Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society

Onur Bakiner*

Abstract

This article explains whether or not, and the specific ways in which, truth commissions established during a political transition in fact transform lessons from history into political and judicial impact, defined as influence on government policy and judicial processes. It isolates impact from the causal effects of similar postconflict institution building and other transitional justice and conflict resolution measures. Drawing upon the existing literature, it examines several causal mechanisms through which commissions are expected to influence politics and society. These include direct political impact through the implementation of recommendations and indirect political impact through civil society mobilization. Truth commissions may also have positive judicial impact by contributing to human rights accountability and negative judicial impact by promoting impunity. The article concludes that truth commissions do promote political and judicial change, albeit modestly, especially when human rights and victims’ groups pressure governments for policy implementation.

Keywords: truth commissions, impact assessment, policy change, judicial accountability, vetting, civil society mobilization

Introduction

In what ways do truth commissions influence human rights policy and judicial accountability? The transitional justice literature suggests various mechanisms through which truth commissions are expected to achieve a set of moral and political objectives in peacebuilding and democratization contexts. However, only a handful of studies have explored commission and postcommission processes to assess hypotheses of truth commission impact. Taking my cue from this gap in the literature, I explain whether or not, and the specific ways in which, truth commissions transform lessons from history into policy and judicial impact.

I define truth commission impact as the effect of truth commissions on government policy and judicial processes, independent of the simultaneous effects of

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postconflict institution building and other transitional justice and conflict resolution measures. I employ a two-step research strategy to assess impact: first, I identify all plausible causal explanations of how truth commissions are likely to produce impact, and, second, I assess those explanations in light of empirical evidence from all transitional truth commission experiences. I show that some of the taken-for-granted explanations of truth commission impact hold in none or only a few of the cases, whereas others hold more often.

Drawing upon the existing literature, I identify four major explanations for truth commission impact: direct political impact, indirect political impact through civil society mobilization, vetting and judicial accountability. Political impact refers to a truth commission’s capacity to make key decision makers acknowledge human rights violations publicly and to influence policy in the areas of institutional reform and human rights policy through its findings and recommendations. Almost all truth commissions have produced political impact, albeit to different degrees. I distinguish between direct and indirect impact to separate those cases in which the government demonstrates political will immediately to implement truth commission recommendations from other situations where the government is pressured to adopt policy. The distinction is important because civil society mobilization around a truth commission is an important contributor to policy reform when political will is weak or nonexistent. Vetting refers to the policy of removing perpetrators from public office.

Truth commissions’ contribution to human rights accountability or impunity is a controversial issue. I find that commissions have produced some positive judicial impact, understood as the use of findings for prosecutions. This often comes with a delay, however, highlighting the significance of an auspicious political and judicial context as well as continued civil society activism for human rights accountability. Truth commissions may also promote impunity through built-in amnesty procedures. Despite the widespread tendency to associate truth commissions with amnesties, only two commissions, in South Africa and Liberia, have actually granted or recommended immunity from prosecution. Although these amnesties benefited hundreds, it should be noted that the beneficiaries represent a fraction of the total number of perpetrators. In other words, the overall failure of human rights accountability cannot be attributed to truth commissions alone, even in the few cases where commissions promoted amnesty.

I acknowledge that most truth commissions have tried to transform social norms by cultivating nonviolence and respect for human rights (along with other norms, depending on the specific context) among the political elite as well as the broader population. Likewise, they have advocated various conceptions of reconciliation. It is difficult (if not impossible), however, to measure the independent causal effect of truth commissions on political and social norms across cases, in great part because normative change takes place over a very long period of time and as a result of many factors. Case studies and surveys (such as James Gibson’s surveys on the South African Truth and Reconciliation Commission) provide compelling evidence for the achievements and
shortcomings of reconciliation in specific countries, but the evidence for cross-
national normative change is suggestive at best. Instead, this article focuses on
evidence for truth commission impact on comparable and measurable domains
of public life: government policy and judicial change.

The first section of the article provides an account of the literature on truth
commissions, highlighting some key challenges facing studies of impact, such as
definitional inconsistencies, biases arising from model specification, the difficulty
of establishing causality and insufficient attention to causal mechanism. The
second section describes my research strategy to address these challenges and
offers details on my data sources and case selection. The third section provides
a theoretical account of causal explanations of truth commission impact and
assesses those theories in light of empirical evidence. The article concludes with
some observations on the theory and practice of truth commissions.

The Literature on Truth Commissions

Truth commissions are expected to contribute to human rights conduct and
democratic strengthening. Ideally, truth commissions acknowledge the victim-
hood of those affected by human rights violations under the outgoing regime by
providing a platform for truth telling and by setting the stage for symbolic and
material reparations. They rewrite the country’s history of political violence and
human rights violations, focusing on the patterns, causes and consequences, in
order to forge a shared historical memory and draw lessons from history. They
make recommendations for institutional reform to create a legal, political and
cultural framework conducive to peace and democratic strengthening. Some
facilitate the removal from office of public officials responsible for earlier cycles
of violence and violations.

Truth commissions may also serve national reconciliation, a ‘healthy social
catharsis,’ as former enemies reach common understandings, the incentives

2 Martha Minow, Between Vengeance and Forgiveness: Facing History after Genocide and Mass
Violence (Boston: Beacon, 1998).
3 Pablo de Greiff, ed., The Handbook of Reparations (New York: Oxford University Press, 2006);
André du Toit, ‘The Moral Foundations of the South African TRC: Truth as Acknowledgment and
4 Fiona Ross, ‘On Having Voice and Being Heard: Some After-Effects of Testifying before the South
Molly Andrews, ‘Grand National Narratives and the Project of Truth Commissions: A
6 Lisa Magarrell, ‘Reparations for Massive or Widespread Human Rights Violations: Sorting out
Claims for Reparations and the Struggle for Social Justice,’ Windsor Yearbook of Access to Justice 22
7 José Zalaquett, ‘Balancing Ethical Imperatives and Political Constraints: The Dilemma of New
1425–1438.
for revenge diminish and society is (re)united through tolerance and forgiveness. For some truth commissions, genuine reconciliation is understood to be based on the full disclosure of past atrocities and the provision of criminal justice, as truth, justice and reparations complement one another. Others point to the looming threat of renewed violence or military coups during fragile transitions and conceptualize the relationship between criminal justice and the other objectives of transitional justice, in particular democratic stability, as a trade-off. Accordingly, truth commissions’ success rests upon their ability to sidestep retributive justice and promote restorative justice and social reconciliation – what one commentator names ‘compromise justice.’

