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TRUTH COMMISSION RECOMMENDATIONS

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LATIN AMERICAN EXPERIENCES
WITH TRUTH COMMISSION
RECOMMENDATIONS

Beyond Words Vol. II

Edited by

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Latin American Experiences with Truth Commission Recommendations: Beyond Words Vol. II

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PREFACE

Truth commissions have become an indispensable part of the transitional justice and peace-building tool-kit in recent years. The anticipated impact of such commissions usually relates to three things: the actual work of the truth commission (in particular, its interaction with victims, perpetrators, and society at large); the issuance of a report; and the implementation of the recommendations made in that report. This latter dimension has attracted comparatively little attention from scholars and practitioners. In fact, we know very little about whether, how, why, and which recommendations are actually implemented and, when they are, with what effect. Yet, truth commission recommendations may be highly significant in shaping how societies heal and develop after periods of repression and/or violent conflict. As such, the fate of recommendations overlaps with good governance and development concerns, among other things.

This volume takes stock of the implementation records of the recommendations made by 13 truth commissions across 11 Latin American countries (Argentina, Chile, Brazil, Ecuador, El Salvador, Guatemala, Haiti, Panama, Paraguay, Peru, and Uruguay) in the period from 1983 through 2017. It is the first book ever to provide a systematic comparative analysis of the entire universe of recommendations made by all formal (i.e., state-sponsored) truth commissions in a geographical region. It also is the first book to include a large selection of little known, under-researched cases like the truth commissions of Ecuador, Haiti, Panama, and Paraguay. These commissions addressed a variety of human rights violations committed in the context of repression by authoritarian regimes and civil war. Some were created in the immediate aftermath of democratic transition and/or conflict termination; others came years later. This volume, therefore, offers several important innovations for scholars and practitioners concerned with democratization, peace-building, and transitional justice in general and with truth commissions in particular.

The events covered in this volume start with what is arguably the first truth commission in the world, Argentina's *Comisión Nacional sobre la Desaparición de Personas* (CONADEP). Established right after the country's transition to democratic rule in 1983, CONADEP handed over its famous report, *Nunca Más*, to the Alfonsín government the following year. Chronologically, the book ends with the politics surrounding the implementation of the Brazilian *Comissão Nacional da Verdade's* recommendations after it handed over its final report

to then-President, Dilma Rouseff, in December 2014. During this span of over 30 years, truth commissions across Latin America and the Caribbean have made around 1,000 recommendations to their respective governments concerning a wide range of diverse issues – from reparations to victims of gross human rights violations to proposals for legal, judicial, and administrative reform. Our study is animated by two overarching questions: Why did these truth commissions make the specific recommendations they did, and not others? And, were these recommendations ever implemented?

Addressing these two core questions, this volume forms part of the research project *Beyond Words: Implementing Latin American Truth Commission Recommendations*.¹ The research project is based at the Chr. Michelsen Institute (CMI), Bergen, Norway, and was funded by the Latin America Programme at the Research Council of Norway (2015–17). The editors of this volume form the project core team: Elin Skaar (Chr. Michelsen Institute, Bergen, Norway), Eric Wiebelhaus-Brahm (University of Arkansas at Little Rock), and Jemima García-Godos (Department of Sociology and Human Geography, University of Oslo). However, we have not done this job alone. We have worked closely with three institutional partners in Latin America: *Centro de Estudios Legales y Sociales* – CELS (Argentina), *Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú* – IDEHPUCP (Peru), and *Facultad Latinoamericana de Ciencias Sociales* – FLACSO (Guatemala). We also have worked closely with a research team based at *Universidad de Salamanca* in Spain and a number of individual researchers and research assistants in 11 Latin American countries.

Nearly two dozen people from four continents based in a number of different countries have labored over several years to collect and analyze the data that forms the basis of this volume. As far as we know, this is the first attempt to systematically collect information on a critical part of a truth commission's legacy, namely the recommendations outlined in a report to the government once the truth commission has concluded its investigations into human rights violations. We have done this exhaustively rather than selectively: the volume analyzes all recommendations made by all official truth commissions in Latin America that have ever successfully concluded their investigations by producing a final report.

