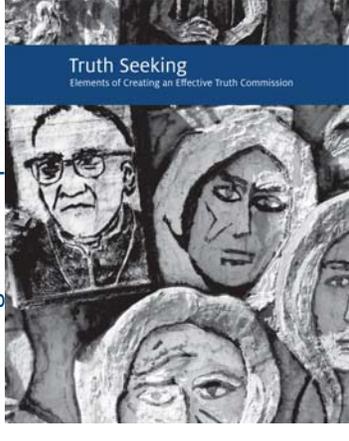


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Chapter 7

Organizational Structure of a Truth Commission

“The Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission (TRC) Selection Panel, the group tasked by the Wabanaki Tribal Governments and the State of Maine to select five commissioners to serve on the TRC, invites the public to nominate people for the Selection Panel’s consideration. The Selection Panel seeks individuals of recognized integrity, empathy, stature and respect with a demonstrated commitment to the values of truth, reconciliation, equity, and justice.”

Maine-Wabanaki Truth and Reconciliation Commission, Welcoming Nominations for Commissioners, September 2012

General Organizational Characteristics of a Truth Commission

With some variation, the internal structures of truth commissions usually have the following characteristics:

- The internal organizational structure, which responds to the mandate in terms of the function and objectives of the truth commission. Commissions are composed of specialized units responsible for research, outreach, and administration; and regional offices deployed across the territory under inquiry or the country.

There are usually two options for determining the organizational structure of a commission:

- For commissions established by executive decree, commissioners interpret their mandate and decide independently on its priorities, including the best use of resources and its organization. Commissions in Chile, Guatemala, and Peru followed this model.
 - Commissions established by legislation have their internal structures decided in advance. This may be to comply with a mandate or to cover all territories of a country. For example, the law establishing the South African commission determined that it would be divided into three specialized committees, dealing with research, reparations, and amnesty procedures.⁴⁵
- The structure includes research, outreach, and administrative support units. These functions are outlined in the wide variety of legal mandates. The research function, which may be carried out by specialized units of legal professionals and social scientists, comprises investigation and production of a final report, which contains the commission's findings and recommendations. The outreach function communicates and educates the public on the commission's mandate. Administrative support ensures the efficient and effective use of commission resources.
 - Division of labor and responsibility among commissioners and professional staff. Commissioners have a direct legal duty to comply with the mandate and hold direct authority and responsibility to make decisions, present findings, and make recommendations. Owing to the political and ethical significance of the commission's decisions, they cannot be made by the professional staff, whose role is to support the commissioners.

Key Functions and Positions Within the Structure of a Truth Commission

The commission should establish units to deal with each specific function set out in the mandate, as appropriate and within the limits of the commission's resources. These units should be managed by professional staff who are accountable to the commissioners. The most important functions to entrust to professional staff are:

- *Executive Secretary (ES)*: The highest professional position among the hired staff, the ES is responsible for managing the commission's budget and administration, and coordinating its activities. The ES must have a well-staffed support unit to ensure effective communication with the research, outreach, and administrative services unit and offices deployed around the country. The ES also supports the commissioners in managing institutional relations with other government institutions and civil society organizations. The ES should report directly to the chair of the commission.
- *Research Director (RD)*: The RD is responsible for the investigation and analysis units of the commission throughout all phases of its work, including planning, information and data gathering, and evaluation and analysis. The RD should be the chief editor of the final report. He or she should report directly to the ES. Some of the possible units likely to operate under the leadership of the RD are:
 - *Methodology, statement-taking, and database*: Social science professionals are needed to design instruments for data-gathering from interviewees, such as statement forms or questionnaires. This unit will grow over time to accommodate interviewers, data clerks, and analysts.

⁴⁵ Supra note 32.