This abundance of expectations has triggered scholars to evaluate truth commissions’ achievements and shortcomings. International institutions and nongovernmental organizations (NGOs) have published manuals on assessing truth commissions’ role in promoting postconflict peace and reconciliation using the best practices approach. Recently, scholars have turned to rigorous hypothesis testing by employing statistical, survey, experimental and ethnographic methods, as well as mixed-method strategies. Studies that evaluate truth commission impact tend to focus on the country’s human rights conduct, democratic stability, social reconciliation and rule of law. Although case studies of one or

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10 It should be noted that most of the studies cited below explore the effects of a number of transitional justice measures, and not solely those of truth commissions. This article has a narrower yet (hopefully) more precise focus: the specific contributions of truth commissions.


several truth commissions initially dominated the field, recent studies increasingly use large-n regression analysis.

A striking characteristic of the existing literature is the coexistence of competing, if not outright contradictory, theories about truth commission impact. For example, Tricia Olsen, Leigh Payne and Andrew Reiter find that truth commissions when used alone ‘have a significant, negative effect’ on democracy and human rights, but yield positive outcomes when combined with trials and amnesties. Hunjoon Kim and Kathryn Sikkink, on the other hand, argue that truth commissions have a positive independent effect on human rights conduct, which increases in magnitude if accompanied by prosecutions. Others find truth commissions to have weak negative impact, or no observable impact at all, on democracy and human rights.

What explains the divergent results between studies that explore the same causal relationship? Qualitative and quantitative research strategies are known to produce systematically different results in human rights research. Moreover, even studies using the same data collection and analysis method (e.g., large-n regression analysis) arrive at divergent results due to differences in their conceptualization of key variables, codification and collection of data as well as model specification. Below, I identify the main problems with research on truth commission impact.

**Definition and Codification**

Scholarly disagreement on the definition of a truth commission has implications for coding data and testing theories. Transitional justice databases often codify the same procedure under different categories, which in part explains divergent

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17 Charles D. Kenney and Dean E. Spears, ‘Truth and Consequences: Do Truth Commissions Promote Democratization?’ (paper presented at the Annual Meeting of the American Political Science Association, Washington, DC, 1–4 September 2005); Kim and Sikkink, supra n 12; Wiebelhaus-Brahm, supra n 12; Olsen et al., supra n 12.


19 Olsen et al., supra n 12 at 153–154.

20 Wiebelhaus-Brahm, supra n 12.


outcomes. Some scholars count parliamentary investigation commissions (such as Uruguay’s 1985 Commission for the Investigation of the Situation of the Disappeared and Related Events and Germany’s 1992 Study Commission for Working through the History and the Consequences of the SED Dictatorship in Germany) as truth commissions, while others object to this classification, noting that a truth commission should have sufficient autonomy from the executive and legislative branches of government. Commissions that were dissolved before terminating their work (such as Bolivia’s 1982 National Commission for Investigation for Forced Disappearances and Ecuador’s 1996 Truth and Justice Commission) are particularly divisive, since unfinished commissions invoke conceptual and empirical questions about whether a commission process, regardless of the outcome (or, in these cases, lack thereof), can generate substantial political and social change. Furthermore, some studies identify a relatively large number of investigative or deliberative procedures as truth commissions, with little or no attention to definitional criteria. For example, the Transitional Justice Data Base Project sets the number of truth commissions established between 1970 and 2007 at 60, while the figure ranges between 28 and 40 in all other studies.

**Model Specification**

Once the concepts are defined and data codified, the specification of relevant variables can generate differences, too. For example, two recent studies of human rights accountability disagree over the evidence for a ‘justice cascade’ (i.e., unprecedented human rights accountability) in the 1990s and 2000s. While Kim and Sikkink get statistically significant results supporting the theory, Olsen, Payne and Reiter argue that the incorporation of amnesty laws into the statistical model eliminates overwhelming support for the justice cascade. Given the extremely complex nature of causal relations among relevant variables, statistical analyses of large-n datasets are particularly prone to the omitted variable bias.

**Multicollinearity**

Another set of complications arises from the intrinsic difficulty of measuring truth commission impact. Critics rightly warn against confounding other causal processes with the independent impact of truth commissions. It makes

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23 Olsen et al., supra n 12.
24 Mark Freeman counts 28 commissions, excluding five panels listed as truth commissions by Priscilla Hayner. Eric Wiebelhaus-Brahm includes 29 panels as truth commissions for the same period. Hayner counts a total of 40 truth commissions, including six new ones since 2006 and 34 commissions for the period covered by Freeman’s and Wiebelhaus-Brahm’s accounts. Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge: Cambridge University Press, 2006); Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, 2nd ed. (London: Routledge, 2001); Wiebelhaus-Brahm, supra n 12.
25 Olsen et al., supra n 12.
27 Snyder and Vinjamuri, supra n 13.
intuitive sense to expect improvements in human rights conduct and democratic governance during and after the truth commission process in great part because truth commissions are likely to be established during democratic transitions, and when the human rights situation has already improved, at least to the extent that transitional justice becomes a viable possibility.

The reverse case, that is, when the truth commission process is followed by increasing levels of violence and instability, does not offer much analytical leverage, either. Countries that have undergone civil wars are more likely to suffer from violent conflict in the future, but truth commissions’ role in provoking such conflict is unclear. Therefore, the variety of factors that might lead to democratic strengthening and nonviolence (which, in turn, make the creation of a truth commission possible) or to renewed conflict should not be conflated with the independent effect of truth commissions.

Insufficient Attention to Causal Mechanism

Many scholars prefer regression analysis to make causal inferences on the independent effect of truth commissions on democracy and human rights. Causal inference may indeed address the challenges of endogeneity, multicollinearity and counterfactual reasoning, but its successful implementation depends critically on using a large and accurate dataset and, as importantly, on correct model specification. Statistical analyses should first have a consistent theory of how and why a transitional justice mechanism (or combination of them) produces outcomes, and then proceed to testing. Insufficient attention to causal processes may aggravate the problems of omitted variable bias, endogeneity and multicollinearity.

