

CHAPTER 1

Truth Commissions and International Law

Jurisdiction, Representation, Authority

1.1 INTRODUCTION

In the late 1980s, toward the end of the Cold War, a growing number of states began to establish a new kind of institution, directed toward investigating and publicly presenting an official account of past violent events. By the late 1990s, this institution had been given the name of a ‘Truth Commission.’¹ Since the 1980s there have been about fifty Truth Commissions.² The vast majority of these institutions have operated so

¹ There are different ways to describe or define Truth Commissions. However, Priscilla Hayner’s definitions can be considered the most influential ones. In 1994 (article) and 2001 (book) Hayner published the first comprehensive studies on Truth Commissions, in which she put forward a general definition of a ‘Truth Commission.’ In 2011 Hayner revised and expanded the original 1994/2001 definitions. In part, this was to reflect the innovations in the design and implementation of the ‘new’ Truth Commissions, but also a response to different critiques (notably, Mark Freeman). See Priscilla B. Hayner, “Fifteen Truth Commissions – 1974 to 1994: A Comparative Study,” *Human Rights Quarterly*, vol 16, no 4 (1994): 603–604; 607–611; 655; Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (Routledge, 2001; 2011), 10–18; Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge University Press, 2006), 12–22. For a recent overview about the varying definitions/descriptions and conceptual debates, see Jeremy Sarkin, “Introduction,” in *The Global Impact and Legacy of Truth Commissions*, Jeremy Sarkin (ed) (Intersentia, 2019).

² The exact number of Truth Commissions varies depending on their definition. Putting aside conceptual debates, what it is interesting is how since the 1990s Truth Commissions have kept growing in number. In this sense, it is less important if only forty of those fifty are ‘proper’ Truth Commissions according to a particular author (e.g., Mark Freeman). My point is mostly to emphasize that Truth Commissions have become highly popular post-conflict institutions, and that their global presence is telling of the significant social power and appeal that Truth Commissions wield. For a helpful list see Hayner, *Unspeakable Truths*, xi–xii; 256–262. For updated lists see The Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, “Truth

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far in states in the Global South.³ More recently, Truth Commissions have also been created in the Global North.⁴ This includes increasing calls to create Truth Commissions to address the legacies of colonialism for contemporary state-society relations.⁵

Commissions and Their Contributions to Atrocity Prevention” (2020), 29–30. www.uschwarzinstitute.org/wp-content/uploads/2020/05/AIPG-TruthCommissionsReport.pdf; Harvard Kennedy School, Harvard T. H. Chan School of Public Health, and University of Toronto, “Transitional Justice Evaluation Tools” (2025). <https://transitionaljusticedata.org/en/>; McMaster University, “Truth Commission Reports” (2025). <https://truthcommissions.humanities.mcmaster.ca/truth-commission-reports/>.

³ I use ‘Global South’ and ‘Third World’ interchangeably. By these terms I mean the political place(s) where the quality of life and state-society relations has been historically, and still is, conditioned in unequal ways by different international legal actors and institutions. An early articulation of this is attributed to Sauvy in Alfred Sauvy, “Document: Trois Mondes, Une Planète,” *Vingtième Siècle. Revue d’histoire*, no 12 (1986). For an historical overview see Christoph Kalter, *The Discovery of the Third World: Decolonization and the Rise of the New Left in France, c. 1950–1976* (Cambridge University Press, 2016). For similar uses in the field of international law, see Antony Anghie and B. S. Chimni, “Third World Approaches to International Law and Individual Responsibility in Internal Conflicts,” *Chinese Journal of International Law*, vol 2, no 1 (2003): 78; Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth, and the Politics of Universality* (Cambridge University Press, 2011), 261–262; Luis Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development* (Cambridge University Press, 2015), xiv at 1.

