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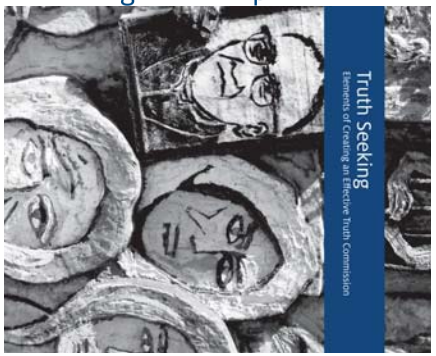


Chapter 6

From Establishment To Regular Operations

“As Commissioners of the TRC, we know now with absolute certainty that the road we travel is equal in importance to the destination we seek. There are no shortcuts. When it comes to truth and reconciliation, we are all forced to go the distance.”

The Honourable Justice Murray Sinclair, Chair, Truth and Reconciliation Commission of Canada, Presentation to the Senate Committee on Aboriginal Peoples, September 28, 2010

Deployment Phase

Following successful completion of the preparatory phase, the commission can act on its work plan and start its main operations and effective deployment on the ground. During its deployment, the commission should hire personnel fill out its organizational chart; open offices; and launch its research, outreach and administrative bodies:

- The commission should hire to full strength in accordance with its organizational chart, research, and outreach plans. Hiring should closely observe the highest standards of transparency and good practice applicable to the public sector, including disclosures of any conflicts of interest. The commission should be a responsible employer, observing all appropriate labor legislation, while seeking a diverse staff, with equal opportunity for men and women and ethnic, regional, and religious groups, as well as the right balance of professional disciplines.

  Depending on its legal mandate and organizational chart, the commission may budget for a combination of the following teams and units:

  - Legal team(s) to identify patterns of violations set out by the mandate, according to applicable law, and thoroughly investigate specific, illustrative cases
  - Interdisciplinary teams of social scientists (such as historians, sociologists, political scientists, and anthropologists) to study the political processes and context that gave rise to the human rights violations under inquiry as well as examining the consequences of past abuse and violations. (As the operational phase makes progress, these teams may refine their functions, in order to transition from research on findings to work on recommendations based on findings.)
  - A statement-taking and data-processing unit to design statement-taking procedures and forms, procedures for special witnesses, and procedures for the examination of archives and to develop a comprehensive database
  - A victims unit to promote victims' participation and their emotional support. This unit could be staffed by professionals in the field of health care, social work, and education (If compatible with the legal mandate, a separate service could be established to provide forms of protection to witnesses, in cooperation with the appropriate authorities.)
  - A communication, outreach and education unit to monitor the public, media, and political environment in which the commission operates; help the commission to define its public profile and discourse; manage communications with important partners; and oversee general educational activities (If compatible with the mandate and in coordination with the needs of the investigation, the communication unit could include a specific team to organize public hearings for victims and key witnesses.)
  - An administrative unit to manage budget control, logistics, and monitor productivity

- The commission should establish regional offices and mobile teams, as appropriate, in accordance with its organizational chart, research, and outreach plans. Past experience demonstrates the value and advantages of staffing regional offices with experienced local professionals who enjoy the trust of the population, especially victims. Such professionals may be local activists or human rights defenders with experience and knowledge of the situations being examined by the commission.

  The number of local offices will depend on the geographic characteristics of the country, the number of victims and witnesses expected to appear before the commission, and the strength of civil society and institutional partnerships. Some truth commissions, like Guatemala's Historical Clarification Commission, had relatively few offices, but employed plenty of statement-takers who traveled the country as mobile teams. Other commissions, like Timor-Leste's, opted for permanent district-by-district coverage. The Peruvian Truth and Reconciliation Commission was formed quickly, with limited public outreach, but opened additional offices in certain areas following criticism from civil society.

- The commission should develop its initial public outreach campaign to establish partnerships with national civil society and ensure full coverage of the territory or country. If appropriate at this stage, the commission could also conduct international outreach to human rights groups, institutions, and (potential) donors. It is particularly important to secure partnerships in order to:
  - Disseminate the work of the commission
  - Obtain access to victims' organizations and communities
  - Provide victims with support and counseling
  - Obtain the support of experts

Regular Operations

As the commission's work progresses and the organization reaches full capacity, the commission will begin to implement its regular operations, which, depending on the functions assigned by the mandate and work plans, may include the following tasks:

- Take statements through local offices and/or mobile teams, under the guidance of the research plan and the direction of any statement-taking and data-processing unit. This is the core activity of the commission and the primary experience through which it will engage with victims and witnesses. It is therefore important to ensure the strict application of the commission's methodology and principles of treatment of victims and witnesses. Through its territorial offices, the commission should give clear advance notice of the procedures of testimony gathering to all interested parties. The process of statement-taking must have an appropriate deadline in order to secure time for data-processing, editing, and formatting of the report; establishing findings; and making recommendations. This also applies to interviews of key witnesses and the examination of archival information.

  Taking statements requires the use of a carefully designed and tested questionnaire and an interview protocol. Statement-takers require careful training to ensure that the experience of deponents will be productive and respectful. Deponents must be able to tell their stories in a form that is culturally and psychologically meaningful to them and respects their own narrative techniques. The questionnaire should not be intended to replace the deponent's narratives, but rather to help the interviewer ensure that certain basic information is recorded, and not overlooked or lost, in the process of gathering as much factual and contextual detail as possible.