Many of the works mentioned above propose one or several causal mechanisms to link a truth commission process to the outcomes of interest, but even the most influential studies fail to develop consistent theories and provide supporting evidence. For example, Olsen, Payne and Reiter attribute the potential positive effects of truth commissions to their capacity to provide a forum for dialogue, ‘a fundamental building block for peace and democratic trust.’ However, they conclude that the combination of trials and amnesties without truth commissions contributes to democracy and human rights, as well as the combination of trials, amnesties and truth commissions. In what ways, then, are truth commissions relevant? Moreover, the claim that truth commissions foster dialogue among victims, perpetrators and bystanders does not conform to empirical evidence.

29 Olsen et al., supra n 12 at 155.
from the majority of cases where perpetrators do not testify before a commission and often try to close the space for dialogue. Eric Wiebelhaus-Brahm provides several explanations for how truth commissions might influence political behavior, but his statistical analysis, which finds a negative correlation with human rights conduct and no significant relation with democratic politics, tends to contradict many of the possible causal mechanisms coming from his case studies.31

Kim and Sikkink provide a plausible causal explanation for their findings: truth commissions’ findings and advocacy of human rights norms build pressure on perpetrators, making prosecutions more likely. The observable implication of their theory is that prosecutors would initiate trials following the truth commission process, building their cases on commission findings. However, their dataset, Human Rights Trials in the World, 1979–2006, shows that few truth commissions have created the impulse for prosecution. Furthermore, even if one assumes that truth commissions do produce normative transformations, their study does not produce evidence that politicians, civil society actors, attorneys and judges have changed behavior as a result of the truth commission process.32

Defining and Explaining Impact

‘Impact’ refers to the causal effect of a truth commission process on individuals’ and institutions’ decisions, interests, beliefs and values. The epistemological and methodological challenges of establishing causality are well known. In the social sciences and humanities, one rarely observes ‘smoking gun’ evidence that confirms one hypothesis beyond doubt while discarding alternative explanations.33 Transitional justice scholarship has recently taken steps to address the question of causality by conducting large-n regression analysis to assess the impact of transitional justice mechanisms on outcome variables (the shortcomings of this approach to causal inference are discussed above). Studies in the qualitative tradition, meanwhile, seek to establish causal connections by getting the causal mechanism right, which raises the evidentiary standards for linking transitional justice processes to outcomes.

What kinds of data amount to ‘smoking gun’ evidence in explaining truth commission impact? Two examples come to mind: a political leader declaring that he/she was urged, influenced or inspired exclusively by a truth commission to enact a policy, and a representative sample of the population telling researchers that their views on human rights or reconciliation changed exclusively or primarily as a result of the truth commission process. Such unambiguous evidence on decisions and values is lacking in most cases, and the existing evidence is insufficient for cross-national comparison.

31 Wiebelhaus-Brahm, supra n 12.
32 Kim and Sikkink, supra n 12.
Although irrefutable evidence is often lacking, I argue that it is possible to set a reasonably high standard for establishing causal impact if the collected evidence satisfies two tests. For example, if there are two hypothesized causal explanations $[TC \rightarrow A \rightarrow I]$ and/or $[TC \rightarrow B \rightarrow I]$, where a truth commission process (TC) generates impact (I) through the intermediary steps A and/or B, confirming the veracity of a causal explanation requires that: (1) I should be observed, so that policies and judicial processes after a truth commission should reflect its findings and recommendations, and (2) only A, only B or both A and B should be observed, so that the researcher should find empirical evidence for the intermediate steps (i.e., intervening variables) that connect a truth commission to the outcomes of interest to confirm or disconfirm contending hypotheses.

The second test is crucial in overcoming problems of equifinality (the likelihood that an outcome results from a causal mechanism other than that hypothesized by the researcher) and multicollinearity (the failure to account for the interactions between various factors that lead to an outcome). There may be more than one mechanism that produces similar impact. As I show in the following section, truth commissions’ recommendations are incorporated into policy in some countries because politicians take the initiative to implement them, whereas in other cases implementation takes place despite the reluctance, or even hostility, of the political leadership, as a result of continuous civil society mobilization. Assessing impact, therefore, requires accounting for all the intermediate steps in the causal process.

What causes a truth commission to generate impact in the first place? This article is a descriptive account of causal mechanisms that connect truth commissions to postcommission outcomes. Due to space limitations, it does not address the causes for the causes, that is, the sources of variation in impact across countries. Nonetheless, it is important to highlight two factors that play into the direction and magnitude of impact by shaping the precommission and commission processes. First, a truth commission is simultaneously enabled and constrained by its mandate, which determines its tasks, powers and organizational structure. Second, the commissioners and staff exercise considerable agency in terms of how they interpret the mandate, how they identify and carry out their tasks, what they choose to include in the final report and how they interact with victims, presumed perpetrators, politicians, bureaucrats, armed actors and civil society organizations. Part of their impact is attributable to the product, that is, the final report, which contains findings, a historical narrative and recommendations. In addition, the truth commission process itself is credited for giving voice to victims of human rights violations (and, occasionally, perpetrators) and building linkages among various civil society actors. 34

Thus, the truth commission process is a constant struggle between forces that seek to delimit and predetermine a commission’s capabilities and the commission’s striving for autonomy and transformative agency. In great part as a result of this interplay of mandate and agency, various decision makers and civil society actors endorse, reject, mobilize around or ignore a truth commission’s findings and recommendations. Impact is constituted by the content of the final report and, equally importantly, by the process itself. It is shaped, but not predetermined, by the mandate limits.

**Data and Methods**

**Research Strategy**

Many of the shortcomings of the literature, as described in the first section, can be addressed if the research strategy pays close attention to causal processes rather than correlations between a truth commission and outcomes of interest, such as democracy, human rights and the rule of law. In other words, what is needed is a theoretically informed process-tracing approach to generate and assess theories of impact. Thus, drawing upon the existing literature on truth commissions, I build a theoretical framework to document the specific mechanisms through which a truth commission experience is expected to influence the decisions of policy makers, armed actors, judges, civil society activists and ordinary citizens. Then, I identify the observable implications of the hypothesized causal mechanisms. Finally, I look for supporting empirical evidence from truth commission experiences to confirm those observable implications (see Table 1).

