

Archives for a Peaceful Future Case Descriptions

swisspeace, 2014

Briony Jones
Ingrid Oliveira Silva Keller
Sandra Rubli

swiss
peace

Schweizerische Friedensstiftung
Fondation suisse pour la paix
Fondazione svizzera per la pace
Swiss Peace Foundation

1. Introduction

The present paper will describe the current status of the archives of the truth commission for each country. It therefore complements the Essential 01/2013 '[Archives for a Peaceful Future](#)' as one result of a year-long study on archives of truth commissions. The study draws from and builds upon the original study 'Final Acts: A Guide to Preserving Records of Truth Commissions' (2005) by Trudy Huskamp Peterson. Between July 2012 and July 2014 data was collected in order to update the cases presented in Peterson's book. Moreover, we compiled together new cases of truth commissions which have completed their mandate since the publication of 'Final Acts' in 2005. To identify these new commissions, we consulted among others the [USIP'S's digital collection of truth commissions](#)) and Priscilla Hayner's updated work on truth commissions 'Unspeakable truth' (2011). The new cases include the truth commissions of the Democratic Republic of Congo (DRC), Ecuador, Ghana, Honduras, Liberia, Morocco, Paraguay, Sierra Leone and Timor-Leste. For the truth commissions included in Peterson's study, we are able to outline some further developments and new data for some of these cases, including Chad.

For the data collection, the methods used were questionnaires in English, French and Spanish, semi-structured interviews conducted with staff from national archives, representatives of embassies, former commissioners and experts¹. In addition, we combined the data with desk-based research including online resources, articles, relevant legal documents and laws and truth commissions' reports.

In order to assess the current status of the truth commission's archives in every country, this study explores the political and legal context of the creation of the truth commission. Moreover, it presents the types of records (i.e. written documents, audio or video tapes) included in the archives and their current custodial institution (including their location and access policy). Lastly, this paper explores whether the records have been used for further Dealing with the Past initiatives, such as reparation programs or memorials.²

¹ At the discretion of some of the interviewed persons all the interviews have been anonymized.

² We thank Elisabeth Baumgartner, Elizabeth Shelly, Julie Bernath, Lisa Ott and Nicola Diday for sharing their insights and providing valuable feedback on earlier drafts of this study.

Table of Content

1.	Introduction	2
2.	New Cases	4
2.1.	Democratic Republic of Congo (DRC)	4
2.2.	Ecuador	4
2.3.	Ghana	5
2.4.	Honduras	6
2.5.	Liberia	7
2.6.	Morocco	8
2.7.	Paraguay	9
2.8.	Sierra Leone	10
2.9.	South Korea	11
2.10.	Timor-Leste	11
3.	Updated Cases	14
3.1.	Argentina	14
3.2.	Chad	14
3.3.	Haiti	16
3.4.	Peru	16
3.5.	Uganda	16
3.6.	Uruguay	17
4.	References	18
4.1.	Articles	20
4.2.	Final Reports of Truth Commissions	22
4.3.	Legal Documents creating the Truth Commissions	22

2. New Cases

2.1. Democratic Republic of Congo (DRC)

In 2003, the Truth and Reconciliation Commission (Commission Verité et Réconciliation, CVR) was established as one of five institutions supporting democracy agreed upon in the comprehensive Peace Agreement signed in December 2002. The Transitional Constitution (art. 154-160) and the organic law No. 04/018 further specified the commission's tasks and mandate. It was supposed to examine the political, economic, and societal conflicts between the country's independence in 1960 and the conclusion of the peace agreement in 2003. The first six years following independence in 1960 were marked by violence and political crisis causing the death of some 100,000 people. In 1965, Colonel Mobutu Sese Seko gained power and ruled the country for 32 years. He was ousted by a violent rebellion in May 1997. In August 1998, violence erupted in the east of the country. Despite the Comprehensive Peace Agreement (2002), the transitional government (2003-2006) and the presence of an UN peacekeeping mission, violence continues (USIP's Digital Collection).

The Truth and Reconciliation Commission started its work in July 2003 and finalized its report in February 2007. However, the final report has not been published, nevertheless we could obtain a copy. It could not be ascertained what kind of records the commission obtained or produced during this period. Some of the activities that have been planned by the commission could not have been carried out. These include the reception of files of the "Commission des Biens Mal Acquis et des Assassinats de la Conférence Nationale Souveraine (CNS) du Parlement" and the recording of complaints or public hearings. It seems that the commission itself did not produce many records or could not obtain records from other archives.

Regarding the records and archives of the commission, the organic law No. 04/018 and the final report remain silent. However, the internal regulations of the commission specify the creation of a technical department for documentation and archive (Art. 114). Moreover, the archives of the commission shall be transferred to the National Archives (Art. 153). It could not be verified if the records and archives of the Truth and Reconciliation Commission have been transferred to the National Archives. The "Archives Nationales de la République Démocratique du Congo" (AR.NA.CO) are located in Kinshasa and are one of the specialized services of the Ministry of Culture and Arts. These archives are governed by the law No. 78/013 of 1978 (Ibula 2011).

2.2. Ecuador

In 2007, the President of Ecuador created the Truth Commission to Impede Impunity (Comisión de la Verdad para impedir la impunidad) by the ministerial Accord No. 305. The commission's mandate was to investigate, clarify and impede impunity related to human rights violations in particular between 1984 and 1988. Despite the fact that Ecuador has been governed by presidential rule since 1979, human rights abuses continued. In particular, the government of León Febres Cordero (1984-1988) was characterized by arbitrary detentions, torture, extrajudicial killings, forced disappearances and government-led repressive campaigns against student and social movements that opposed its rule (USIP's Digital Collection).

An initial Truth and Justice commission, the Comisión de Verdad y Justicia, was set up in September 1996. Its mandate was to investigate and establish the truth about human rights abuses that took place between 1979 and 1996. Due to its premature end of work in February 1997, a final report has never

been published. However, the commission collected information on about 300 cases and located unmarked graves of a number of victims (USIP's Digital Collection).

The second commission, the Truth Commission to Impede Impunity, started its work in May 2007 and terminated in September 2009 with a focus on the abuses during Febres Cordero's regime. In order to fulfill its mandate, the commission collected around 600 hundred testimonies and information from victims and their families (Final Report 2010: 26). They have all been recorded and transcribed. These testimonies and information have been corroborated with judicial documents, bibliographic and personal information, press clippings and police documents (Final Report 2010: 27). Moreover, the commission relied on the 300,000 digitalized pages of the former Truth and Justice Commission (Final Report 2010: 27). All these materials are part of the archives of the commission and have been registered, codified and archived (Final Report 2010: 28). Unfortunately, we were not able to obtain precise information regarding the current status of the archives of the Truth Commission to Impede Impunity. However, it seems that the National Archives of Ecuador (Archivo Nacional de Ecuador) owns a digitalized copy of the truth commission's archives.

2.3. [Ghana](#)

In January 2002 the Parliament of Ghana issued the National Reconciliation Commission Act to establish the National Reconciliation Commission. The commission was mandated to investigate and establish an accurate and complete historical record of human rights violations committed during the unconstitutional periods. Since 1966, Ghana experienced four military coups and a series of civilian regimes accused of human rights violations. Between 1966 and 1969, 1972 and 1979, as well as 1981 and 1993, the country was ruled in an unconstitutional manner under these civilian regimes (USIP's Digital Collection). Under these regimes various forms of human rights violations emerged: reports include instances of disappearances and killings, widespread arrest and torture of those suspected to oppose the regime, as well as highly restricted press freedoms. During these periods a "culture of silence" developed, in which people generally feared to criticize the government (Alidu 2010: 153-4). Nine years after the return to democracy the National Reconciliation Commission was established to take account of all the grievances committed.