⁴ See for example, Truth and Reconciliation Commission of Canada, *Honoring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015); Victoria State Government, *Letters Patent for the Royal Commission to be known as Yoo-rook Justice Commission, Register of Patents Book No 47 Page 174* (12 May 2021). In 1997 the Australian government tasked its Human Rights and Equal Opportunity Commission to investigate the state’s practice of “separat[ing] Aboriginal and Torres Strait Islander children from their families.” See Commonwealth of Australia, Human Rights and Equal Opportunity Commission, *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997).

⁵ At the United Nations (UN), there is a push to use transitional justice institutions to address breaches of international law “in colonial contexts”; see in UN Doc A/76/180 (19 July 2021), *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, Fabián Salvioli*. In 2021, in the United States (US), legislation was introduced in Congress to establish a Truth Commission to address issues concerning the historical and ongoing contemporary legacies of slavery. See United States Congress, Rep. Lee, Barbara [D-CA-13], *H.Con.Res.19 – Urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation* (25 February 2021). In the US there have been two local Truth Commission experiences; see The Greensboro Truth and Reconciliation Commission, <https://greensborotrc.org>; The Maryland Lynching Truth and

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Internationally, different actors – including states, international institutions, and nongovernmental organizations, as well as activist and solidarity networks – have shaped and promoted a recognizable public role for Truth Commissions in post-conflict states.⁶ That role is to investigate

Reconciliation Commission, <https://msa.maryland.gov/lynching-truth-reconciliation/>. In January 2021 a report, commissioned by French president Emmanuel Macron, recommended “the creation of a mixed French-Algerian ‘truth and memory commission’” to address some of the legacies of the Algerian independence war. See Benjamin Stora, *Les Questions Mémoires Portant sur la Colonisation et la Guerre d’Algérie* (Présidence de la République, 2021).

- ⁶ On how, during and after the Cold War, international networks mobilized Truth Commissions and other transitional justice institutions and concepts, and institutions such as human rights and democracy, see The Aspen Institute, *State Crimes: Punishment or Pardon: Papers and Report of the Conference* (The Aspen Institute, 1988); Yves Dezalay and Bryant G. Garth, *The Internationalization of Palace Wars: Lawyers, Economists, and the Contest to Transform Latin American States* (University of Chicago Press, 2002); Nicolas Guilhot, *The Democracy Makers: Human Rights and International Order* (Columbia University Press, 2005); Paige Arthur, “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly*, vol 31, no 2 (2009); Jamie Rowen, *Searching for Truth in the Transitional Justice Movement* (Cambridge University Press, 2017); Sara Dezalay, “The Role of International NGOs in the Emergence of Transitional Justice: A Case Study of the International Center for Transitional Justice,” in *Research Handbook on Transitional Justice*, Cheryl Lawther, Luke Moffett, and Dov Jacobs (eds) (Edward Elgar Publishing, 2017). Over the last fifteen years at the UN there has been increasing support for promoting transitional justice institutions, including Truth Commissions. See for example, UN Doc S/2014/616 (23 August 2004), *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies*; UN Doc E/CN.4/2005/102 (18 February 2005), *Impunity: Report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher, 7–10; UN Doc E/CN.4/2005/102/Add.1 (8 February 2005), *Impunity: Report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher: Addendum, 8–11; Office of the United Nations High Commissioner for Human Rights, *Rule-of-Law Tools for Post-conflict States: Truth Commissions* (2006); UN Doc ST/SG(09)/A652 (March 2010), *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*; UN Doc A/HRC/24/42 (28 August 2013), *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, Pablo de Greiff; UN Doc S/RES/2282 (27 April 2016), *Security Council Resolution 2282 (2016) [on post-conflict peacebuilding]*; UN Doc A/HRC/37/65 (6 June 2018), *Joint Study on the Contribution of Transitional Justice*; UN Department of Public Information SC/14109 (13 February 2020), *To Rebuild Lives, Suffering Must Be Acknowledged, ‘Justice Done’, Human Rights High Commissioner Says, as Security Council Takes Up Transitional Justice*, www.un.org/press/en/2020/sc14109.doc.htm; UN Doc A/HRC/48/60 (9 July 2021), *Accountability: Prosecuting and Punishing Gross Violations of Human Rights and Serious Violations of International Humanitarian Law in the Context of Transitional Justice Processes. Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, Fabián Salvioli.