**Case Selection**

Aggravating the conceptual and methodological problems of assessing impact is the failure to account for the heterogeneity of truth commission experiences. Several consolidated democracies, like Brazil, and ongoing authoritarian regimes, like Morocco, have established truth commissions. Those commissions tend to investigate violations that happened decades ago, rather than in the immediate past. The political stakes, self-declared goals and methodologies are radically different from those characterizing transitional truth commissions. Ensuring democratic stability or forging reconciliation between victims and perpetrators (most of whom are too old or perhaps deceased), for example, are not outstanding goals for nontransitional commissions. In countries like Chile and South Korea, follow-up truth commissions have investigated violations not covered by an earlier commission. Therefore, lumping all truth commissions in one database obscures the distinct character of causal processes that produce impact in transitional and nontransitional settings.

Instead of including all truth commissions in a large-n dataset, I separate transitional commissions from nontransitional ones to explain the dynamics specific to the former group. A transitional truth commission is established within zero to
Table 1. Hypotheses of Truth Commission Impact

<table>
<thead>
<tr>
<th>Name of causal mechanism</th>
<th>Hypothesized causal process</th>
<th>Hypothetical observable implications</th>
<th>Empirical evidence (see Table 2 for detailed data)</th>
</tr>
</thead>
</table>
| Direct Political Impact          | Findings and recommendations $\rightarrow$ Official publication, acknowledgment and implementation | - Statement of political will to implement commission recommendations  
- Immediate publication, acknowledgment and implementation | - Most commissions produce immediate political impact  
- Variation across commissions |
| Indirect Political Impact        | Civil society mobilization around the commission $\rightarrow$ Pressure on government $\rightarrow$ Official implementation (typically delayed) | - Human rights and victims' groups organizing around the truth commission's final report  
- Government implementation under pressure | - Some commissions produce indirect political impact through civil society mobilization  
- Variation across commissions |
| Vetting                          | Vetting recommended $\rightarrow$ Official implementation                                     | - Recommendation of vetting  
- Political will to implement  
- Vetting program after the commission | El Salvador (1993) only |
| Positive Judicial Impact:        | Findings $\rightarrow$ Judges and prosecutors use in proceedings, immediately or delayed      | - Use of truth commission report in proceedings                                                            | Limited use of some commissions' findings in domestic and foreign courts |
| Accountability                   |                                                                                              |                                                                                                           |                                                                                                               |
| Negative Judicial Impact:        | Commissions accompany amnesty laws or promote amnesty $\rightarrow$ Impunity for perpetrators OR  
Commissions dampen the demand for retribution $\rightarrow$ Impunity for perpetrators | - Amnesty built into, or legislated along with, truth commission  
- Impunity resulting from truth commission  
- Civil society demobilization | - Conditional amnesty built into commission (South Africa, Liberia); most perpetrators not covered  
- No evidence of civil society demobilization |
three years after the transition to peace and/or democracy.\textsuperscript{35} To date, 15 truth commissions have begun and finished their work in the context of a political transition.\textsuperscript{36} All other truth commissions either are nontransitional or were dissolved before completing their investigations.\textsuperscript{37} For reasons explained above, a new set of conceptual tools is needed to study nontransitional (or one may say posttransitional) commissions, which is why I exclude them in this study.

\section*{Data}

I use two data sources in this article: (1) studies that analyze broad patterns for a large number of truth commissions, such as the US Institute of Peace Truth Commissions Digital Collection, as well as articles and books that explore all truth commissions, and (2) case studies, which provide in-depth information about one or a small number of commissions. Keeping in mind the various deficiencies and biases that arise from relying on a few sources or a specific type of research (say, academic or journalistic), I cross-check the veracity of a variety of sources for each country.\textsuperscript{38}

\section*{Empirical Evidence for Causal Explanations}

Several causal mechanisms have been proposed to evaluate truth commissions’ capacity to produce changes in policy and judicial practices. Most accounts pay attention only to some parts of the causal chain that links the initial conditions to the outcomes of interest. I draw upon the literature on truth commissions, from enthusiasts as well as skeptics, to outline these mechanisms in full here, but if the existing explanations have missing causal links, I identify those missing parts. This section combines theories of truth commission impact (possible causal mechanisms, along with their observable implications) with empirical evidence (see Table 2). I also provide evidence for cases where policy change may be wrongly attributed to a commission’s direct or indirect impact in order to avoid conflating truth commission impact with similar causal processes.

\textsuperscript{35} The notion of transition itself is questionable, as authoritarian enclaves and/or violent conflict often continue during the transitional period. My criterion for defining a transition is the presence of significant political-institutional change, rather than whether that change precludes future authoritarian and violent backlashes. For a more detailed discussion of this definitional problem, see, Onur Bakiner, ‘Coming to Terms with the Past: Power, Memory and Legitimacy in Truth Commissions’ (PhD diss., Yale University, 2011).

\textsuperscript{36} The list of finished transitional commissions by country name and starting year: Argentina (1983); Uganda (1986); Nepal (1990); Chile (1990); Chad (1991); El Salvador (1992); Sri Lanka (1994); Haiti (1995); South Africa (1995); Guatemala (1997); Nigeria (1999); Peru (2001); East Timor (2002); Sierra Leone (2002); and Liberia (2006). The commissions in Kenya and Togo are excluded from this list since they had not completed their work as of late 2012.

\textsuperscript{37} I do not include unfinished truth commissions because the dissolution of a commission before publishing a final report violates its essential task of providing public information on human rights violations.

\textsuperscript{38} The country-specific information is subject to change, as this article captures information available at the time of writing. Furthermore, as long-term trends may reproduce, but also contradict, short-term findings, some of the outcomes may change over time.
Table 2. Empirical Evidence for Impact in 15 Transitional Commissions