In order to fulfill its mandate, the commission engaged in statement-taking and received 4,240 written petitions covering killings, abductions and other human rights violations. The commission decided not to discriminate between reports of violations occurring in constitutional and unconstitutional periods in the interest of maximal national reconciliation (Final Report 2004: 2.3.3.1.1). The pre-fixed statement forms, which were all completed in English, include information on the complete profiles of witnesses for statistical reasons (Final Report 2004: 2.3.2.). Due to the commission's investigative powers and quasi-judicial approach, it was allowed, respecting certain criteria, to enter any place to conduct an investigation and search, seize and remove any item, document or object that it believed to be relevant (Final Report 2004: 1.8). However, a document, article or information obtained during the investigation would not to be made public unless authorized by the commission (Final Report 2004: 1.8). Finally, the commission conducted over 2,000 (USIP's Digital Collection) hearings of petitioners to testify under oath or affirmation and tell their stories (Final Report 2004: 2.3.4). Cases brought to hearings have been public, unless the commission deemed it inappropriate. Hence, it can be assumed that the archives of the commission contain the paper records of the statement-taking process, paper or audio records of the hearings and the documents, articles and objects obtained during the investigation process.

The final report was submitted in October 2004 and was made publicly available on a commercial basis in April 2005 (USIP's Digital Collection). While the final report is silent on the faith of the commission's archive, the act (art. 19, 7) establishing the commission specifies that the commission is subject to the

Public Records and Archives Administration Act of 1997 (Act 535). The commission should give directions as to the treatment, storage, safe-keeping and disposal of any information, material, record or document collected, gathered or used by it in the course of its work (art. 19, 7). It can be assumed that the records of the commission have been “stored properly within the national archival body” (expert interview 5) which the Public Records and Archives Administration Department (PRAAD) established under the ‘Public Records and Archives Administration Department (Establishment) Instrument’, 1996. However, this could not be verified, since messages have been left unanswered and the website of PRAAD remains largely dysfunctional.

2.4. [Honduras](#)

In April 2010, the Truth and Reconciliation Commission (Comisión de la Verdad y la Reconciliación, CVR) in Honduras was established by the executive decree PCM 11-2010. The commission was mandated to provide a report on the events leading up to and following a coup by military troops on 28 June 2009. The then president Manuel Zelaya fled the country and only returned to Honduras by seeking refuge in the Brazilian embassy. Until the elections in November 2009, the country was ruled for seven months by an interim president who was not internationally recognized. In October 2009, the interim president and Zelaya signed an accord which stipulated the creation of a truth commission. In addition to an amnesty law for crimes related to the coup, the truth commission was established by the newly elected president (USIP’s Digital Collection). However, questioning the legitimacy of the Truth and Reconciliation Commission, human rights groups have established an alternative non-governmental truth commission ([Comisión de Verdad](#)) (USIP’s Digital Collection).

During its mandate (May 2010 – July 2011) the commission collected testimonies from victims, obtained documents from human rights organizations, and created a data base with information on human rights violations and fundamental rights (Final Report 2012). Hence, the archives of the commission contain two hard copies of the documents of each investigation line, and external hard disc, audio records of the collective interviews, testimonies and meetings, videos from the realized meetings, a video library with information regarding the years 2009 and 2010, the commissioners’ working documents and the administrative archive (questionnaire Honduras). The decree establishing the commission specified that the commission shall select and separate those records and materials which are of confidential character. They shall be deposited to an international custodial body which will keep confidential for ten years before they will be transferred to the Archives of the National Library of Honduras (Decreto 011-2011, art 14). The belongings of the commission shall be donated to the successor body responsible for implementing the commission’s recommendations and at the end of its work to public universities which will offer a program on promoting democracy and peace (Decreto 011-2011 art 15).

Following the presentation of the commission’s final report on 7 July 2011, the President Porfirio Lobo Sosa designed the ‘Secretaría de Justicia y Derechos Humanos’ (SJDH) to be responsible for the implementation and compliance of the recommendation of the commission. In order to do so, the Minister Ana A. Pineda proposed to the Council of Ministers the creation of the ‘Unidad de Seguimiento a las Recomendaciones del Informe de la Comisión de la Verdad y la Reconciliación’ (USDCVR) which finally has been established by the executive decree PCM-071-2011. It is a functionally, administratively, juridical and technically independent body and coordinated by Rolando Sierra Fonseca, who was also involved in elaborating the commission’s final report, and assisted by the principal technical advisor, Eduardo Stein (questionnaire Honduras). Both, the SJDH and the USDCVR own a copy of the archives of the Truth and Reconciliation Commission (questionnaire Honduras).

The current archival law of Honduras does not cover the archives of the Truth and Reconciliation Commission, but as of 2013 a project law is being discussed and might cover the archives of the

commission (questionnaire Honduras). Honduras has an information law, the 'Ley de Transparencia y Acceso a la Información Pública' (decreto No. 170-2006), it does not refer to the archives and documents of the Truth and Reconciliation Commission (questionnaire Honduras). Nevertheless, in line with the information law and Habeas Data, the commission judged adequate to keep confidential sensitive information for a period of ten years (questionnaire Honduras).

The archive of the commission is used by the USDCVR to define a reparation plan for victims. Moreover, the archive played a role in drafting the proposition of memory politics which was stilled in the stage of being discussed, when data for this paper was collected in spring 2013. (questionnaire Honduras).

2.5. Liberia

In May 2005, the Liberian transitional legislative assembly voted an act to establish the Truth and Reconciliation Commission (TRC) of Liberia. The commission was designed to promote national peace, security, unity and reconciliation by investigating human rights abuses that occurred between January 1979 and October 2003. In 1980, Samuel Doe led a military coup which ousted the then president. The constitution was suspended and Doe led a repressive regime. In December 1989, Charles Taylor launched a rebellion which was followed by a civil war. During the war approximately 200,000 people were killed. A Comprehensive Peace Agreement has been signed in 2003. It called for the establishment of a Truth and Reconciliation Commission (USIP's Digital Collection).

The TRC started its work in February 2006, but hearings did not start until January 2008. The commission gathered information from UN Country reports and assessments, reports from local and international human rights organizations as well as from Liberian civil society organizations. Evidence was also garnered from declassified documents of the US State Department, from media reports, publications and books. The commission conducted statement-taking from victims or representatives of victims, individuals, perpetrators and witnesses. Moreover, it organized public and confidential hearings which were filmed (Final Report 2009: 60-63). Hence, it can be assumed that the records on various kinds of supports included paper, electronic documents, and audio-visual material. The testimonies at public, thematic and institutional hearings have been transcribed and form the volume IV of the final report.

The first volume of the final report was released in December 2008 and a consolidated, but unedited report was submitted to the National Assembly and made public in June 2009. Eventually, the final edited version was published in December 2009 together with various appendices and specialized reports on issues related to women or children. All the reports and videos and transcripts of public hearings are available on the commission's website (<http://trcofliberia.org>).

Regarding the archives of the TRC, the Act to Establish the Truth and Reconciliation Commission of Liberia establishing the commission specifies that they should remain in the public domain except those records and documents classified by the commission as 'confidential'. These records should remain classified for 20 years following the retirement of the TRC. The restriction extends to commissioners, staff and persons privy to such confidential and closed information by virtue of employment, assignment or their involvement with the TRC or otherwise (Act to establish the TRC, Section 47). However, both the act establishing the TRC and the final report remain silent on the fate of the commission's archives. A Dealing with the Past expert (expert interview 5) states that it is assumed that a lot of important material could not be included into the reports.