- *Analysis of specific violations*: According to their mandate, the commission can create units to conduct research on violations specifically mentioned in the mandate. Some commissions have concentrated all of their investigative functions in one comprehensive “truth-seeking unit,” while others have established separate specialized units to investigate cases of torture, extrajudicial executions, and enforced disappearances, etc.
- *Analysis of specific social and historical processes*: According to its mandate, a commission may decide to establish units to investigate the broader context and causes of the conflict, the role of certain institutions, or the effects of a conflict on a certain region. For example, a commission may appoint a unit to analyze the role of the police, the judiciary, or a specific profession.
- *Situations affecting specific groups*: The commission should ensure that all units strictly respect nondiscriminatory practices while complying with the mandate. The research unit, in particular, should ensure that it investigates the experiences of any groups that were specifically targeted or that were especially vulnerable, such as women, children, minorities, and indigenous groups. However, it is important that the commission is sensitive to issues affecting specific groups in all aspects of its work. For example, all units should be gender-sensitive. The RD is responsible for ensuring that such special needs are carefully accounted for.
- *Outreach and Communications Director (OCD)*: This position is responsible for communicating the mandate and objectives of the commission to the public and managing all public, media, and educational outreach. The role requires a sensitivity to public attitudes towards the commission and the ability to analyze public opinion. It may be convenient for the OCD to manage some public investigate activities in direct coordination with the RD. The OCD should report directly to the ES. Some of the possible units operating under the leadership of the OCD are:
 - *Victim support*: A unit should be created to reach out to victims and victim communities to assess their needs; facilitate protective, legal, psychological, social, and logistical support; and contribute to recommendations to restore their rights. Also, a victim support unit is essential to helping victims navigate the process of statement-giving and participating in hearings, and preparing submissions.
 - *Public hearings*: Public hearings are one of the most important activities of a truth commission, allowing the citizenry to learn about the violations directly from victims, key stakeholders, and experts. As appropriate, a specific unit should be responsible for organizing hearings, coordinating the various truth commission units to participate, and overseeing necessary logistics.
 - *Public information*: The truth commission needs to have a constant and effective means to communicate information about its activities to the public. Journalists, publicists and communicators should be hired to prepare and distribute periodical information through printed magazines, websites, social networks, and others. Also, this unit must be the liaison for organizing the commissioners’ availability to the press and offering trainings and support to journalists interested in covering commission activities.
 - *Educational initiatives*: In addition to information, the truth commission can create and disseminate educational tools specifically designed for teachers and students. As preparation of the final report moves forward, this unit can contribute to wider public understanding and awareness by helping to prepare pedagogic materials in different formats (written, audio, video, web-based, etc.).
- *Chief Administrative Officer (CAO)*: This position is responsible for managing the commission’s budget, finances, human resources, logistics, and procurement. The CAO must have significant experience working in public institutions and apply the best practices of transparency and efficiency in public administration. The CAO reports directly to the ES. The composition of the administrative units will be dependent on local practices, but the following functions may be covered:

- *Legal services*: This unit ensures that the commission meticulously observes all relevant laws and implements the best practices to prevent corruption, conflicts of interest, and nepotism. The unit is also responsible for drafting and managing contracts and agreements with staff, service providers, and partner organizations. Given that the commission may grow to have considerable numbers of staff, it may require a specific unit dedicated to human resources issues.
- *Accounting*: This unit manages the commission’s budget, allocating resources from the national budget or donors and tracking expenditures, assets, and other resources.
- *Procurement*: This unit coordinates the acquisition or rental of facilities, vehicles, and materials to support commission activities.

Territorial Offices and Mobile Teams

It is important for the commission to deploy staff and resources close to victimized populations. In many cases, patterns of violence occurred in isolated areas, far from large cities or populated regions. Victims and survivors living in areas that are difficult to access may need support in order to participate in the commission activities or give testimony.

