Truth and Reconciliation Commission." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

Elster, Jon. *Closing the Books: Transitional Justice in Historical Perspective*. New York: Cambridge University Press, 2004.

Goldsmith, Benjamin E., Charles R. Butcher, Dimitri Semenovich, and Arcot Sowmya. "Forecasting the Onset of Genocide and Politicide: Annual Out-of-Sample Forecasts on a Global Dataset, 1988-2003." *Journal of Peace Research* 50, no. 4 (2013): 437–52.

Goldstone, Jack A., Robert H. Bates, David L. Epstein, Ted Robert Gurr, Michael B. Lustik, Monty G. Marshall, Ulfelder, Jay, and Mark Woodward. "A Global Model for Forecasting Political Instability." *American Journal of Political Science* 54, no. 1 (January 2010): 190–208.

González Cueva, Eduardo. "Where Are Truth Commissions Headed?" In *Transitional Justice Handbook for Latin America*, edited by Reátegui, Félix, 315–30. Brasilia and New York: ICTJ, 2011.

Harff, Barbara. "Assessing Risk of Genocide and Politicide." In *Peace and Conflict: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy*, edited by Monty G. Marshall and Ted Robert Gurr, 57–61. College Park: University of Maryland Press, 2005.

———. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955." *The American Political Science Review* 97, no. 1 (2003): 57–73.

Hayner, Priscilla B. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. 2nd Edition. New York: Routledge, 2011.

Herz, John, ed. *From Dictatorship to Democracy: Coping with Legacies of Authoritarianism and Totalitarianism*. Westport, CT: Greenwood Press, 1982.

International Center for Transitional Justice. "ICTJ Factsheet on Truth Commissions." Factsheet. New York: International Center for Transitional Justice, 2008. https://

www.ictj.org/sites/default/files/ICTJ-Global-Truth-Commissions-2008-English.pdf.

———. "What Is Transitional Justice?" Accessed March 5, 2020. https://www.ictj.org/about/transitional-justice.

Kritz, Neil, ed. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. 3 vols. Washington, DC: United States Institute of Peace, 1995.

Luther, Philip. "Questionnaire on Morocco's Equity and Reconciliation Commission." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

Mayer-Rieckh, Alexander, and Pablo de Greiff, eds. *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: SSRC, 2008.

McLoughlin, Stephen. *The Structural Prevention of Mass Atrocities: Understanding Risk and Resilience*. New York: Routledge, 2014.

Murphy, Colleen. *The Conceptual Foundations of Transitional Justice*. New York: Cambridge University Press, 2017.

Olsen, Tricia D., Leigh A. Payne, and Andrew G. Reiter. *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*. Washington, DC: United States Institute of Peace, 2010.

Sanford, Victoria. "Questionnaire on Guatemala's Commission for Historical Clarification." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York: W. W. Norton & Company, 2011.

Simić, Olivera, ed. *An Introduction to Transitional Justice*. New York: Routledge, 2016.

Taylor, Laura K., and Alexander Dukalskis. "Old Truths and New Politics: Does Truth Commission 'Publicness' Impact Democratization?" *Journal of Peace Research* 49, no. 5 (2012): 671–84.

Teitel, Ruti G. *Transitional Justice*. New York: Oxford University Press, 2000.

United Nations. "Framework of Analysis for Atrocity Crimes: A Tool for Prevention." UN Office of the Special Advisers on Genocide Prevention and the Responsibility to Protect, 2014.

United States Holocaust Memorial Museum. "Early Warning Project — United States Holocaust Memorial Museum." Accessed June 21, 2017. https://www.ushmm.org/confront-genocide/how-to-prevent-genocide/early-warning-project.

University of Maryland. "Minorities at Risk Project." Accessed June 21, 2017. http://www.mar.umd.edu/.

Van der Merwe, Hugo, Victoria Baxter, and Victoria

Chapman, eds. *Assessing the Impact of Transitional Justice*. Washington, DC: United States Institute of Peace, 2009.

Varieties of Democracy. *Varieties of Democracy Codebook*. Version 9. Gothenburg, Sweden: University of Gothenburg, 2019.

Verdeja, Ernesto. *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence*. Philadelphia, PA: Temple University Press, 2009.

Waller, James. *Confronting Evil: Engaging Our Responsibility to Prevent Genocide*. New York: Oxford University Press, 2016.

Walsh, Patrick. "Questionnaire on Timor-Leste's Commission for Reception, Truth, and Reconciliation." New York: Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, 2019.

Whigham, Kerry. "Remembering to Prevent: The Preventive Capacity of Public Memory." *Genocide Studies and Prevention* 11, no. 2 (2017): 53–71.

Wiebelhaus-Brahm, Eric. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*. New York: Routledge, 2010.