2.6. [Morocco](#)

In April 2004, the Equity and Reconciliation Commission (Instance Équité et Réconciliation, IER) in Morocco was established by the royal decree Dahir No. 1.04.42. The IER was mandated, among other activities, to investigate forced disappearances and arbitrary detention between the country's independence in 1956 and 1999. Moreover, it was mandated to rule on reparations requests submitted before the former Independent Commission of Arbitration (created in 1999), and to determine the responsibility of the state organisms or any other party. Since the years of independence the country was ruled by oppressive practices in dealing with political opposition and dissenting movements. In 1965, after an opposition party won a small share in the legislature, the King took control over legislative power; secret detention, arbitrary arrest and disappearances characterized these years that have become known as the 'years of lead' (les années de plomb) (USIP's Digital Collection).

In 1990 the National Consultative Council on Human Rights (Conseil Consultative des Droits de l'Homme (CCDH)) was created and detainees were released following public protests. Succeeding his father after his death in 1999, King Mohammed VI established the Independent Commission of Arbitration/Indemnity Commission as a reparation mechanism responding to mounting pressure from the population (USIP's Digital Collection). However, many victims and families remained unsatisfied with the available information about past crimes, therefore, the King created the IER.

During its mandate (December 2004 – November 2005) the IER listened to thousands of victims, conducted numerous investigations, and organized several public hearings of which some have been displayed on television (Human Rights Watch 2005: 2). However, the repressive bodies, including the Ministry of Interior, the army, the police and the national security (sécurité nationale), refused to collaborate and would not allow access to their archives (expert interview 1). The IER received documents from various other sources including NGOs, victims and the media, and could access archives of morgues or hospitals (expert interview 1). The records that the IER produced or gathered from other sources are scribed on various supports such as paper, electronic documents, audio and audio-visuals (VHS, DV, DVD, Beta Cam, 6mm), photographs and data bases (questionnaire Morocco). The originals and copies are part of the archives of the IER; the victims' applications and files, the decisions on the reparation requests of the former Independent Commission of Arbitration and the audio-visual recordings were archived in an exhaustive manner during their creation (questionnaire Morocco). While administrative documents were not systematically archived, all the documents handed in by the services and individuals at the end of the IER's work have been preserved (questionnaire Morocco).

In December 2005, the final report of the IER was delivered to the King and released to the public some days later. The full Arabic version is available on the website of the IER, and a summary has been produced in French, Spanish and English. In line with the Dahir establishing the IER (Dahir No. 1.04.42: art. 26), the report recommended to establish a following up mechanism. Among others, it would be responsible for organizing and preserving the archives of the IER and (other) public archives (Final Report 2005). The archives of the IER are stored in the National Council of Human Rights (Conseil national des droits de l'Homme (CNDH) which is the successor body of the National Consultative Council on Human Rights. In early 2013 the records have still been processed in order to be deposited in the National Archives, which were inaugurated in May 2011.

Partly resulting from the recommendation of the IER to preserve the National Archives (CFM MENA: 8), an archive law (Dahir n° 1-07-167) was elaborated in 2007. It covered all records received and produced by the public service, thus including the records of the IER (questionnaire Morocco). In principle the funds of the IER should be public, but were restricted to protect the personal information on victims and their families or confidential information contained in the archives of the IER (questionnaire Morocco). A law on

access to information was in process of preparation at time of data collection in spring 2013; the decrees implementing it should be elaborated and contain the aspect of accessing the archives of the IER (questionnaire Morocco).

The CNDH staff is using the archives in order to implement the recommendations of the IER (questionnaire Morocco). This usage includes a community reparation program and the preservation of archives, history and memory. Moreover, the archives of the IER have been used for a program for individual reparations. The publicly available documents of the IER, including public and thematic hearings, works of seminars, studies and reports continue to be diffused, allowing reflections and debates around the process of transitional justice and its mechanisms (questionnaire Morocco). The CNDH notes a strong interest in the records of the IER for academic research in the field of transitional justice (questionnaire Morocco). Reflections on the preservation of archives in the framework of transitional justice have led to a greater awareness of the general importance of archiving. This focus has led to the promulgation of the archive law, the creation of the National Archives and the establishment of the program on the preservation of archives, history and memory (questionnaire Morocco, Kechoune et al 2010).

2.7. [Paraguay](#)

In October 2003, the Truth and Justice Commission (Comisión Verdad y Justicia, CVJ) in Paraguay was created by an act of Parliament, through law No. 2225. The commission was mandated to provide a historical record of the abusive practices during the dictatorship of Alfredo Stroessner and to contribute to prosecutions of human rights violations committed between 1954 and 1989. Stroessner took power in 1954 in the context of political instability, civil war and a war with Bolivia. During his regime, political freedoms were limited, dissent was suppressed, the indigenous population assimilated and their language banned from the educational sector. Stroessner was ousted from power in 1989 and Paraguay returned to a civil government in 1993 (USIP's Digital Collection).

The interest of setting up the Truth and Justice Commission was heightened when a Paraguayan lawyer and human rights activist stumbled upon abundant intelligence documents concerning the role of the Paraguayan security forces in the transnational military network set up in 1975. This network was used by countries like Paraguay, Chile, Argentina, Uruguay, Bolivia, Brazil, Peru and Ecuador to monitor, torture, disappear or execute political opponents across borders. The files found in Paraguay have become known as the Archives of Terror (USIP's Digital Collection). In 2009, the Archives of Terror, as documentary heritage, were submitted and recommended for inclusion in the Memory of the World Register (UNESCO 2009).

During its mandate, which was extended twice (June 2004 – August 2008), the commission collected 2,059 testimonies, gathered 14,000 documents and held eight public hearings, national and international as well as thematic and more general ones (USIP's Digital Collection; Final Report 2008: 25). For the testimonies, a questionnaire has been prepared and each interview took around 90 minutes (Final Report 2008). It seems that at least some interviews have been recorded (Final Report 2008: 28). Moreover, the commission relied on information in other archives, including the Human Rights Ombudsman, the Archives of Terror, the Church Committee for Emergency Aid, the Antonio Guasch Study Center (CEPAG), and judiciary, police and army archives (Final Report 2008: 23). In addition, six exhumations with a medical-anthropological organization have been conducted (and one exhumation in Argentina has been observed) (Final Report 2008: 27). The Information Center of the commission (Centro de Información) systematized, preserved and digitalized the materials in order to create a data base (Final Report 2008: 28).

The final report of the Truth and Justice Commission was released in August 2008. As a recommendation, it proposed to establish a National Secretary of Human Rights (Secretaría Nacional de Derechos Humanos) assigned at the Presidency (Final Report 2008: vol 1, 92-93). The secretariat was intended to hold the archives and the materials of the commission and even increase the documental funds of the commission by acquiring information on human rights violations from other national and international archives. Moreover, it should guarantee unrestricted public access to the extent that it can respect personal privacies (Final Report 2008: vol. 1, 94). Unfortunately, we have not yet been able to verify whether the secretariat has been established as proposed and the archives of the truth commission have been deposited at the secretariat.

2.8. [Sierra Leone](#)

In February 2000, the President and Parliament of Sierra Leone enacted the Truth and Reconciliation Commission (TRC). It was mandated to produce a report on human rights violations beginning in 1991. The Revolutionary United Front (RUF), led by Foday Sankoh, opposed multiparty politics and elections that have been introduced by a constitutional amendment in 1990. RUF started to fight for the control of the government and the country's diamond industry, leading to a brutal war. In March 1996 civilian rule was reinstated and Ahmad Tejan Kabbah was elected as president. However, he was ousted by the Armed Forces Revolutionary Council and returned as president in March 1998. In July 1999, a peace agreement between the RUF and the government was signed. It called for a truth and reconciliation commission.