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violent events that occurred in a specific place, during a particular time.⁷ The purpose of the investigation is to deliver a public, official, yet independent account of those violent events (the ‘truth’),⁸ which takes the form of a Final Report. For those who support the creation of a Truth Commission, the overarching expectation is generally that the Truth Commission’s account of the truth will have the potential to help make post-conflict state-society relations more peaceful, more just, and more law-abiding.⁹ In conducting the investigation and delivering the Final Report, a Truth Commission’s account is usually understood to be a crucial element in supporting the transformation of state-society relations and in preventing a return to violent conflict.¹⁰ Yet, as both supporters and critics of Truth Commissions point out, there are many factors that condition the potentially transformative power of Truth

⁷ Hayner, *Unspeakable Truths*, 11–12; Cheryl Lawther, “Transitional Justice and Truth Commissions,” in *Research Handbook on Transitional Justice*, Cheryl Lawther, Luke Moffett, and Dov Jacobs (eds) (Edward Elgar Publishing, 2017), 343.

⁸ Hayner, *Unspeakable Truths*, 20; Robert I. Rotberg, “Truth Commissions and the Provision of Truth, Justice, and Reconciliation,” in *Truth v. Justice: The Morality of Truth Commissions*, Robert I. Rotberg and Dennis F. Thompson (eds) (Princeton University Press, 2000), 4; Paul van Zyl and Mark Freeman, “The Legacy of Abuse: Conference Report,” in *The Legacy of Abuse: Confronting the Past, Facing the Future*, Alice H. Henkin (ed) (The Aspen Institute, 2002), 4–5; Freeman, *Truth Commissions*, 11; 18; Anita Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical Perspective* (Routledge, 2015), 4; Sarkin, “Introduction,” 16; Filipa Raimundo and Joana Rebelo Morais, “Is Anyone Listening? A Review of the Research on Attitudes Towards Truth Commissions,” in *The Global Impact and Legacy of Truth Commissions*, Jeremy Sarkin (ed) (Intersentia, 2019), 45.

⁹ See generally, Hayner, *Unspeakable Truths*, 20–23; Eric Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (Routledge, 2010); Ferrara, *Assessing the Long-Term Impact of Truth Commissions*; Cath Collins, Jemima Garcia-Godos, and Elin Skaar, *Transitional Justice in Latin America: The Uneven Road from Impunity Towards Accountability* (Routledge, 2016); Guillermo Trejo, Juan Albarracín, and Lucía Tiscornia, “Breaking State Impunity in Post-authoritarian Regimes: Why Transitional Justice Processes Deter Criminal Violence in New Democracies,” *Journal of Peace Research*, vol 55, no 6 (2018). See also, UN Doc A/HRC/37/65 (6 June 2018), *Joint Study on the Contribution of Transitional Justice*.

¹⁰ Hayner, *Unspeakable Truths*; Wiebelhaus-Brahm, *Truth Commissions*; Ferrara, *Assessing the Long-Term Impact of Truth Commissions*; Collens, Garcia-Godos, and Skaar, *Transitional Justice in Latin America*; Trejo, Albarracín, and Tiscornia, “Breaking State Impunity in Post-authoritarian Regimes.” See also, UN Doc A/HRC/37/65.

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Commissions and their accounts of the truth.¹¹ This book examines one of those factors: how Truth Commissions gain *authority* for their investigatory activities and for their resulting truths.