<table>
<thead>
<tr>
<th>Indicators of impact</th>
<th>Direct political impact</th>
<th>Indirect political impact through civil society mobilization</th>
<th>Vetting</th>
<th>Positive judicial impact accountability</th>
<th>Negative judicial impact: impunity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reparations recommended/immediately implemented (yes/no, yes/no, no/no)</td>
<td>Immediate publication of final report (yes, no)</td>
<td>Official endorsement (yes, no)</td>
<td>Immediate creation of follow-up institutions</td>
<td>Recommended reparations implemented as a result of civil society mobilization</td>
</tr>
<tr>
<td>Argentina (1983)</td>
<td>Yes/no</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No (reparations: 2004)</td>
</tr>
<tr>
<td>Uganda (1986)</td>
<td>No/no</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No reparations</td>
</tr>
<tr>
<td>Nepal (1990)</td>
<td>No/no</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No reparations</td>
</tr>
<tr>
<td>Chilé (1990)</td>
<td>Yes/yes (1992)</td>
<td>Yes</td>
<td>Yes</td>
<td>National Corporation for Reparation and Reconciliation</td>
<td>Immediate policy (1992)</td>
</tr>
<tr>
<td>Chad (1991)</td>
<td>No/no</td>
<td>Yes</td>
<td>No</td>
<td>None</td>
<td>No reparations</td>
</tr>
<tr>
<td>El Salvador (1992)</td>
<td>Yes/no</td>
<td>Yes</td>
<td>No</td>
<td>None</td>
<td>No reparations</td>
</tr>
<tr>
<td>Haiti (1995)</td>
<td>Yes/no</td>
<td>No</td>
<td>No</td>
<td>Office of the Public Prosecutor</td>
<td>No reparations</td>
</tr>
</tbody>
</table>

(continued)
<table>
<thead>
<tr>
<th>Indicators of impact</th>
<th>Direct political impact</th>
<th>Indirect political impact through civil society mobilization</th>
<th>Vetting</th>
<th>Positive judicial impact: accountability</th>
<th>Negative judicial impact: impunity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reparations...</td>
<td>Immediate publication...</td>
<td>Immediate creation of follow-up institutions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>recommended/...</td>
<td>of final report</td>
<td>(yes, no)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>implemented (yes/yes, yes/no, no/no)</td>
<td></td>
<td>(yes, no)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Africa (1995)</td>
<td>Yes/no</td>
<td>Yes</td>
<td>Yes</td>
<td>None</td>
<td>Yes (built-in; partial)</td>
</tr>
<tr>
<td>Guatemala (1997)</td>
<td>Yes/no</td>
<td>Yes</td>
<td>Yes</td>
<td>Domestic and foreign courts; delayed</td>
<td>No</td>
</tr>
<tr>
<td>Nigeria (1999)</td>
<td>Yes/no</td>
<td>No</td>
<td>No</td>
<td>Domestic courts; immediate</td>
<td>No</td>
</tr>
<tr>
<td>Peru (2001)</td>
<td>Yes/no</td>
<td>Yes</td>
<td>Yes</td>
<td>Domestic courts; immediate and delayed</td>
<td>No</td>
</tr>
<tr>
<td>East Timor (2002)</td>
<td>Yes/no</td>
<td>No</td>
<td>Yes</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Sierra Leone (2002)</td>
<td>Yes/no</td>
<td>No (delayed endorsement)</td>
<td>Yes</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Liberia (2006)</td>
<td>Yes/no</td>
<td>No</td>
<td>Yes</td>
<td>None</td>
<td>Yes (built-in; partial)</td>
</tr>
</tbody>
</table>
Direct Political Impact

The most straightforward causal impact is when the findings and recommendations of a truth commission’s final report are incorporated into policy. If a government acknowledges the commission’s final report, legisitates reparations for victims and establishes watchdog institutions for human rights protection, then these reforms are likely to lead to progress in democratic governance and human rights conduct. Direct political impact crucially depends on political decision makers’ ability and willingness to implement commissions’ recommendations. Only in El Salvador and Sierra Leone did the commission mandate stipulate that the recommendations would be binding on all parties, and even then politicians enjoyed a high degree of discretion on which reform proposals to adopt.

Given that truth commissions make context-specific recommendations, and given that the quality of policy implementation can be quite varied, comparative measures are bound to be imperfect. Nevertheless, one observes near-universal demand for certain policies and political gestures, which I employ as indicators of direct political impact: (1) public endorsement of the commission’s work by government leadership; (2) government publication of the commission’s final report; (3) implementation of a reparations program (this measure is applicable in 12 cases where the truth commission recommended reparations); and (4) the creation of follow-up institutions to carry out the recommended reforms and monitor progress.40

It is important to note that a government might implement human rights policies whether or not it abides by a truth commission’s recommendations. Direct political impact captures only truth commission-induced political change. It is often confounded with the country’s overall human rights improvement, leading to the under- or overstatement of truth commission impact. The measures described above refer to political change relative to the commission’s recommendations for reform. In conducting cross-national comparisons, I take into account variations in discursive and policy change relative to the expectations of each country’s truth commission, rather than variation in overall political reform. Thus, I isolate the independent effect of truth commissions from broader reform processes during democratic transition by distinguishing the cases in which reform results from the commission’s findings and recommendations from those cases in which this does not happen. Direct political impact is the chief mechanism through which commissions influence policy, but the implementation is always selective.

39 For example, the payment of reparations is an important step for the progress of transitional justice, but the meager amounts allocated to individual victims put into question the actual success. See, Lisa Schlein, ‘War Reparations Program in Sierra Leone Needs Money,’ Voice of America, 24 April 2010.

40 It is important to note that these four categories can be considered indicators of impact, as they demonstrate a government’s capacity and willingness to implement policies in line with a truth commission’s recommendations, as well as measures of impact, as they indeed capture the public effect of a commission.
Evidence for Direct Political Impact

Table 2 shows that every transitional truth commission except the one in Nepal has produced some direct political impact. Of the 15 transitional truth commissions, 10 published their final reports within one year of their termination. State presidents, backed by the governments they represented, endorsed the commission’s work upon receiving the final report in Argentina,41 Chile,42 South Africa,43 Guatemala44 and Nigeria.45 Acknowledgment did not take place in eight countries, and in Sierra Leone it happened only after a new president assumed office. Uganda,46 Chile,47 Sri Lanka,48 Haiti,49 East Timor,50 Sierra Leone51 and Liberia52 immediately established follow-up institutions to monitor the postcommission reform process, whereas eight did not. The least favored policy by the governments was reparations: 12 truth commissions demanded compensation for victims, and only the Chilean government initiated a reparations program without delay. Governments in El Salvador,53 Haiti, Nigeria54 and Liberia55 ignored the recommendation for reparations completely.