Throughout its existence (November 2002 – October 2004) the TRC gathered numerous testimonies, giving special attention to those of women and children. Hearings of children were closed and confidential (Final Report 2004: vol. 1, chapter 5, p. 142). Such individual statements have been coded and analyzed in a data base. Public hearings of the commission were fully recorded on video (Final Report 2004: vol. 1, chapter 3, art 26). An international consultant (questionnaire Sierra Leone) observed that the archives consisted mostly of paper records and a few boxes with audio and video records, but he did not see any electronic records like disks. The consultant did not see any non-public records in the archives from other institutions what would suggest an ownership other than the TRC's (questionnaire Sierra Leone). There is no specific regulation on which records belong to the TRC or to the personal papers of the commissioners (questionnaire Sierra Leone). Currently, an inventory of these records is being created (questionnaire Sierra Leone) since the records of the TRC were moved in 2012 (see below). All records were taken out of the original binders and boxes and re-grouped into about eight larger groups of records. Hence, almost all prior arrangement was destroyed and the indexes for the boxes were not useful anymore (questionnaire Sierra Leone).

The concluding activities of the TRC included archiving works of its materials. Therefore the commission hired consultants from the University of Sierra Leone and a consultant to assist the digitalization of the materials (Final Report 2004: vol. 1, chapter 4, art 64). According to the final report of the TRC, the University of Sierra Leone served as an interim basis for the archives before they were transferred to the Human Rights Commission as the final custodian (Final Report 2004: vol. 1, chapter 4, art 64). The Human Rights Commission was established in 2004 by an Act of the President and the Parliament (Human Rights Commission Act 2004). While the Human Rights Commission is the official owner of the TRC archives, they were physically deposited at the Fourah Bay College (expert interview 5; questionnaire Sierra Leone) before they were transferred to the buildings of the Special Court for Sierra Leone (SCSL) in 2012 to become part of the Peace Museum (questionnaire Sierra Leone). In 2010, to coincide with its closure the SCSL intended to create a lasting memorial for the civil war by creating the Peace Museum. The Peace Museum consists of three parts: the archives include public records of the SCSL and its library, the TRC records and maybe additional records about the peace process from other

organizations; an exhibition containing photos, pictures or weapons; and a memorial consisting of a memorial garden, a peace bridge to the museum and a wall with victims' names (questionnaire Sierra Leone; expert interview 8). The transfer of the archives of the TRC to the Peace Museum is in accordance with the Human Rights Commission which remains the owner of the TRC archives according to a Memorandum of Understanding regarding the establishment of the Peace Museum with the Special Court for Sierra Leone (questionnaire Sierra Leone). The MoU clearly defines the tasks and responsibilities of the Peace Museum, however, it is temporary and will expire "on the satisfactory completion of the processing work" (questionnaire Sierra Leone).

In principle, the records of the TRC are supposed to be accessible for research and educational use by other organizations (questionnaire Sierra Leone). However, currently they are physically accessible only by the archives personnel (questionnaire Sierra Leone). The final report of the TRC states that the Human Rights Commission (and, pending its creation, the National Archives) should regulate access to the TRC's archives (Final Report 2004: vol. 2, chapter 3, art 537; expert interview 5). Rough guidelines regarding access exist, but they only contain a short paragraph on access to confidential and restricted information. It mentions specific records that fall into this category and the penalty for breach of confidentiality, but not the procedures on how to access them (questionnaire Sierra Leone). In addition, the final report of the TRC recommends that the "Parliament refrain from passing legislation authorizing access by criminal justice mechanisms, either directly or indirectly, to information in the archives of the Commission that was provided on a confidential basis" (Final Report 2004: vol. 2, chapter 3, art 533). According to a Dealing with the Past expert (expert interview 5), it has always been the intention that the Human Rights Commission and the National Commission for Social Action (NACSA), which is responsible for implementing reparation programs, would have access to the records of the TRC. However, as she mentions, it is difficult for these two institutions to access the TRC's archive, since it is rather in a bad state (expert interview 5) and due to the lack of resources in the case of NACSA (expert interview 5). It does not seem to be the government which is preventing or hindering access, but rather "they don't see that as a priority, that is a pity" (expert interview 5). In general, the lack of resources is also a problem to establish the Peace Museum, which is registered as a 'committee by guarantee' and not governmentally owned. "Money is finished, and the Peace Museum is nowhere; it's a lot more ambitious now" (expert interview 8; questionnaire Sierra Leone).

2.9. [South Korea](#)

South Korea has a historical tradition of addressing political transitions through the set-up of truth commissions. Several different attempts of uncovering past abuses have been installed in the country (Wolman 2013: 30). For the purposes of this case description, the main focus is on the Truth and Reconciliation Commission of 2005. The charter of this commission was based on the Law n. 7542 of 2005 (Framework Act on Clearing up Past Incidents for Truth and Reconciliation) and had a mandate lasting from December 2005 to December 2010.

The commission's period of inquiry covered nearly one hundred years. Ranging from the Japanese colonialist past, the division of the two Koreas and the series of dictatorships that ruled the country until 1987, the commission was set up to investigate violent episodes and patterns of human rights abuses that permeated the country. Fifteen commissioners – fourteen men and one woman – selected cases based on citizens' petitions and published a final report in December 2010. 11.174 cases were received by the commission and around 75% of them were accepted. The report concluded the vast majority of crimes were perpetrated by State agents (USIP's Digital Collection). There was also a manifested concern with the historical memory of this work: the commission's final report recommended historical records to be established with the aim to promote memorialization and reconciliation in the country.

A staff member from the National Archives was selected to work closely with the commission. The work done by the archivist included creating guidelines for managing the different types of records created by the commission – ranging from paper, photos, audio and videotapes, among others. The records of the commission are also under the rules of the Public Records Management Act, promulgated in 1999. The Act determines that, upon the closing of the commission, all records should be transferred to the National Archives. Prior to that, already in 1997, a law regulating the access of public information was passed in the country, along with far-reaching considerations on privacy that could prove to be an obstacle for access to the archives (Peterson 2005: 77).

In July 2014 we contacted the National Archives via telephone. When specifically asked about the archives and records of the truth commission and whether the documents had already been transferred there we were told that “all public information is available on their website, and everything that exists should be listed there”. The person we contacted did not seem to know more about the existence of these records and whether they are currently being held by the National Archives or not.

2.10. [Timor-Leste](#)

In 2001, the UNTAET Regulation 2001/10 established the Commission for Reception, Truth, and Reconciliation (Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste, CAVR) in Timor-Leste. Its mandate was to investigate human rights violations that were committed between April 1974 and October 1999. Shortly after Timor-Leste gained independence from Portugal in 1974, an internal conflict for the control of Timor-Leste broke out. On 7 December 1975, Indonesia annexed Timor-Leste and maintained a repressive occupation until 1999. The popular referendum in August 1999, in which Timorese voted for independence, was accompanied by violence. An estimated 200 000 persons died between 1974 and 1999.

The CAVR’s mandate was to investigate human rights violations, facilitate reconciliation and reintegration of minor criminal offenders through the local ‘Community Reconciliation Processes’ and to recommend measures to prevent future abuses and address the needs of victims. During its mandate the CAVR gathered around 8000 victim statements (documented in questionnaires, written in the mother tongue of the victims, summarized in Indonesian) (expert interview 4), conducted many interviews with prominent resistance and pro-autonomy leaders (expert interview 4), recorded 8 public hearings on specific topics and 1500 community reconciliation ceremonies and collected photos, exhibition items and other material (expert interview 4, CAVR website). Based on a contract, persons working with the commission were required to hand over their documentation, research and other material they collected to the commission at the end of their work (expert interview 4). It seems that all the records relating to the work of the CAVR have been archived.