The main foci of each of the 11 country chapters included in this volume are threefold: (i) to provide a brief introduction to the historical context in which the truth commission was established; (ii) to provide an account of the formulation of the truth commission's recommendations; and (iii) to assess the implementation record of those recommendations. All research teams have used the same analytical framework and collected the same types of data. Findings have

¹ See also Skaar, Wiebelhaus-Brahm, and García-Godos (2022).

been shared and discussed electronically as well as at three international workshops spread across the project period: two in Bergen, Norway, and one in Pisac, Peru. Various authors also have presented earlier drafts at a variety of academic conferences, including the annual meetings of the Latin American Studies Association (LASA) and the European Consortium for Political Research (ECPR).

The country chapters are structured in roughly the same way. Geographically, we start in the Southern Cone, where truth commissions in Argentina, Chile, Uruguay, Paraguay, and Brazil sought to address abuses during the era of military dictatorships in the region. In the second part, we move to the Andean countries of Ecuador and Peru, where oppression and marginalization of indigenous populations played a prominent role. Finally, we shift to Central America and the Caribbean to examine the legacies of internal armed conflicts in El Salvador and Guatemala as well as the little-known truth commissions of Haiti and Panama.

The construction of this volume would not have been possible without the hard work and assistance of many people. First and foremost, we would like to thank the following researchers and research assistants for contributing to the 11 country chapters in this volume, either by collecting and analyzing data and/or doing the actual writing: Héctor Centeno-Martín, Federico Ghelfi, Hugo Goeury, Tania Gómez, Martha Gutiérrez-Salazar, Sol Hourcade, Eduardo Hurtado, Camila Barreto Maia, Elena Martínez-Barahona, Luz Palmás Zaldua, Marcela Perelman, Félix Reátegui, Sonia Rubio-Padilla, Augusto Rosas, Adriana Rudling, Luis Raúl Salvadó, Elena San José, Salvador Sánchez, Lisa-Marie Måseidvåg Selvik, and Diego Uchuypoma.

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We also are grateful for a group of scholars and practitioners who gave graciously of their time in helping us think through the complexities of the project. Special thanks to Onur Bakiner for agreeing to write the Conclusion to this volume. He has provided thoughtful feedback on the overall project as well as the individual chapters at different stages of progress. We also want to highlight the very valuable contributions of our excellent project reference group, who have been actively involved since the project idea was first conceived, and many of whom have provided useful feedback on various chapter drafts: Stener Ekern, Joanna Quinn, Catalina Smulovitz, Astri Suhrke, Patricia Tappatá Valdez,

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The project teams have worked with truth commission reports and data in three different languages (Spanish, Portuguese, and French). Chapters for this volume have been drafted in Spanish and English. We warmly thank Diana Valori for translating the chapters originally in Spanish into English, and Gabriela Fried for proofreading the translated versions.

We want to thank the CMI internal administrative support team who provided invaluable input in the first phases of the *Beyond Words* project. Thank you to Steinar Hegre, Ingvild Hestad, Lars Ivar Høberg, Chris Jakob, Reidunn Ljones, Aksel Mjeldheim, Guri Stegali, Robert Sjursen, and Hong Kim Tran.

There is a long road to be traveled from the moment in which a project is conceptualized until interested readers may pick up a book summarizing years of labor. We want to warmly thank Intersentia and their staff for all their help and support from the inception phase to publication. Jeremy Sarkin and Stephen Parmentier have been enthusiastic and supportive of our project since we discussed the possibility of publishing the two *Beyond Words* volumes with Intersentia during a conference on truth commissions organized in Lisbon in February 2018. The Intersentia editorial team has patiently waited for manuscript drafts and steered the process towards publication with a steady hand. A warm thank you to Mina Rauschenbach, Ahmed Hegazi, and especially Ella Brice-Jeffreys. We are also indebted to the blind reviewers who provided encouraging and useful suggestions for tightening and finalizing the text. Any errors in this volume are, as always, the chief responsibility of the editors.