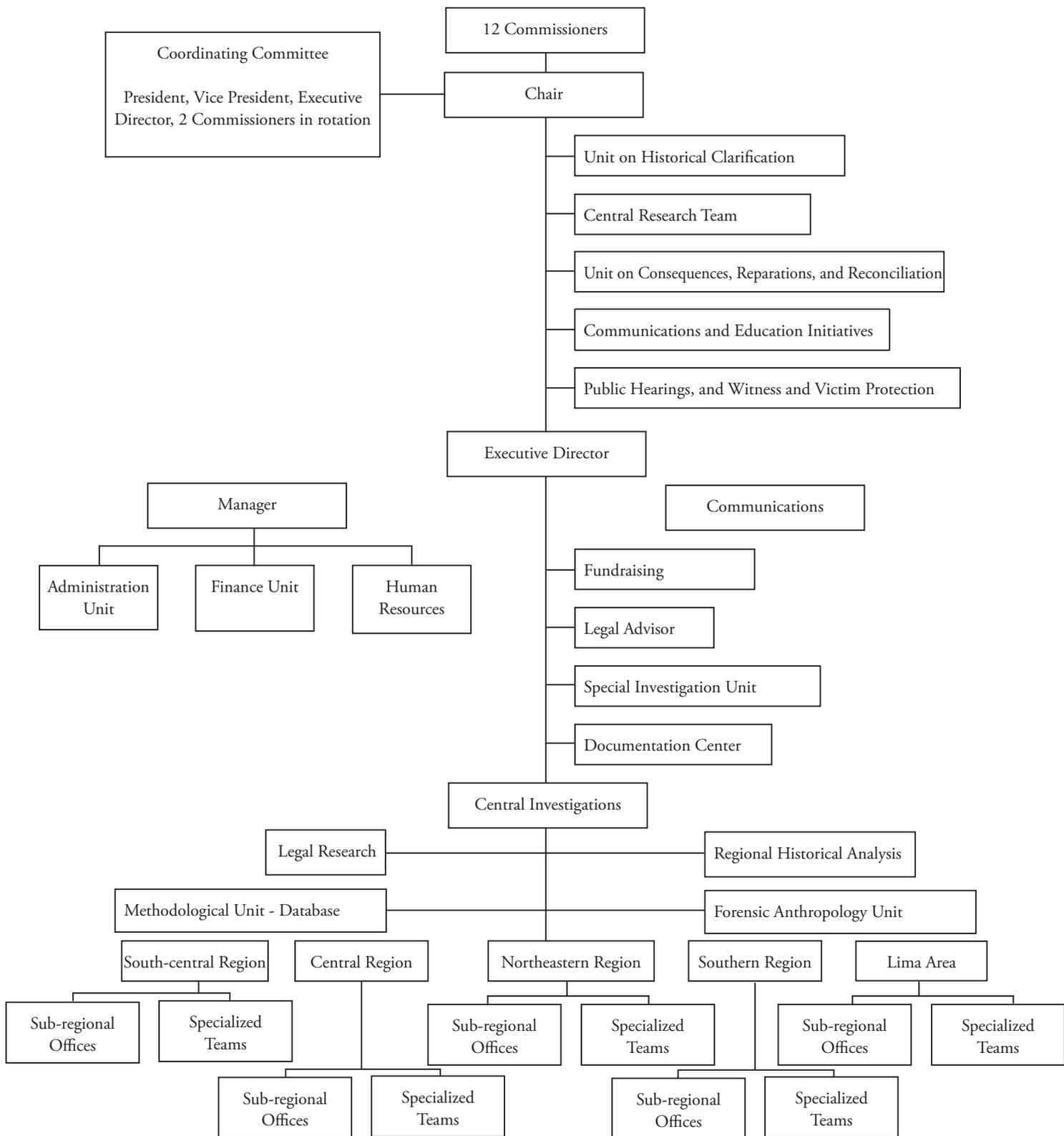
Most commissions have established territorial offices, in addition to headquarters, in order to reach the largest number of statement givers and allow staff to conduct research directly among affected populations. It is important that commissions assess both need and demand when identifying the most appropriate locations for territorial offices.

Each territorial office should have an Office Director (OD), that is accountable to the ED and commissioners. The local OD will manage the local research, communications, and administrative functions, ensuring that statement-taking teams can obtain information from local victims and survivors.

In addition to managing the territorial office’s access to victims, the OD should also organize staff to visit communities, as some victims may not be able to travel to an office. Mobile teams require significant resources, such as vehicles and communications equipment, as well as coordination with security forces in some situations. The OD has the primary responsibility of ensuring that mobile teams can conduct their activities effectively.

Table 1 (below) reflects the organizational structure of the Truth and Reconciliation Commission of Peru when it ended its preparatory phase and started operations.

Table 1: Organizational Diagram of Peru’s Truth and Reconciliation Commission





ICTJ | Justice
Truth
Dignity



B R A S I L



ABC Agência Brasileira
de Cooperação

Amnesty
Commission

Ministry of
Justice



Eduardo González and Howard Varney, eds., *Truth Seeking: Elements of Creating an Effective Truth Commission*. (Brasília: 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.