In October 2005, the commission’s report, entitled ‘Chegal!’ (no more, stop, enough!), was handed to the president of Timor-Leste and officially released in November 2005. It consists of about 2500 pages divided in five volumes (expert interview 4). The UNTAET Regulation 2001/10 establishing the CAVR specified that the commission should organize its archives and records, and should give special consideration to the issue of public access to the materials and information. It was also made clear that the commission should consider measures protecting confidential information as well as measures providing for the ongoing safety of individuals (43.2). As the commission could not complete all of its tasks, it recommended that a follow-on institution should be set up (Final Report 2006, Part 11). This institution’s tasks would include, among others, the preservation of the ex-Balide Comarca as a heritage site and its use as a national memorial centre for victims and a centre for human rights, and a site for the preservation and use of the CAVR archives. The Post-CAVR technical secretariat, established in 2005, does not represent the recommended follow-on institution since it is purely technical in orientation.

Nevertheless, it is responsible for managing and maintaining the ex-Balide Comarca heritage complex, where the secretariat is located, and for managing the security and organization of the CAVR archives. The Post-CAVR Secretariat reports to the Office of the President.

The Post-CAVR Secretariat Documentation Center consists of several rooms, including a supporting office (expert interview 4). Two large rooms were set aside for the enormous amount of documentation that the commission and its senior staff have collected (expert interview 4). A separate audio-visual room ensures that the videos and the tapes with the victims' and witnesses' statements are preserved in a climate controlled environment (expert interview 4). The library and a 'book shop' include various books, solidarity and advocacy material from activities of the UN and other countries on the period from 1974-1999, as well as on Indonesia and peace studies (expert interview 4, CAVR website). They serve as points of interaction with the public, and staff members are available for consultation on the premises due to the lack of an electronic system (expert interview 4).

In 2006 the premises of the Post-CAVR Secretariat were raided by a hundred locals armed with grenades and shotguns. There was a great fear that the archives would be damaged or set on fire (expert interview 4). This incident showed that the archives were vulnerable and sensitive. As an immediate reaction, the army camped in the courtyard of the building to protect the archives (expert interview 4). At the same time, there was a raid on the UN Serious Crimes Unit office and files relating to the Indonesian army officers criminal actions were stolen (expert interview 4).

This security incident reinforced the decision to copy a section of the CAVR archives to the British Library in London as a part of the latter's Endangered Archives Program. The multi-media content of the public hearings conducted by the CAVR were digitalized as necessary and transferred in order to preserve them electronically and make them accessible from abroad (expert interview 4). Despite an agreement to copy victim statements as well, the executive director of the Post-CAVR Secretariat neglected to fulfill that part of the preservation process (expert interview 4). According to an expert, the director of the Post-CAVR might have taken the decision to not copy victim statements because the mandate seems unclear (expert interview 4).

In order to promote the widest possible access to the CAVR archives and at the same time protect the rights of individuals who have provided information, an access policy was elaborated. Timor-Leste does not have a national archival law, freedom of information act or privacy act, but the Constitution specifies that every citizen has the right to access personal data and the right to demand the purpose of the data. Processing of personal data on private life such as political convictions or ethnical origin without the consent of the interested person is prohibited (Constitution of Timor-Leste 2002: section 38). Moreover, the Constitution says that every person has the right to freedom of speech and the right to inform and be informed impartially. The exercise of freedom of speech and information should not be limited by any sort of censorship (Constitution of Timor-Leste 2002: section 40). Finally, the constitution (2002: section 162) states that "it is incumbent upon the Commission for Reception, Truth and Reconciliation to discharge functions conferred to it by UNTAET Regulation No. 2001/10".

Based on this legal framework and international archival standards, the access policy details the principles of access. This policy includes stipulations that all records of the CAVR will be at some time in the future open for public access and research, respecting rights of privacy and confidentiality. It gives detailed access conditions for particular user categories, including government officials, former commissioners, individual statement givers and individuals cited in the documents. It also gives access conditions for specific types of records such as truth seeking records, research documents, administrative and personnel records, as well as for the prescribed period of time of release. The complete access policy can be downloaded from the CAVR website (www.cavr-timorleste.org). However, access is granted

on a case-by-case basis and the executive director of the Post-CAVR Secretariat tends to approve access requests on very restrictive grounds (expert interview 4). This might be because there is not yet a clear legislation for the management of any Timorese archives (expert interview 4).

Timor-Leste has a special building and department that are classified as the National Archives. However, its collection is comprised of leftover records from previous administrations that survived the burning and looting in 1999, as well as some donations of citizens and other governments (Lipscomb 2011: 26). Due to the young history of Timor-Leste as a sovereign state, the archives of the transitional justice institutions, namely the CAVR, the Special Panels and Serious Crimes Unit (SPSC/SCU), and the bilateral Commission of Trust and Friendship (CTF), in addition to the privately held Museum of Resistance, laid the foundation for the National Archives (Lipscomb 2011: 26). Consequently, the national heritage and the archived historical narrative are almost exclusively related to human rights violations. As such, the narrative on the period between 1974 and 1999 of the CAVR can be seen as the (only) officially sanctioned historical narrative of the nation.

3. Updated Cases

3.1. Argentina

On December 15 1983, the Argentinean presidential office signed Decree 187/1983, creating the “National Commission on Missing Persons” or, in its original form, “Comisión Nacional sobre la Desaparición de Personas (CONADEP)”. The goal of this commission was to investigate the whereabouts of victims of enforced disappearances and other human rights violations committed between March 1976 and October 1983. During this particular period of Argentina’s 30-year long military rule, some 30.000 people were kidnapped, tortured and disappeared under the auspices of national security (Sugiyama 2008: 33).

Article 2e of the decree creating the commission established that CONADEP, composed of twelve men and one woman, should work for a period of 180 days and publish a report with its findings and detailed explanations. During its work, the commission collected documents and interviewed witnesses and survivors. No public hearings were held. “Nunca Más” – or “Never Again” – the commission’s final report, was presented to Argentinean President Raúl Alfonsín on September 20, 1984 and soon thereafter made available for the public. Also adapted into a book, it quickly became a best-seller in the country (TRIAL 2014). It covered 8.960 cases of enforced disappearances and was considered by many human rights groups to have underestimated the extent of the violence in the country, since other sources estimated the number of enforced disappearances at around 30.000 (Dinges 2004: 139).

The archives of the commission were handed to the country’s Human Rights Secretary – Secretaría de Derechos Humanos de la Nación – under the Ministry of Justice, Security and Human Rights of the Nation, established in 1984. The records contained documents on paper, photos, microfilm, videotapes and maps. Some of this material is digitalized, which facilitates the process of document retrieval and visitation (Peterson 2005: 59).

On December 16 2003, President Néstor Kirchner published the Decree 1259/2003, determining the creation of the National Memory Archive – Archivo Nacional de la Memoria (ANM) – with the goal to obtain, analyse, classify, copy, digitalize and archive information, testimonies and documents on the disrespect of human rights and fundamental freedoms. In its article 3e, the Decree already foresaw

consultation of the archives by persons with legitimate interest, members of the State or civil society. Yet, it was the responsibility of the Archives' president to elaborate rules for its use, administration and centralization, on a national level, of previously existing archives. ANM currently holds the archives from CONADEP, from the Secretary of Human Rights (SDH) and all archives related to the reparatory laws number 24.043, 24.411 and 25.192 (Article 5e of Decree 1259/2003). ANM is a decentralized institution the funding of which is under responsibility of the Ministry of Justice, Security and Human Rights of Argentina. Rules for accessibility to the documents held in the archives are established on ANM's Disposition number 3/2011 and are all subject to approval.