Elin Skaar, Eric Wiebelhaus-Brahm, and Jemima García-Godos
Bergen. Little Rock. Oslo.
February 2022

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LIST OF ACRONYMS

ARGENTINA

APDH	<i>Asamblea Permanente por los Derechos Humanos</i> (Permanent Assembly for Human Rights)
CELS	<i>Centro de Estudios Legales y Sociales</i> (Center for Legal and Social Studies)
CONADEP	<i>Comisión Nacional sobre la Desaparición de Personas</i> (National Commission on the Disappearance of Persons)
CONSUGA	<i>Consejo Supremo de las Fuerzas Armadas</i> (Supreme Council of the Armed Forces)
ESMA	<i>Escuela de Mecánica de la Armada</i> (Navy Mechanics School, Argentina)
FADERAP	<i>Familiares Detenidos Desaparecidos Por Razones Políticas</i> (Relatives of Persons Disappeared and Detained for Political Reasons)
FEDEFAM	<i>La Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos</i> (Family Members of Persons Disappeared and Detained for Political Reasons)
ILID	<i>Iniciativa Latinoamericana para la Identificación de Personas Desaparecidas</i> (Latin American Initiative for the Identification of Disappeared Persons)
LADH	<i>Liga Argentina por los Derechos del Hombre</i> (Argentine League for Human Rights)
MEDH	<i>Movimiento Ecueménico por los Derechos Humanos</i> (Ecumenical Movement for Human Rights)
PJ	<i>Partido Justicialista</i> (Judicialist Party)
RUV	<i>Registro Unificado de Víctimas del Terrorismo de Estado</i> (Unified Register of Victims of State Terrorism)
SDH	<i>Secretaría de Derechos Humanos</i> (Secretariat of Human Rights)
SERPAJ	<i>Servicio Paz y Justicia</i> (Peace and Justice Service)
SsDH	<i>Subsecretario de Derechos Humanos</i> (Undersecretary of Human Rights)

UCR	<i>Unión Cívica Radical</i> (Radical Civic Union)
UPR	<i>Subsecretario de Derechos Humanos</i> (Universal Periodic Review)

CHILE

AFDD	<i>Agrupación de Familiares de Detenidos Desaparecidos</i> (Family Members of Disappeared Detainees Group)
CCHDH	<i>Comisión Chilena de Derechos Humanos</i> (Chilean Commission on Human Rights)
CNI	<i>Centro Nacional de Información</i> (National Information Center)
CNPPT	<i>Comisión Nacional sobre Prisión Política y Tortura Nacional</i> (Commission on Political Imprisonment and Torture)
CNRR	<i>Corporación Nacional de Reparación y Reconciliación</i> (National Corporation for Reparation and Reconciliation)
CNVR	<i>Comisión Nacional de Verdad y Reconciliación</i> (National Truth and Reconciliation Commission)
CODEPU	<i>Corporación de Promoción y Defensa de los Derechos del Pueblo</i> (Corporation for the Promotion and Defense of the People's Rights)
COSENA	<i>Consejo de Seguridad Nacional</i> (National Security Council)
DINA	<i>Dirección Nacional de Inteligencia</i> (National Intelligence Agency)
FASIC	<i>Fundación de Ayuda Social de las Iglesias Cristianas</i> (Christian Churches Social Assistance Fundation)
ILAS	<i>Instituto Latinoamericano de Salud Mental y Derechos Humanos</i> (Latin American Institute of Mental Health and Human Rights)
INDH	<i>Instituto Nacional de Derechos Humanos</i> (National Institute of Human Rights)
PPD	<i>Partido por la Democracia</i> (Democracy Party)
PRAIS	<i>Programa de Reparación y Atención Integral de Salud</i> (Comprehensive Reparation and Health Care Program)
SELADEH	<i>Secretariado Latinoamericano de Derechos Humanos</i> (Latin American Secretariat of Human Rights)
UDI	<i>Unión Demócrata Independiente</i> (Democratic Independent Union)