Scholars and practitioners who study and work on Truth Commissions understand their authority to be central to the establishment and operation of the institution.¹² For a significant group in this field, this authority has two primary sources.¹³ One is the state that legislatively creates the

¹¹ See for example, Audrey R. Chapman and Patrick Ball, “The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala,” *Human Rights Quarterly*, vol 23, no 1 (2001); Greg Grandin, “The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile, and Guatemala,” *The American Historical Review*, vol 110, no 1 (2005); Onur Bakiner, “Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society,” *International Journal of Transitional Justice*, vol 8, no 1 (2014); Jennifer Balint, Julie Evans, and Nesam McMillan, “Justice Claims in Colonial Contexts: Commissions of Inquiry in Historical Perspective,” *Australian Feminist Law Journal*, vol 42, no 1 (2016); Renee Jeffrey, “Truth Commissions and Democratic Transitions: Neither Truth and Reconciliation nor Democratization in Nepal,” *Journal of Human Rights* vol 20, no 3 (2021). See also, UN Doc A/HRC/24/42 (28 August 2013), *Report of the Special Rapporteur, Pablo de Greiff*, 6–9.

¹² For some of the most important contributions see Hayner, “Fifteen Truth Commissions,” 604; Margaret Popkin and Naomi Roht-Arriaza, “Truth as Justice: Investigatory Commissions in Latin America,” *Law & Social Inquiry*, vol 20, no 1 (1995): 93–99; Ruti G. Teitel, *Transitional Justice* (Oxford University Press, 2000), 83–88; Hayner, *Unspeakable Truths*, 11–12; 210–215; Freeman, *Truth Commissions*, 27–28; 133–134; 138–140; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies*, 3–4; Onur Bakiner, “One Truth Among Others? Truth Commissions’ Struggle for Truth and Memory,” *Memory Studies*, vol 8, no 3 (2015); Jeremy Sarkin, “Redesigning the Definition a Truth Commission, but Also Designing a Forward-Looking Non-Prescriptive Definition to Make Them Potentially More Successful,” *Human Rights Review*, vol 19, no 3 (2018): 354–356. See also, International Center for Transitional Justice, “Drafting a Truth Commission Mandate: A Practical Tool” (2013), 3; UN Doc A/HRC/24/42 (28 August 2013), *Report of the Special Rapporteur, Pablo de Greiff*, 15–16; 25; Auschwitz Institute, “Truth Commissions and Their Contributions to Atrocity Prevention,” 5.

¹³ For some of the most important contributions see Hayner, “Fifteen Truth Commissions,” 604; Popkin and Roht-Arriaza, “Truth as Justice”; Teitel, *Transitional Justice*, 83–88; Hayner, *Unspeakable Truths*, 11–12; 210–215; Freeman, *Truth Commissions*, 27–28; 133–134; 138–140; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies*, 3–4; Bakiner, “One Truth Among Others?”; Jeremy Sarkin, “Redesigning the Definition.” See also, International Center for Transitional Justice, “Drafting a Truth Commission Mandate: A Practical Tool”; UN Doc A/HRC/24/42; Auschwitz Institute, “Truth Commissions and Their Contributions to Atrocity Prevention,” 5.

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Truth Commission and its activities.¹⁴ In these accounts, it is usually the state that provides the Truth Commission with a legal-institutional form of authority, although the UN, in prior agreement with a state or the parties in conflict, can also authorize the establishment of a Truth Commission.¹⁵ The second source of a Truth Commission's authority is usually said to be personal, in the sense that it is based on the moral and political reputation of the individuals who have been appointed as truth-commissioners.¹⁶ As Pablo de Greiff, UN Special Rapporteur on the

¹⁴ See Hayner, "Fifteen Truth Commissions," 604; Popkin and Roht-Arriaza, "Truth as Justice"; Teitel, *Transitional Justice*, 83–88; Hayner, *Unspeakable Truths*, 11–12; 210–215; Freeman, *Truth Commissions*, 27–28; 133–134; 138–140; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies*, 3–4; Bakiner, "One Truth Among Others?"; Jeremy Sarkin, "Redesigning the Definition." See also, International Center for Transitional Justice, "Drafting a Truth Commission Mandate: A Practical Tool"; UN Doc A/HRC/24/42; Auschwitz Institute, "Truth Commissions and Their Contributions to Atrocity Prevention," 5.