Since 2007, ANM's archives are situated on the "Espacio para la Memoria, Promoción y Defensa de los Derechos Humanos", or "Space for Memory, Promotion and Defense of Human Rights", in the former ESMA building in Buenos Aires. ESMA, or the "Escuela Superior de Mecánica de la Armada", one of the Army's educational centres, served during the dictatorship as a clandestine detention and torture centre that received around 5.000 persons (Crenzel 2010) and was transformed by Néstor Kirchner into a place to remember those who suffered from Argentina's dictatorship and to hold cultural and social exchanges on state terrorism and the country's recent past of abuses. ESMA currently offers guided visits of its building, free of charge. According to Espacio Memoria's website, more than 120.000 people have visited the centre, among which were social and political organisations, researchers, educational centres, media members, since the Centre has opened its doors. In 2009, CONADEP's archives were included in the UNESCO's World Heritage list.

3.2. [Chad](#)

The Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories (Commission d'Enquête du Ministère Chadien de la Justice sur les Crimes du Régime de Hissène Habré) was created by the Decree No 014/P-CE/CJ/90 (December 29, 1990) (re-printed in Kritz et al. 1995). The commission was mandated, among others, to investigate illegal detentions, assassinations, disappearances, torture and other human rights violations occurring under the regime of Hissène Habré between 1982 and 1990. The final report was published on 7 May 1992. Neither the decree establishing the truth commission nor the final report contain any reference regarding the records and archives.

Peterson (2005: 62) writes that the report and the records of the commission went to the Ministry of Justice, but that this information could not have been confirmed by her. While Chad has a National Archive and an archival law, it was not possible to determine whether the records of the Ministry of Justice are to be deposited in the National Archives, because the archival law has not been published in standard professional sources (Peterson 2005: 63). A copy of the law no. 15/PR/99 of 15 June 1999 regarding the conservation and protection of national archives seems to be distributed in a good governance project (2005-2007) of the EU and UNDP. However, we were not able to obtain a copy.

However, in May 2001, Human Rights Watch advocates Reed Brody and Olivier Bercault, together with Pierre Hazan, who was producing a movie, were permitted to enter the buildings of Habré's political police. They found the archives of the former political police and the truth commission whose headquarters had been in the same buildings. The victim association 'Association des victimes de crime et de la repression politique au Tchad' (AVCRP) obtained the permission to clean, analyze and copy the archives. The original documents of both institutions remain in the building of the former political police, while a copy has been stored in the headquarters of Human Rights Watch in New York. The first rudimentary list of records elaborated by AVCRP has been further classified in a database created by Patrick Ball and analyzed (Silva et al. 2010). The documents of the former political police and some of the truth commission form the backbone of the current criminal case against Hissène Habré in Senegal.

3.3. [Haiti](#)

Haiti's truth commission, officially named as "Commission Nationale de Vérité et de Justice" was created by an executive order of President Jean Bertrand Aristide proclaimed on March 28, 1995. Its mandate, and the role of its seven commissioners – five men and two women – was to identify persons who acted as instigators, accessories or direct violators of human rights and crimes against humanity, committed against nationals in and outside the Haitian territory, during the period between September 29 1991 and October 15 1994, as well as to support the reconciliation process of the country (The Republic of Haiti 1995, Annex I: 355-357).

During the period outlined above, a Coup d'état led by General Raoul Cédras was followed by a series of provisional governments, who withdrew the democratically elected Aristide from power and waged a campaign of repression and intimidation against his supporters. The human toll involves some 5.000 killed, 300.000 internally displaced persons and many thousands tortured, raped and abused by military and police forces (Arthur 1995: 23; Dupuy 1997: 139).

This commission, although facing a series of issues concerning lack of funds and capacity, security concerns and shortage of time (Quinn 2009: 265) compiled 8.650 interviews identifying 19.308 human rights violations (Amnesty International 1998: 8). Public hearings were not held due to security concerns. A final report was presented in December 1995. Produced under tight constraints as it needed to be presented to Aristide before he stepped down from power in favour of his elected successor, the report had a strong focus on victims' names. Details on the identities of perpetrators were not made public (Quinn 2009: 271).

The commission produced several types of records, ranging from thousands of interviews, reports, morgue records, photos, and more. Peterson wrote, in 2004, that the records were being kept by the Ministry of Justice, away from public access. Some documents were also believed to be held by the Ministry of Interior (Peterson 2004).

In 2010, Haiti was hit by the biggest earthquake in its history. The tremors also affected the National Archives of the country and a series of Ministries. Jean-Wilfrid Bertrand, the director of the National Archives, declared, during an international gathering of francophone archivists held in Haiti in December 2013, that the earthquake caused "destruction or heavy damage to sixty years of public records" (as cited in Terra Daily 2013) Because the country lacked an inventory, it was not possible to precisely assess everything that has been lost or damaged in this process. Questionnaires and requests for detailed information on the current state of the archives were sent to both the Ministries of Justice and Interior but were left unanswered.

3.4. [Peru](#)

Created on June 4, 2001 by the presidential decree number 065-2001-PCM, Peru's Truth and Reconciliation Commission or "Comisión da la Verdad y Reconciliación", had the responsibility to clarify and investigate the violence and human rights violations that took place in the country in the period between May 1980 and November 2000, as well as to propose initiatives for reconciliation. During the described period, Peru had experienced a violent confrontation between the government, the Peruvian Communist Party (Partido Comunista del Perú or Sendero Luminoso) and the Túpac Amaru Revolutionary Movement (Movimiento Revolucionario Túpac Amaru, MRTA). 70.000 people are estimated to have died in the conflict (Human Rights Watch 2012).

The work of the commission was mainly focused on investigating killings and kidnappings, enforced disappearances, torture and severe injuries and violations to the collective rights of Andean and native communities. The commission was formed by twelve members and one observer – eleven men and two women – and, after two years and two months of work performed between June 2001 and August 2003, published its final report on August 28th 2003. It presented a total of nine volumes, also [available online](#).

The decree establishing the creation of the commission also determined, according to Article 7, that the collection of documents resulting from its work should be submitted to the “Defensoría del Pueblo”, an autonomous and constitutional Ombudsman office created by the 1993 Peruvian Constitution, which would keep it reserved. Due to the sensitivity of the information collected, the commission allowed its interviewees to choose whether they wished to remain anonymous.

After the creation of the Transparency and Access to Public Information Law (Ley de Transparencia y Acceso a la Información Pública) on April 24, 2003, it was determined that the archives could be open to the public. At the same time, the commission transferred its documents to the Ombudsman Office, which then created an Information Centre for Collective Memory and Human Rights (Centro de Información para la Memoria Colectiva y los Derechos Humanos) which opened its doors a year later, in April 2004. The material available at the Centre includes, among others, testimonies, audiotapes, videos, CDs and pictures.

The Information Centre for Collective Memory and Human Rights is located in Lima, Peru’s capital, but serves and processes requests from the whole country. The Centre is under the financial and administrative wing of the Ombudsman Office, whose budget derives from donations from international bodies (Aguirre 2009: 144). Requests to visit the archives must be done in person through the filling of a form and registration as user. Documents considered by the Ombudsman Office to be extremely sensitive can only be accessed by accredited persons who are able to justify their needs, after approval by a committee, also established by this Office (Peterson 2005: 74). Persons who have been accused of human rights violations are only able to access the archives after being granted an order from a local court, in order to decrease the risk of destruction of documents. Other visitors, such as researchers, victims and their relatives, have relatively easy access. All services offered by the Centre are free of charge. The Information Centre has created a digitalized database that possesses a search engine allowing users to narrow down their search for desired materials, digitised access to pictures, videos, audios and all testimonies is available at the Centre (questionnaire Peru)

The General Archives of the Nation (Archivos Generales de la Nación) have also been considered as a hosting institution for the archives, although experts believe it does not offer enough room for the material (Walker 2007: 28). For the time being, the archives remain, indefinitely, with the Centre for Collective Memory.