URUGUAY

ASCEEP	<i>Asociación Social y Cultural de Estudiantes de la Enseñanza Pública</i> (Social and Cultural Association of Public Education Teachers)
CRYSOL	<i>Asociación de ex presos y presas políticos/as del Uruguay</i> (Association of Ex Political Prisoners of Uruguay)
FAMIDESA	<i>Asociación de Madres y Familiares de Uruguayos Detenidos Desaparecidos</i> (Association of Mothers and Family Members of Detained Disappeared Uruguayans)
INDDHH	<i>Institución Nacional de Derechos Humanos y Defensoría del Pueblo</i> (National Institution for Human Rights and the People's Ombudsman)
PIT	<i>Plenario Intersindical de Trabajadores</i> (Inter-Union Workers' Plenary Meeting)
SERPAJ	<i>Servicio de Paz y Justicia</i> (Peace and Justice Service)

PARAGUAY

CODEHUPY	<i>Coordinadora de Derechos Humanos del Paraguay</i> (Paraguay's Human Rights Coordinating Body)
CVJ	<i>Comisión de Verdad y Justicia</i> (Truth and Justice Commission)
DGVJR	<i>Dirección General de Verdad, Justicia y Reparación</i> (General Directorate for Truth, Justice and Reparations)
EAAF	<i>Equipo Argentino de Antropología Forense</i> (Argentine Forensic Anthropology Team)
ENABI	<i>Equipo Nacional para la investigación, búsqueda e identificación plena de personas detenidas, desaparecidas y ejecutadas extrajudicialmente</i> (National Team for the Investigation, Search and Identification of Persons Detained, Disappeared and Extrajudicially Executed)
EPP	Ejército del Pueblo Paraguayo (<i>Paraguayan People's Army</i>)
FTC	<i>Fuerza de Tarea Conjunta</i> (Joint Task Force)
ICRC	International Committee of the Red Cross
INDERT	<i>Instituto Nacional de Desarrollo Rural y de la Tierra</i> (National Institute of Rural Development and Land)
INDI	<i>Instituto Paraguayo del Indígena</i> (National Institute of Indigenous People)
ISEPOL	<i>El Instituto Superior de Educación Policial</i> (Higher Institute of Police Education)

MNVDS *Movimiento Nacional de Víctimas de la Dictadura Stronista* (National Movement of Victims of the Stronist Dictatorship)

RAADH *Reunión de Altas Autoridades sobre Derechos Humanos* (High Authorities on Human Rights and Foreign Ministries of MERCOSUR and Associated States)

BRAZIL

CEMDP *Comissão Especial de Mortos e Desaparecidos Políticos* (Special Commission on the Dead and Disappeared for Political Reasons)

CFMDP Sao Paulo Commission for the Family Members of the Persons Killed or Disappeared for Political Reasons

CNDH *Conselho Nacional de Direitos Humanos* (National Council for Human Rights)

CNV *Comissão Nacional da Verdade* (National Truth Commission)

CVDMM *Comissão da Verdade da Democracia “Mães de Maio”* (“May Mothers” Democracy Truth Commission)

ISER *Instituto de Estudos da Religiao* (Religious Studies Institute)
STF *Supremo Tribunal Federal* (Federal Supreme Court of Brazil)

ECUADOR

CED Committee on Enforced Disappearances

CONESUP *Consejo Nacional de Enseñanza Superior Universitaria Privada* (National Council of Higher Education)

CEDHU *Comisión Ecuménica de Derechos Humanos* (Ecumenical Human Rights Commission)

LGBTI Lesbian, gay, bisexual, transgender and intersex

MPL *Montoneras Patria Libre* (Montoneros Free Fatherland)