¹⁵ El Salvador's 1990 Truth Commission was the first one of its kind to be designed, fully funded, and operated by the UN. I analyze this Truth Commission in Chapter 4. Other examples of significant UN involvement in Truth Commissions include Guatemala (1997–1999), Timor-Leste (2002–2005), Sierra Leone (2002–2004), and Liberia (2006–2009). See UN Doc A/46/553–S/23130 (9 October 1991), *Letter dated 8 October 1991 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General (Mexico Agreements*, 27 April 1991), 5; 16–18; UN Doc S/1994/751 (1 July 1994), *Letter Dated 28 July 1994 from the Secretary-General to the President of the General Assembly and to the President of the Security Council (Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have caused the Guatemalan Population to Suffer)*, 13–16; UN Doc UNTAET/REG/2001/10 (13 July 2001), *Regulation No. 2001/10 – On the Establishment of a Commission for Reception, Truth And Reconciliation in East Timor*; UN Doc S/1999/777 (12 July 1999), *Letter dated 8 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Togo to the United Nations addressed to the Secretary-General (contains, Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone)*, 25; UN Doc S/2003/850 (29 August 2003) *Letter Dated 29 August 2003 from the Permanent Representative of Ghana (contains, Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the Political Parties)*, 12. On the role of the UN in funding, managing and promoting transitional justice institutions, including Truth Commissions, see generally, Leena Grover, "Transitional Justice, International Law and the United Nations," *Nordic Journal of International Law*, vol 88, no 3 (2019).

¹⁶ On this see for example, UN Doc A/HRC/24/42 (28 August 2013), *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, Pablo de Greiff, 7; Popkin and Roht-Arriaza, "Truth as Justice," 93–95; Teitel, *Transitional Justice*, 81–83; Hayner, *Unspeakable Truths*, 211–213; 233; Freeman, *Truth*

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Promotion of Truth,¹⁷ emphasized in his 2013 report: “the authority and legitimacy of truth commissions depends heavily on the qualities and standing of commissioners.”¹⁸ In short, in these accounts, if a Truth Commission does not have both legal-institutional and personal-reputational authority, it risks delivering an account of the truth that will have little or no power to transform state-society relations.

The contexts in which Truth Commissions must gain authority for their investigatory activities and for their accounts of the truth are especially challenging, with highly sensitive social, political, legal, and economic conditions. These conditions include a plurality of accounts of the events that led to, and occurred during, the conflict. These accounts may not only differ in detail, but can also be in rivalrous relation with each other. This plurality of accounts poses a challenge for a Truth Commission’s mandated goal of determining ‘the truth’ in the form of a single, coherent account of what happened. And yet, achieving this outcome – determining *the* truth

Commissions, 133–134; 138–140; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies*, 30; Onur Bakiner, *Truth Commissions: Memory, Power, and Legitimacy* (University of Pennsylvania Press, 2015), 51–53; 57–60; Sarkin, “Redesigning the Definition a Truth Commission,” 359–360; 366; Office of the United Nations High Commissioner for Human Rights, *Rule-of-Law Tools for Post-conflict States: Truth Commissions*, 13–14. More broadly, on the fundamental role of personal reputation in professional practice and institution-building, see Yves Dezalay and Bryant G. Garth, *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order* (University of Chicago Press, 1996).

¹⁷ Pablo de Greiff served as the inaugural UN Special Rapporteur between 2012 and 2018. The full title of this position is: Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. See UN Doc A/HRC/RES/18/7 (13 October 2011), *Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence: Resolution adopted by the Human Rights Council*.

¹⁸ UN Doc A/HRC/24/42 (28 August 2013), *Report of the Special Rapporteur, Pablo de Greiff*, 27. On the UN’s emphasis on having “credible commissioners” see UN Doc S/2014/616 (23 August 2014), *The Rule of Law and Transitional Justice*, 17. For instance, the Liberian Truth Commission is said to have ‘failed’ because all the commissioners were ‘tainted’ by the civil war see Carla De Ycaza, “A Search for Truth: A Critical Analysis of the Liberian Truth and Reconciliation Commission,” *Human Rights Review*, vol 14, no 3 (2013): 196–197. I discuss in Chapter 4 how El Salvador’s UN Truth Commission was deliberately comprised only by non-Salvadorans under the claim that there were no ‘apolitical’ Salvadoran public figures capable of delivering an ‘objective’ account of the truth. On this see Mark Ensalcado, “Truth Commissions for Chile and El Salvador: A Report and Assessment,” *Human Rights Quarterly*, vol 16, no 4 (1994): 661.