3.5. [Uganda](#)

Since independence from Great Britain in 1962, Uganda has been involved in a series of brutal regimes. The governments of Milton Obote (1966-1971) and Idi Amin Dada (1971-1979) were marked by patterns of abusive power and human rights abuses. Arbitrary arrests, detentions, torture and numerous killings affected hundreds of thousands of civilians, leaving the economic, political and social systems of the country severely damaged (Quinn, 2003: 1).

In 1974, while the country was still under the regime of Amin Dada, the first Truth and Reconciliation Commission – not only of the country, but of the world – was set up. Based on the Commission of Inquiry Act from 1914, the “Commission of Inquiry into the Disappearances of People in Uganda since 25

January, 1971” was created by the presidential legal notice n. 2 of 30 June, 1974. Constituted by four commissioners, all men, the Commission acted for a period of six months in 1974. Its mandate focused mainly on the investigation of arbitrary arrests, prolonged detentions without trial, torture and killings. Most hearings held by the commission were public, and although a report was never published, nor were its recommendations adopted, a digitalized copy of the report is made available, in separate sections, on the United States Institute for Peace [website](#).

In spite of its uniqueness, in the sense that it was set up in the course of Dada’s government to investigate disappearances during the early years of his own rule – namely the period between January 25, 1971 and July 1974 – the Commission faced lack of political will inside the country. While it had had the competence to oblige witnesses to give evidence and also to obtain information from official sources, access was still restricted by several government departments, especially police and military intelligence. Commissioners were targeted by their work and suffered retaliation especially after the completion of their tasks (TRIAL, 2014). The documents created by the commission, including transcripts of numerous interviews, are rumoured to have been destroyed and were not used by subsequent commissions (personal communication with country expert).

In 1986, a second initiative at pursuing truth and reconciliation in Uganda was put in place. Interested in improving the country’s reputation, President Yoweri Museveni created the “Commission of Inquiry into Violations of Human Rights (CIVHR)”. Based on the Commission of Inquiry Act Legal Notice n.5, it had the mandate to investigate a full range of aspects of human rights violations since independence on October 9, 1962 to Museveni’s rise to power, on January 25, 1986. Its six commissioners, all male, operated for a period of eight years (1986-1994), with the work being interrupted on different occasions due to financial problems (Quinn, 2003: 11). After restarting its work without full access to previous investigations and interviewing hundreds of witnesses, the commission published a final report of 720 pages in 1994, although it was not widely disseminated (Ibid: 19).

Records created by the commission included transcribed testimonies and maps. Shortly after the conclusion of the commission’s work, the Uganda Human Rights Education and Documentation Centre (UHEDOC) was founded in 1994. The idea was to continue the investigation and reparation work of the commission, and to have responsibility for keeping official documents of the CIVHR. Mismanagement problems led to the closing of UHEDOC in 1997 and the archives were transferred in 2001 to a “locked closet with a water heater at the Human Rights Peace Centre at the Faculty of Law at Makerere University” It is believed that the records still remain in this location, without having ever been catalogued and unavailable for public use. This information remains unverified as attempts to communicate with HURIPAC, the Human Rights and Peace Centre of Makerere University were unsuccessful and messages remained largely unanswered.

3.6. [Uruguay](#)

Uruguay was ruled by a military dictatorship in the period between June 23, 1973 and February 28, 1985. To investigate human rights abuses that took place during these twelve years of military rule, two commissions of inquiry were set up in the post-1985 period: the Commission for the Investigation of the Situation of Disappeared Persons and Related Events (Comisión Investigadora Parlamentaria sobre Situación de Personas Desaparecidas y Hechos que la Motivaron) and the Commission for the Investigation on the Kidnapping and Assassination of National Representatives Zelmar Michelini and Hector Gutierrez Ruiz (Comisión Investigadora sobre el Secuestro y Asesinato perpetrados contra los ex legisladores Héctor Gutiérrez Ruiz y Zelmar Michelini). Since these commissions did not generate any official government response, President Jorge Battle Ibáñez established, through resolution n. 858/2000,

a new peace commission. “Comisión para la Paz” was officialised on August 9, 2000 with the mandate to investigate the fate of those who disappeared in the country during that period.

Formed by six commissioners – all men – the commission was established to act for a period of 120 days and lacked the power to interview senior officers of the armed forces. Still, on April 10, 2003, its final report was published. The Final Report of the Commission (Informe Final de la Comisión para la Paz) provided information on the fates of 38 disappeared, although human rights organisations believe a number of close to 300 people were imprisoned and taken by the dictatorship (TRIAL 2014). The report was accepted by the presidency and widely disseminated in the country.

As a follow up measure, a new institution was created to promote legal norms and follow up with the work previously performed. Created by resolution P492 on April 11 2003, the “Secretaría de Seguimiento” also had a duty to consider monetary and symbolic reparations to the victims, continue investigating other potential victims and be the custodian of the documentation gathered by the Commission. In 2007, through presidential resolution n. 812/007 of December 17 2008, two new units were incorporated into the Secretary: a team of historians and anthropologists from the University of the Republic (Universidad de la República) and the Association of Families of Disappeared Detainees. A final resolution, n. 450/011 from August 2011, created an Interministerial Commission widening the functions of this Secretary, including archivists to organize all documents in their power.

In the meantime, new laws were approved in the country. In 2007, a legislation regulating the general archives was created. Law n. 18220 establishes in its article 1 that it is the duty of the State to properly keep and organize the documentary heritage of the nation. Law n. 18.381 of 2008 grants citizens right of access to public information, and Law n. 18.331 of 2008 established rules protecting personal information and regulating the procedure for *habeas data*.

The team of archivists elaborated and presented a Strategic Archivist Plan, starting with an institutional and documentary study to organize, following international norms, an organogram and a classification board for these files. On August 1, 2013, by a decision of President José Mujica, the Secretaría de Seguimiento had its name altered to “Secretaría de Derechos Humanos para el Pasado Reciente”, or Secretariat of Human Rights for the Recent Past, maintaining the same goals and objectives that had already been established.

The new Secretariat is in the process of organizing the archives with the documentation gathered by the Commission and all the subsequent actions undertaken in order to make transparent the truth-seeking process in Uruguay. This work is being performed by specialized archivists with the collaboration of historians, investigators, judges, affected families and the general public (information available on the [website](#) of the Secretariat). It is possible to request information, through the Secretariat, on victims of enforced disappearances or killings. The request is done through the submission of a form and presentation of an identity document. Requests should be made in person, at the User Centre in Montevideo, and will be analysed by the team of archivists of the Secretariat, in respect of the existing legal limitations (www.sdh.gub.uy).

The documents contained in the archive also constitute the basis for legal cases, can be used as evidence for reparations and are connected to different Human Rights programs currently existing in the country (questionnaire Uruguay).

4. References

4.1. Articles

Aguirre, Carlos (2009) ¿De quién son estas memorias? El archivo de la Comisión de la Verdad y Reconciliación del Perú. *Jarhbuch für Geschichte Lateinamerikas*, 46, 135-165.

Alidu, Seidu (2010) The National Reconciliation Commission and Reconciliation in Ghana: an Assessment. *The Review of International Affairs* Vol. LXI, 153-177.

Amnesty International (1998) Haiti: Still Crying Out for Justice. Washington: AI. AI Index: AMR 36/02/98.

“Archivo Nacional de Ecuador” (1990). [Online] <http://ane.gob.ec/fondos-documentales/7-fondo-digitalizado-de-la-comision-de-la-verdad>.