55 There are ongoing efforts in Liberia that have not yet changed policy. See, ‘Liberia’s First Victims’ Group Holds Workshop in Monrovia,’ New Liberian, 27 May 2009.
Indirect Political Impact through Civil Society Mobilization

Several accounts argue that a truth commission might improve a country’s human rights record by drawing attention to past violations. Domestic and international actors, most notably human rights organizations and victims’ associations, build sufficient pressure on politicians and state functionaries to reform human rights policy and behave in conformity with a truth commission’s recommendations. What distinguishes indirect from direct political impact is that decision makers adopt truth commission recommendations and related human rights initiatives only as a result of civil society pressure. Thus, implementation is typically delayed, although such delay does not prove the existence of civil society mobilization in and of itself. Therefore, I look for evidence of civil society pressure to confirm the specific impact mechanism outlined here.

Indirect political impact results from what I label ‘civil society mobilization,’ or a truth commission’s ability to motivate human rights activism, especially in the postcommission period. I use two measures to account for civil society mobilization: (1) nongovernmental initiatives to publish and/or disseminate the commission’s final report if the government fails to do so, and (2) activism on the part of local, national and international NGOs to monitor progress on the implementation of recommendations, especially concerning a reparations program.

Civil society mobilization, a key causal step in policy change, only measures the capacity of a truth commission to motivate civil society actors. Human rights activism may exist independently of, and conceivably in opposition to, a truth commission. Civil society mobilization around a commission does not capture the overall quality of civic relations (i.e., social capital); it instead focuses on those civic groups most likely to pursue the truth commission’s agenda and maximize its impact, since the primary concern is to explain the precise mechanisms through which truth commissions produce impact. Finally, the model of civil society advocacy presented here does not make a priori assumptions about state-civil society relations – it does not claim right away that they are antagonistic or mutually reinforcing. It is plausible to expect that impact driven by political will and impact driven by civil society mobilization are both high, both low or in an

56 Wiebelhaus-Brahm, supra n 12; Amnesty International, supra n 8.
inverse relationship in any given country, although in practice politicians and civil society actors have more often than not had contrasting views on a truth commission.

Evidence for Indirect Political Impact through Civil Society Mobilization

Several, but not all, truth commissions have provided a platform for domestic and international human rights groups to make demands on the government and evaluate policy progress. There is evidence of civil society mobilization around truth commissions in 10 countries, although to varying degrees. In countries where governments initially chose not to publish the final report or adopt a reparations program, human rights activism led to delayed policy change. In South Africa,58 Guatemala,59 Peru60 and Sierra Leone,61 reluctant governments found themselves pressured into legislating reparations programs, although the speed and efficiency with which reparations were actually disbursed generated discontent in most cases. In East Timor, domestic and international groups successfully lobbied for the 2012 National Reparations Programme Bill.62

In Nepal,63 Sri Lanka64 and Haiti,65 it took domestic and/or international human rights organizations several years of pressuring to get the government to publish the truth commission's final report, and in Nigeria, a private initiative undertook the publication.66 Civil society groups were also crucial in

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60 The Peruvian reparations law was passed in 2005, but actual payments to individuals did not begin until 2011. For the role of civil society groups in advocating for the legislation and implementation of the reparations program in Peru, see, Lisa J. Laplante and Kimberly S. Theidon, 'Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru,' Human Rights Quarterly 29(1) (2007): 228–250.


64 For Sri Lanka, see, Hayner, supra n 24.

65 The final report ‘was not made public until a year later [1997], after considerable pressure from rights groups.’ Ibíd., 54. The report received limited publicity as a result of being in French, rather than Creole, and few copies were made available to the public.

66 ‘Finally, in January 2005, after pushing for the release of the report for over two and a half years, several civil society organizations independently released the report by placing it on the internet.’ Ibíd., 250.
publishing abridged versions of the final report in Peru, East Timor and Sierra Leone.  

Not every policy in the area of human rights can be attributed to a truth commission’s recommendations or its capacity to mobilize civil society. In Chad, human rights groups successfully campaigned for reparations even though the truth commission did not recommend the policy. In Argentina, reparations laws were enacted more than a decade after the commission’s work, without any clear indication that the commission’s recommendations prompted their legislation. Likewise, there is no evidence suggesting that Sri Lanka’s compensatory policies followed from the truth commission.

Vetting

Truth commissions might recommend the removal of alleged perpetrators and their political supporters from public office. Also known as lustration, this transitional justice tool has often been used in the absence of a truth commission, especially in the Central and Eastern European transitions of the early 1990s. Here, I seek to identify not all vetting initiatives but only those recommended by truth commissions. This causal mechanism is relatively easy to measure: a commission may or may not make an explicit recommendation for vetting, and if it does, the government may or may not implement it. It is also plausible that a government removes individuals from public office in the absence of a commission’s recommendation. Therefore, the research strategy defended here distinguishes the cases where a truth commission’s recommendation for vetting was implemented as policy from those where vetting had no direct relation to the commission’s work.

Evidence for Vetting

Despite truth commissions’ best efforts, recommending vetting does not appear to be a significant impact mechanism. Although four of the 15 transitional truth commissions demanded the removal of presumed perpetrators from office, only one government has met this demand partially (El Salvador). In Chad, East Timor and Liberia, the call for vetting was disregarded. In one of the countries where vetting was used, Nigeria, the truth commission did not recommend the

67 Furthermore, new civil society organizations were formed in South Africa, Peru, Sierra Leone and Liberia to monitor the progress of reforms in the wake of the truth commissions.

68 The commission was nonetheless helpful in drawing up the list of beneficiaries: ‘To receive payment, victims had to be listed in the final report of the National Commission on the Disappearance of Persons (Conadep), or have been reported to the state’s Human Rights Office and confirmed as disappeared or killed. The total tally of potential beneficiaries includes family members of about 15,000 disappeared persons.’ Ernesto Verdeja, ‘Reparations in Democratic Transitions,’ Res Publica 12(2) (2006): 129.

69 For the data on vetting, see, Hayner, supra n 24; Olsen et al., supra n 12.

70 Many violators who were dismissed from one position found other public jobs in El Salvador. See, Mike Kaye, ‘The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratisation: The Salvadorean and Honduran Cases,’ Journal of Latin American Studies 29 (1997): 693–716.
measure. In other words, evidence does not support the claim that removal of violators follows from the recommendations of a truth commission.

Judicial Impact: Accountability and Impunity

Do truth commissions contribute to human rights accountability? Commissions are not allowed to deliver sentences, but their findings may be used during criminal proceedings, either as evidence or as contextual information. Judicial impact depends as much on the powers granted by the truth commission mandate as on judges’ and prosecutors’ willingness to incorporate commission findings, the existence of laws and conditional amnesty procedures that precede or operate simultaneously with the commission and civil society mobilization around the commission. Truth commissions differ with respect to their search and subpoena powers and the power to name perpetrators. Setting mandate limits on commissions’ judicial attributes is justified on the grounds of fair trial guarantees.