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from among the plurality of accounts – is understood to be integral to the potential transformative work of a Truth Commission.¹⁹ What this book examines is how Truth Commissions produce their shared, public accounts or ‘truths’ in the face of this plurality. The understanding of ‘truth’ that this book is concerned with could also be called “factual or forensic truth.”²⁰ My concern is how Truth Commissions have privileged this type of truth in public life over other coexisting truths, which might not entirely ‘fit’ with its design to establish a shared, official account of the past.

The more that I investigated the way Truth Commissions create an authoritative account of violent conflicts, how they deal with the plurality of accounts – and what they do to rival accounts – the more I noticed that Truth Commissions were drawing authority for those accounts from another source: international law. If this book’s driving question is how Truth Commissions have established their accounts of the truth, then this relationship between the work of Truth Commissions and international law is a crucial part of the answer, which has not yet been adequately understood.

Distinct from the authority that the Truth Commission relies on in its establishment as an institution, there is something else at work in the production of the account of the truth itself. My argument is that Truth Commissions have drawn on international law to authorize their claim to address the truthfulness of their accounts of violent conflict. This can be seen in three of the most important Truth Commissions of the twentieth century:²¹ Argentina’s National Commission on the Disappeared (1983–

¹⁹ See notes 9 and 12 above, see especially Teitel’s discussion of establishing ‘the truth’ in the face of coexisting “truth regimes” in Teitel, *Transitional Justice*, 70–73; 81–92; Bakiner, “One Truth Among Others? Truth Commissions’ Struggle for Truth and Memory.”

²⁰ I thank Vasuki Nesiah for pointing this out. The “factual or forensic truth” is one of “the four notions of truth” that the South African Truth Commission (1996–2003) put forward and worked with. See in Truth and Reconciliation Commission of South Africa, “Truth and Reconciliation Commission of South Africa Report. Volume 1” (1998), 110–114.

²¹ On the influence of these three Truth Commissions on other Truth Commissions, including on South Africa’s Truth and Reconciliation Commission, see, for example, Ensalaco, “Truth Commissions,” 656–657; Priscilla B. Hayner, “Commissioning the Truth: Further Research Questions,” *Third World Quarterly*, vol 17, no 1 (1996): 20; Neil J. Kritz, “Where We Are and How We Got Here: An Overview of Developments in the Search for Justice and Reconciliation,” in *The Legacy of Abuse: Confronting the Past*,

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1984);²² Chile's National Commission on Truth and Reconciliation (1990–1991);²³ and El Salvador's UN Commission on the Truth (1992–1993).²⁴ It can also be seen in what human rights and transitional justice experts retrospectively described in the 1990s to be the inaugural Truth Commission, the 1974 Commission of Inquiry into the Disappearances of People in Uganda.²⁵ Through in-depth studies of these Truth Commissions, the book shows how they draw on international law in four main ways: by invoking its promises of democracy and peace (Argentina in Chapter 2); by using international human rights language (Chile in Chapter 3); by linking the Truth Commission to the identity and status of the UN (El Salvador in Chapter 4); and by retrospectively redescribing the historical connection of Truth Commissions to international human rights (the 1974 Commission of Inquiry in Chapter 5). At the same time, it is not only the Truth Commissions that benefit from this relationship with international law. As I show in each of the studies,

Facing the Future, Alice H. Henkin (ed) (The Aspen Institute, 2002), 22–23; Elin Skaar, “Transitional Justice for Human Rights: The Legacy and Future of Truth and Reconciliation Commissions,” in *International Human Rights Institutions, Tribunals, and Courts*, Gerd Oberleitner (ed) (Springer, 2018), 402; Marcos Zunino, *Justice Framed: A Genealogy of Transitional Justice* (Cambridge University Press, 2019), 67; 76; 107; Alejandro Chehtman, “Latin America as a Laboratory of Transitional Justice,” in *Latin American International Law in the Twenty-First Century*, Alejandro Chehtman, Alexandra Huneeus, and Sergio Puig (eds) (Oxford University Press, 2025), 420–421.