Arthur, Charles (1995) After the Dance, the Drum is Heavy: Haiti One Year After the Invasion. London: The Haiti Support Group.

CAVR, Commission for Reception, Truth and Reconciliation in Timor-Leste. [Online] <http://www.cavr-timorleste.org/en/STP-CAVR.htm>.

Constitution of the Democratic Republic of Timor-Leste (2002) [Online] <http://timor-leste.gov.tl/?cat=37&lang=en>.

Crenzel, Emilio (2010) Memorias de las Desapariciones. Los Vecinos del Centro Clandestino de Detención del Hospital Posadas, Buenos Aires, Argentina. *Revista Crítica de Ciências Sociais*, 88, 79-99.

Dinges, John (2004) The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents. New York: The New Press.

Dupuy, Alex (1997) Haiti in the New World Order: The Limits of the Democratic Revolution. Boulder, CO: Westview.

Government of Uruguay. *Secretaría para la Paz se denominará Secretaría de Derechos Humanos para el Pasado Reciente*. [Online] <http://www.presidencia.gub.uy/comunicacion/comunicacionnoticias/nueva-denominacion-secretaria-derechos-humanos>

Hayner, Priscilla B. (2011) Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions. New York: Routledge.

Human Rights Watch (2005) La Commission Marocaine de vérité: Le devoir de mémoire honoré à une époque incertaine, Vol 17, Issue 11(E).

Human Rights Watch (2012) World Report 2012: Peru. [Online] <http://www.hrw.org/world-report-2012/peru>.

Kechoune, Hada, Znagui, Bachir and Said Essoulami (2010) *Les Archives au Maroc: Quelles Perspectives?* Casablanca : Center for Media Freedom – Middle East and North Africa (CFM MENA).

Kritz, Neil J. (ed.) (1995) *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume III: Laws, Rulings, and Reports.* Washington DC: United States Institute of Peace Press.

Lipscomb, Leigh-Ashley (2011) *Housing the Truth: The Archived Legacy of Transitional Justice in Timor-Leste.* PhD Dissertation, Graduate Division of the University of California, Berkley.

Papy, Ibula (2011) *Les Archives en Danger.* [Online] <http://blessingibula.centerblog.net/1-les-archives-en-rdc>.

Peterson, Trudy Huskamp (2005) *Final Acts: A Guide to Preserving the Records of Truth Commissions.* Washington DC: Woodrow Wilson Center Press and Baltimore: The Johns Hopkins University Press.

Quinn, Joanna R. (2003) *The Politics of Acknowledgement: An Analysis of Uganda's Truth Commission.* YCISS Working Paper Number 19.

Quinn, Joanna R. (2009) *Haiti's Failed Truth Commission: Lessons in Transitional Justice,* *Journal of Human Rights*, 8: 3, 265-281.

Silva, Romesh, Klingner, Jeff and Scott Weikart (2010) *State Violence in Chad: A Statistical Analysis of Reported Prison Mortality in Chad's DDS Prisons and Command Responsibility of Hissene Habre, 1982-1990.* Human Rights Data Analysis Group, Human Rights Program Benetech, California.

Sugiyama, Tomoko (2008) *The Past and Transitional Justice: Argentina's CONADEP, Nunca Más, and Lessons for Transitional Justice.* [Online] http://www.pem.u-tokai.ac.jp/jfpe/2008/08_13sugiyama.pdf.

Terra Daily (2013) *Haiti quake destroyed or damaged 60 years of archives.* [Online] http://www.terradaily.com/reports/Haiti_quake_destroyed_or_damaged_60_years_of_archives_999.html

TRIAL (Track Impunity Always) (2014) *Argentina's Truth Commission.* [Online] <http://www.trial-ch.org/en/resources/truth-commissions/america/argentina.html>.

TRIAL (Track Impunity Always) (2014) *Truth Commission in Uganda.* [Online] <http://www.trial-ch.org/en/truth-commissions/uganda.html>.

TRIAL (Track Impunity Always) (2014). *Uruguayan Peace Commission.* [Online] <http://www.trial-ch.org/en/resources/truth-commissions/america/uruguay.html>.

USIP's Digital Collection (United States Institute for Peace) (2013). *Truth Commissions: Digital Collection* [Online] <http://www.usip.org/>.

UNESCO (2009) *Archives of Terror.* [Online] <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/memory-of-the-world/register/full-list-of-registered-heritage/registered-heritage-page-1/archives-of-terror>

Walker, Charles F. (2007) *The Peruvian Truth Commission's Centro de Información para la Memoria Colectiva y los Derechos Humanos.* *Latin American Studies Association Forum*, 38 28-29.

Wolman, Andrew (2013) *Looking Back while Moving Forward: The Evolution of Truth Commissions in Korea,* *Asian-Pacific Law and Policy Journal* Vol. XIV, No. 3, 27-56.

4.2. [Final Reports of Truth Commissions](#)

Chad: Commission d'Enquête du Ministère Chadien de la Justice sur les Crimes du Régime de Hissène Habré (1992) *Report of the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories: Investigations of Crimes Against the Physical and Mental Integrity of Persons and their Possessions.*

DRC : Commission Vérité et Réconciliation (2007) *Rapport final des Activités, de Juillet 2003 à Février 2007.*

Ecuador: Comisión de la Verdad para impedir la impunidad (2010) *Informe de la Comisión de la Verdad.*

Ghana : National Reconciliation Commission (2004) *The National Reconciliation Commission Report.*

Haiti : Commission Nationale de Vérité et de Justice (CNVJ) (1995) *Rapport de la Commission Nationale de Verité et de Justice.*

Honduras : Comisión de la Verdad y la Reconciliación (2012) *Informe de la Comisión de la Verdad : La voz más autorizada es la de las víctimas.*

Liberia : Truth and Reconciliation Commission (TRC) (2009) *Consolidated Final Report.*

Morocco: Instance Equité et Réconciliation (IER) (2005) *Synthèse du rapport final (résumé).*

Paraguay : Comisión Verdad y Justicia, CVJ (2008) *Informe Final: Anive haguã oiko.*

Sierra Leone: Truth and Reconciliation Commission (TRC) (2004) *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission.*

Timor-Leste : Comissão de Acolhimento, Verdade e Reconciliação de Timor-Leste (CAVR) (2006) *Chega! The Report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR).*

4.3. [Legal Documents creating the Truth Commissions](#)

DRC: Loi no. 04/018 du 30 Juillet 2004 portant organisation, attributions et fonctionnement de la commission vérité et réconciliation.

Ecuador: Accord No. 305 : Se creó la Comisión de la Verdad "para impedir la impunidad".

Ghana: The National Reconciliation Commission Act, 2002.

Honduras: Decreto ejecutivo número PCM-011-2010.

Liberia: An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia: Enacted by the National Transitional Legislative Assembly on May 12, 2005.

Morocco: Dahir n° 1.04.42 Du 19 safar 1425 (10 avril 2004) Portant approbation des Statuts de L'Instance Equité et Réconciliation.

Paraguay : Ley N° 2225 por la cual se crea la comisión de verdad y justicia.

Sierra Leone: The Truth and Reconciliation Commission Act 2000.

Timor-Leste: UNTAET Regulation No. 2001/10 on the Establishment of a Commission for Reception, Truth and Reconciliation in East Timor.

Chad: Decree Creating the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories: Investigations of Crimes Against the Physical and Mental Integrity of Persons and their Possessions. Decree No. 014/P.CE/CJ/90 (December 29, 1990).

Sonnenbergstrasse 17
Postfach
CH-3000 Bern 7

T +41 (0)31 330 12 12
F +41 (0)31 330 12 13

info@swisspeace.ch
www.swisspeace.ch