Yet, human agency during and after the truth commission may challenge the structural limits imposed by the commission’s mandate. Commissioners may or may not choose to refer cases to courts – a decision that depends critically on civil society agendas. Prosecutors may be willing or, more likely, unwilling to use findings to initiate trials against alleged perpetrators, claiming in the latter case that commission procedures fail to satisfy the evidentiary standards of the courtroom.

Skeptics have long noted the possibility that truth commissions, far from contributing to justice, in fact serve to perpetuate impunity, as they provide an imperfect substitute for human rights trials. It is generally assumed that the truth commission is a moderate transitional justice tool used to meet victims’ demands in the context of a negotiated political transition. Jon Elster, for example, notes that a new democratic regime may have to ‘choose between justice and truth.’ Mark Osiel takes the tension between truth commissions and prosecutions to an extreme when he claims that most commissions’ inability to take testimonies from perpetrators not only undermines justice but also defeats the justification for the presence of the truth commission: to establish the historical truth, which

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72 I do not separate positive judicial impact with and without civil society mobilization because in all observed cases of impact, significant civil society activism on the part of domestic and international actors has been a major intervening factor.

73 Mark Freeman, Truth Commissions and Procedural Fairness (Cambridge: Cambridge University Press, 2006).


involves the full disclosure of violations and names of perpetrators.\(^{76}\) Some claim that truth commissions promote impunity through amnesty laws built into their mandates or legislated as a result of the commission’s work. The South African Truth and Reconciliation Commission (TRC) in particular has raised serious concerns about the extent to which truth commissions serve to sidestep accountability, as a specialized Amnesty Committee granted amnesty to those perpetrators who fully confessed their crimes, and the TRC itself constantly invoked the language of forgiveness and reconciliation.\(^{77}\)

Finally, other skeptics argue that the spectacle of a truth commission creates a distraction from prosecution. More specifically, the recognition of victims and the provision of material and symbolic reparations through truth commissions may assuage public demand for truth and some kind of justice.\(^{78}\) Furthermore, the decision to establish a truth commission itself is a sad admission of the country’s inability to prosecute, which undermines the rule of law at the outset of a democratic transition.\(^{79}\) The observable implication of this hypothesis is that public calls for prosecutions would decrease and/or civil society groups advocating retributive justice would get demobilized during and after the truth commission process.

**Evidence for Positive Judicial Impact**

Several truth commissions have generated judicial impact, but the magnitude of the impact is small.\(^{80}\) The commissions in Argentina, Chile, Chad, El Salvador, Sri Lanka, Guatemala, Nigeria and Peru saw their findings incorporated into a

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\(^{77}\) ‘In transitional justice circles, the indistinction between forgiveness and amnesty has been rendered murkier by the fact that the one instance where binding amnesty decisions were made by a truth commission, South Africa, was also an instance where the idiom of forgiveness played a central role.’ Rebecca Saunders, ‘Questionable Associations: The Role of Forgiveness in Transitional Justice,’ *International Journal of Transitional Justice* 5(1) (2011): 125.

\(^{78}\) The temptation to establish truth commissions as a means to avoid justice has provoked normative debates over the nature of the relationship among truth, justice and reconciliation. Juan Méndez argues against the counterpoising of truth and justice, as well as reconciliation and justice, as binary opposites. Instead, he claims, ‘Truth commissions are important in their own right, but they work best when conceived as a key component in a holistic process of truth-telling, justice, reparations, and eventual reconciliation.’ Juan E. Méndez, ‘National Reconciliation, Transnational Justice, and the International Criminal Court,’ *Ethics and International Affairs* 15(1) (2001): 29. Likewise, Ernesto Verdeja resists the appropriation of reconciliation as a pretext for impunity and amnesia. He argues for a notion of reconciliation understood as ‘mutual respect among former enemies’ that implies truth telling, accountability, victim recognition and the rule of law as fundamental tenets. Ernesto Verdeja, *Unchopping a Tree: Reconciliation in the Aftermath of Political Violence* (Philadelphia, PA: Temple University Press, 2009).

\(^{79}\) International Criminal Tribunal for the former Yugoslavia Prosecutor Carla del Ponte, for instance, helped stop the formation of a truth commission for Bosnia because she feared such a commission would undermine her judicial cases. Charles T. Call, ‘Is Transitional Justice Really Just?’ *Brown Journal of World Affairs* 11(1) (2004): 101–114.

\(^{80}\) For data on judicial impact, see, Hayner, supra n 24.

small number of domestic or foreign legal cases as contextual information. For example, the Argentinian commission transferred files to prosecutors, which resulted in the ‘conviction and imprisonment of five generals.’\(^8^2\) A truth commission’s judicial impact is typically delayed. Even the preliminary investigation for prosecutions takes place several years after the publication of the final report. Often one observes surprising turns, in which a commission acquires renewed significance thanks to changing domestic and international circumstances. Chad’s commission unexpectedly took on new importance as rights advocates turned to it as a primary source of information in an effort to prosecute [former dictator Hissène] Habré at the international level. It was still the only detailed record of rights crimes under Habré, and was thus critical in providing leads to witnesses for a trial.\(^8^3\)

In none of the cases did judicial impact extend beyond one or two high-profile cases, such as the arrest of Augusto Pinochet (Chile), the indictment of Hissène Habré (Chad) and the conviction of Alberto Fujimori (Peru), which brings up normative and practical questions about prioritizing accountability for the ‘big fish’ rather than the rank and file. Arguably, the design of truth commissions, which curtails their judicial powers, accounts for their relative insignificance in judicial processes. However, evidence suggests that even when commissions have made full use of their capacity to facilitate prosecutions, courts have neglected their findings. The Special Court for Sierra Leone, for example, had the power to force the Sierra Leonean Truth and Reconciliation Commission to share the information at its disposal, but the prosecutor rejected the possibility.\(^8^4\) In the end, truth commissions produce limited judicial impact, but not necessarily due to their own fault.