SIC-10 Criminal Investigation Service

PERU

CERIAJUS *Comisión Especial para la Reforma Integral de la Administración de Justicia* (Special Commission for Integral Reform of Justice Administration)

CMAN	<i>Comisión Multisectorial de Alto Nivel Encargada del Seguimiento de las Acciones y Políticas del Estado en los ámbitos de la Paz, la Reparación Colectiva y la Reconciliación Nacional</i> (High-Level Multisectorial Commission)
CVR	<i>Comisión de la Verdad y Reconciliación</i> (Truth and Reconciliation Commission)
DRE	<i>Dirección Regional de Educación</i> (Regional Education Directorate)
ICRC	International Red Cross Committee
ICTJ	International Center for Transitional Justice
IDEHPUCP	<i>Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú</i> (Institute of Democracy and Human Rights, Pontifical Catholic University of Peru)
INABEC	<i>Instituto Nacional de Becas y Crédito Educativo</i> (National Institute of Scholarships and Educational Loans)
LUM	<i>Lugar de la Memoria, la Tolerancia y la Inclusión Social</i> (Place of Memory, Tolerance and Social Inclusion)
PIR	<i>Plan Integral de Reparaciones</i> (Comprehensive Reparations Plan)

EL SALVADOR

ARENA	<i>Alianza Republicana Nacionalista</i> (Nationalist Republican Alliance)
CIHD	<i>Comisión Investigadora de Hechos Delictivos</i> (Commission for the Investigation of Criminal Acts)
CNJ	<i>Consejo Nacional de la Judicatura</i> (National Council of the Judiciary)
COPAZ	<i>Comisión Nacional para la Consolidación de la Paz</i> (National Commission for the Consolidation of Peace)
CSJ	<i>Corte Suprema de Justicia</i> (Supreme Court of Justice)
CVES	<i>Comisión de la Verdad para El Salvador</i> (Commission on the Truth for El Salvador)
DNI	<i>Dirección Nacional de Inteligencia</i> (National Intelligence Office)
FAES	<i>Fuerza Armada de El Salvador</i> (Armed Forces of El Salvador)
FISDL	<i>Fondo de Inversión Social para el Desarrollo Local</i> (Fund for Social Investment for Local Development)
FMLN	<i>Frente Farabundo Martí para la Liberación Nacional</i> (Farabundo Martí Front for National Liberation)

LCJ	<i>Ley de la Carrera Judicial</i> (Law for the Judicial Career)
ONUSAL	United Nations Observer Mission in El Salvador
PDDH	<i>Procuraduría para la Defensa de los Derechos Humanos de El Salvador</i> (Office of the Attorney for the Defense of Human Rights of El Salvador)
PNC	<i>Policía Nacional Civil</i> (National Civil Police)
UNO	<i>Unión Nacional Opositora</i> (Oppositional National Union)

GUATEMALA

SEPAZ	<i>Secretaría de la Paz</i> (Ministry of Peace)
AIDPI	<i>Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas</i> (Agreement on the Identity and Rights of Indigenous Peoples)
CEH	<i>Comisión para el Esclarecimiento Histórico de Guatemala</i> (Commission for Historical Clarification)
CICIG	<i>Comisión Internacional contra la Impunidad en Guatemala</i> (International Commission Against Impunity in Guatemala)
CNAP	<i>Consejo Nacional de los Acuerdos de Paz</i> (National Council for Peace Agreements)
FAFG	<i>Fundación de Antropología Forense de Guatemala</i> (Guatemalan Forensic Anthropology Foundation)
FLACSO	<i>Facultad Latinoamericana de Ciencias Sociales</i> (Latin American Faculty of Social Sciences)
IDPP	<i>Instituto de Defensa Pública Penal</i> (Criminal Public Defender Institute)
PAC	<i>Patrullas de Autodefensa Civil</i> (Civil Defense Patrols)
PAN	<i>Partido de Avanzada Nacional</i> (National Progress Party)
PNR	<i>Programa Nacional de Reparación</i> (National Reparation Program)
REMHI	<i>Proyecto Interdiocesano de Recuperación de la Memoria Histórica</i> (Interdiocesan Project for the Recovery of Historical Memory)
URNG	<i>Unión Revolucionaria Nacional Guatemalteca</i> (Guatemalan National Revolutionary Union)