- Interviewers will record in written form the testimonies they receive, ensuring all elements in the questionnaire are covered to the best ability of the deponent. Written narratives should be sent to the commission's headquarters for entry into the database. The commission's databases, developed following the commission's mandate, will identify both quantitative data (such as the frequencies of specific violations over time, measured with statistical techniques) and qualitative data (such as references to perpetrators' strategies and practices).

- The organization of public hearings allows select victims to share their experiences in front of a national audience and the media. Other forms of public hearings may include the testimony of experts and important political figures.

  Some commissions have been authorized by their legal mandate to allow perpetrators to participate in hearings. This remains controversial: critics cite the risk of retraumatizing victims or providing a form for some witnesses to grandstand. When the Truth and Reconciliation Commission of Liberia invited former warlords to testify, proceedings were disrupted by participants and the public, resulting in a highly distressing situation to victims.

Public hearings are typically organized along three lines:

  - Hearings for direct testimony by victims or survivors, aggregated according to geographic criteria
  - Thematic hearings, where victims' or survivors' testimony is aggregated according to patterns of human rights violations
  - Expert or key person hearings, in which political leaders or knowledgeable experts can share information and perspectives on issues brought to the attention of the commission

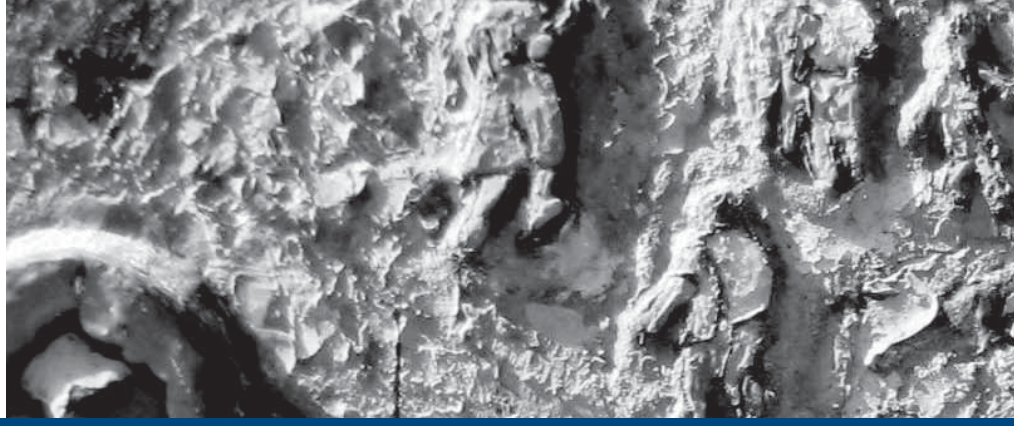
- *Public dialogue*. If appropriate, the commission could organize public activities that provide opportunities for public dialogue, education, or even to address issues of reconciliation, such as the recognition of the experiences of victims or acknowledgment of responsibility by perpetrators. This last possibility has occurred only in very specific legal conditions or involved perpetrators of minor offences not considered to be serious human rights violations (like attacks on property).
- *Victim support and protection*. Victim support and protection should be an active consideration throughout the life of the commission, to ensure victims can become reliable partners or deponents. As commissions have a limited temporal mandate, it may not be sustainable for them to manage protection programs. It is preferable for them to partner with governmental protection agencies to ensure long-term protection of victims and witnesses, or with civil society to ensure informal networks of support around victims.

The length of the phase of deployment and operations will depend on the complexity of the commission's mandate. Recent commissions with comprehensive mandates and extensive patterns of violations under investigation have dedicated anywhere from 12 to 24 months to this phase.

The deployment and operations phase is when the commission grows to full force and becomes a complex organization that includes specialized teams, territorial units, and a carefully managed distribution of labor and expertise among commissioners and important staff. During this phase, investigative teams require large numbers of interviewers and data processors, their logistical needs can become overwhelming. Commissions with broad and complex mandates, such as those of South Africa,[42] Guatemala,[43] and Peru,[44] have had staff in the hundreds and a similar number of volunteers.

Truth commissions are complex, extended inquiries, with work performed by a large staff responsible for a variety of tasks. Establishing an effective organizational structure is an important step in ensuring a commission's efficiency and success. Truth commissions organize their structures in accordance with their mandate and the legal framework applicable in their country. There is no single model of best practices.

42 Supra note 32.
43 Supra note 20.
44 Supra note 39.



ICTJ Justice Truth Dignity

PNUD Brazil

BRASIL

ABC Agência Brasileira de Cooperação

Amnesty Commission

Ministry of Justice

BRAZILIAN GOVERNMENT BRASIL

Eduardo González and Howard Varney, eds., *Truth Seeking: Elements of Creating an Effective Truth Commission*. (Brasilia: Amnesty Commission of the Ministry of Justice of Brazil; New York: International Center for Transitional Justice) 2013.
75 pages.
This publication is also available in Arabic, French, Portuguese, and Spanish.