**Evidence for Negative Judicial Impact**

Do truth commissions promote impunity, then? There is a tendency to exaggerate the prevalence of amnesty laws accompanying truth commissions as a result of the attention given to the South African TRC’s amnesty procedures.\(^8^5\) South Africa and Liberia are the only countries where an amnesty-for-truth option was built into the commission,\(^8^6\) but it would be unfair to fault the amnesty procedure for

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\(^8^2\) Hayner, supra n 24 at 280.


\(^8^6\) In the case of Liberia, the commission was mandated to recommend, not grant, amnesty to alleged perpetrators. The commission’s mandate is available at Truth and Reconciliation Commission of Liberia, ‘Mandate,’ http://trocfliberia.org/about/trc-mandate (accessed 21 October 2013).
the obstruction of justice. The South African TRC dismissed or rejected about 88 percent of the 7,112 amnesty applications it received, and many perpetrators did not testify at all. Thus, the majority of perpetrators are available for prosecution. The results in Liberia, where the truth commission could only recommend but not grant amnesty, are yet to be seen. The peace accords in Guatemala and Sierra Leone initially had amnesty provisions, but pressure from the international community and domestic NGOs forced the exclusion of serious charges, such as genocide and crimes against humanity, from the amnesty laws. In other words, the failure to prosecute results less from amnesty laws accompanying truth commissions than other factors, such as the unwillingness of the judiciary or political pressures.

In Chile and Sri Lanka, amnesty laws preceded the truth commission by over a decade. Chile’s amnesty law dates back to 1978 and Sri Lanka’s to 1982 – long before the respective truth commissions were established in 1990 and 1994. El Salvador and Nepal are the only countries where a truth commission resulted in amnesty, but precisely as counterevidence for the ‘impunity through amnesty’ hypothesis. An amnesty law was passed hastily in each country as the release of the final report generated fear of prosecution among the political and military elite. The postcommission amnesties in Argentina served to stop criminal accountability, but they were not recommended by, or established as a process of, the commission. The 1986 Full Stop Law halted the prosecution of most perpetrators, and Carlos Menem’s 1989 presidential pardon of military officers accused of violations further undermined retributive justice.

There is no empirical evidence to show that actors who actively seek prosecution are ‘distracted’ by the nonretributive promises of truth commissions, like healing, reconciliation or monetary compensation. What one observes is that truth commissions have restructured their investigation methods to respond to persistent advocacy for trials (e.g., Peru) or have found themselves severely criticized for failing to respond to this demand (e.g., Chile). While it is true that many politicians, military leaders and armed groups have accepted the creation of

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88 In fact, the South African TRC exposed many presumed perpetrators whose applications for amnesty were rejected. However, ‘none recommended by the TRC were prosecuted.’ Hayner, supra n 24 at 281.
89 ‘The [TRC]’s work was confidential, and both the SCSL [Special Court for Sierra Leone] and the TRC made clear that there would be no sharing of information. Thus nothing from the TRC was utilized by the SCSL. Also, the Lomé Accord amnesty precluded domestic prosecutions.’ Email communication, Beth Dougherty, professor at Beloit College, 11 October 2011.
90 The UN Representative at the Sierra Leonian peace process introduced a last-minute disclaimer: ‘The United Nations holds the understanding that the amnesty and pardon in Article IX of the agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.’ Quoted in Priscilla B. Hayner, Negotiating Peace in Sierra Leone: Confronting the Justice Challenge (Geneva: Center for Humanitarian Dialogue and International Center for Transitional Justice, 2007), 5.
truth commissions under the impression that they would replace or distract from prosecutions, commissions have neither advocated impunity nor dampened the energies of activists who seek trials. The failure to prosecute has resulted from many other factors, but not from the existence of truth commissions.

**Conclusion**

This article conceptualizes truth commission impact as a set of political, institutional, societal and judicial transformations resulting from the truth commission process in the course of a political transition. The processes that generate the largest effects are direct political impact and delayed political impact through civil society mobilization. The former points to the quasi-official character of truth commissions, while the latter is a reminder of the need for continued civil society activism to keep politicians accountable to otherwise nonbinding recommendations. Civil society mobilization is a crucial factor in generating long-term judicial and normative impact, as well. Truth commissions are neither state institutions nor NGOs; their liminal position vis-à-vis public authorities necessitates a broader discussion of their agency and vulnerability, stated goals and unanticipated consequences. It is through the relations of mutual cooperation and competition, autonomy and dependence, legitimation and delegitimation among politicians, domestic and international human rights activists and commissioners that truth commissions generate impact.

The discussion above discards commission-induced vetting (effective only in El Salvador) as a significant impact mechanism. Truth commissions’ positive judicial impact (i.e., human rights accountability) tends to appear several years after the end of the process, in great part as a result of broader changes in politicians’ and judges’ attitudes on human rights trials. Negative judicial impact (i.e., impunity) favors only a small subsection of perpetrators, while the overall climate of impunity is likely caused by factors other than truth commissions’ amnesty procedures.

This article is a modest attempt to capture the specific mechanisms through which a truth commission influences political, judicial and societal processes. Needless to say, commissions do much more. Many commissions have devised ways to increase public awareness of their findings and recommendations, such as publishing the final report as a marketable book or in a newspaper, producing an accessible version of the final report for adults and/or children (Peru and Sierra Leone), organizing outreach activities and so forth. They have sought to delegitimize presumed perpetrators in the eyes of citizens. Eight of the 15 transitional truth commissions I identified have published the names of individual perpetrators, and in at least one other case (Argentina) the list of perpetrators was ‘leaked’ to the press. Beyond individuals, truth commissions have also criticized institutional actors, such as the military, police, armed opposition, political parties and judicial institutions, for committing or condoning human rights violations and for contributing to a political context in which violations would happen. They have promoted consensus, mutual understanding and some notion of
‘reconciliation’ (arguably the most contentious term in transitional justice scholarship) between victims and perpetrators, between former enemies or across various social groups and political actors. As the normative impact of truth commissions on politics and society is undeniable, future research should devise innovative and precise data collection and analysis tools to assess the magnitude, direction and specific causal mechanism of cross-national variation in normative change.

In conclusion, truth commissions do produce significant changes, and in favor of human rights accountability more often than not, but the magnitude of the change should not be exaggerated. Their ad hoc and nonbinding character limits their potential for impact. Nevertheless, sustained postcommission pressure on the part of human rights organizations and victims’ groups, where it happens, has to some extent compensated for the intrinsic weakness of truth commissions to date.