HAITI

CNVJ	<i>Commission Nationale de Vérité et de Justice</i> (National Truth and Justice Commission)
CONAP	National Coordinating Body for Women's Rights

CPRDJ	<i>Commission préparatoire à la réforme du droit et de la justice</i> (Preparatory Commission for the Reform of Law and Justice)
CRAD	<i>Centre de Recherche et d'Action pour le Développement</i> (Centre for Research and Action for Development)
CSPJ	<i>Conseil Supérieur du Pouvoir Judiciaire</i> (Supreme Judicial Council)
FAd'H	<i>Forces Armées d'Haïti</i> (Haitian Armed Forces)
FRAPH	<i>Front pour l'Avancement et le Progrès d'Haïti</i> (Front for the Advancement and Progress of Haiti)
GARR	<i>Groupe d'Appui aux Rapatriés et Réfugiés</i> (Support Group for Repatriated Persons and Refugees)
HNP	Haitian National Police
ICHRDD	International Centre for Human Rights and Democratic Development
JILAP	National Commission for Justice and Peace
MICIVIH	<i>Mission Civile Internationale en Haïti</i> (International Civilian Mission in Haiti)
MINUJUSTH	UN Mission for Justice Support in Haiti
MINUSTAH	UN Stabilization Mission in Haiti
OPC	<i>Office de la Protection du Citoyen et de la Citoyenne</i> (Office of Citizen Protection)
RNDDH	<i>Réseau national de défense des droits humains</i> (National network for the defense of human rights)
SGBV	Sexual and gender-based violence
SOFA	<i>Solidarité des Femmes Haïtiennes/Solidarite fanm ayisyèn</i> (Solidarity with Haitian Women)
UN CIVPOL	UN Civilian Police
UNPOL	UN Police
URAMEL	<i>Unité de Recherche et d'Action Médico-légale</i> (Unit for Medical-Legal Investigation and Operations)
 PANAMA	
CIVP	<i>Comisión Institucional de la Verdad</i> (Institutional Truth Commission)
COFADEPA-HG	<i>Comité de Familiares de Detenidos y Asesinados de la Dictadura Militar de Panamá Héctor Gallego</i> (Committee of Relatives of Detained-Disappeared Persons of the Military Dictatorship of Panama Héctor Gallego)
COPODEHUPA	<i>Coordinadora Popular de Derechos Humanos Panamá</i> (Popular Coordinating Committee for Human Rights Panama)

CVP	<i>Comisión de la Verdad de Panamá</i> (Panama Truth Commission)
MEDUCA	<i>Ministerio de Educación</i> (Department of Education)
PRD	<i>Partido Revolucionario Democrático</i> (Democratic Revolutionary Party)
PTC	Panama Truth Commission
RDH-P	<i>Red de Derechos Humanos-Panamá</i> (Human Rights Network-Panama)

GENERAL (NON-COUNTRY SPECIFIC TERMS IDENTIFIED)

CIDH	<i>Comisión Inter-Americana de Derechos Humanos</i> (IACoMHR, Inter-American Commission on Human Rights)
EU	European Union
IACtHR	Inter-American Court for Human Rights
LGBTI	Lesbian, gay, bisexual, transgender and intersex
NGO	Non-governmental organization
OP-ICCPR	Optional Protocol to the International Covenant on Civil and Political Rights
TCR	Truth Commission Recommendations
UN	United Nations
UNDP	United Nations Development Programme
UNOHCHR	United Nations Office for the High Commissioner of Human Rights
USAID	United States Agency for International Development

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