²² Comisión Nacional sobre la Desaparición de Personas (CONADEP), *Nunca Más: The Report of the Argentine National Commission on the Disappeared* (Farrar, Straus, Giroux, 1986).

²³ Comisión Nacional de Verdad y Reconciliación, *Report of the Chilean National Commission on Truth and Reconciliation*, trans by Phillip Berryman (University of Notre Dame Press, 1993; United States Institute of Peace, 2002).

²⁴ UN Doc S/25500 (1 April 1993), *From Madness to Hope*.

²⁵ Commission of Inquiry into the Disappearances of People in Uganda since the 25th of January 1971, *Final Report of the Commission of Inquiry into the Disappearances of People in Uganda since the 25th of January 1971* (1974), www.usip.org/publications/1974/06/truth-commission-uganda-74. In Chapter 5 I show how this Commission of Inquiry became the inaugural Truth Commission. For exemplary literature that considers this Commission of Inquiry as the inaugural Truth Commission, see for example, Hayner, “Fifteen Truth Commissions,” 611–613; Joanna R. Quinn, *The Politics of Acknowledgement: Truth Commissions in Uganda and Haiti* (UBC Press, 2010), 40; Alicia C. Decker, “‘Sometime You May Leave Your Husband in Karuma Falls or in the Forest There’: A Gendered History of Disappearance in Idi Amin’s Uganda, 1971–79,” *Journal of Eastern African Studies*, vol 7, no 1 (2013).

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the authority of international law, too, is strengthened by the way that Truth Commissions hold international law as central to the work of shaping post-conflict state-society relations.

This offers a novel way of understanding Truth Commissions as post-conflict institutions that both rely upon and advance the authority of international law. As each of the studies show, one consequence of the relationship between Truth Commissions and international law is that it privileges in public life a form of truth that tends to conform with the values and worldviews of international law. In Argentina (Chapter 2), the Truth Commission silenced interpretations and meanings of the dictatorship's socioeconomic state violence in its privileging of an internationally authorized account of the truth about the violent events. Similarly in Chile (Chapter 3), by placing an internationally authorized truth about its dictatorship in a 'major' position in public life, the Truth Commission displaced to a 'minor' position the truths of communities – especially Indigenous peoples and women – who are pushed to the margins of public life.²⁶ In El Salvador (Chapter 4), too, the consequence of linking the truth produced by the Truth Commission to the UN was to silence truths that rivaled the UN's (emerging) post-Cold War worldview for the Global South. Finally, in the case of the 1974 Commission of Inquiry (Chapter 5), the consequence of its 1994 retrospective redescription as the inaugural Truth Commission using the language of human rights, is that it displaced the legal language that had given authority to the original 1974 Commission's account.

There is an extensive literature examining questions of authority in international law and its institutions.²⁷ In this literature, international

²⁶ In Chapter 3 I explain in greater detail what I mean by 'major' and 'minor' truths, drawing on Goodrich's conceptualization of "minor jurisprudences" in Peter Goodrich, *Law in the Courts of Love: Literature and Other Minor Jurisprudences* (Routledge, 1996), 2.

²⁷ See as examples, Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press, 2005); Armin von Bogdandy et al., "Special Issue: The Exercise of Public Authority by International Institutions," *German Law Journal*, vol 9, no 11 (2008); Samantha Besson, "The Authority of International Law: Lifting the State Veil," *Sydney Law Review*, vol 31, no 3 (2009); Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011); Nicole Roughan, *Authorities: Conflicts, Cooperation, and Transnational Legal Theory*