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BOOK REVIEW

THE PROMISE OF TRUTH COMMISSIONS IN TIMES OF TRANSITION

PRISCILLA B. HAYNER, *UNSPEAKABLE TRUTHS: CONFRONTING STATE TERROR AND ATROCITY*. New York and London: Routledge, 2001. ix + 340.

*Reviewed by Mariah Jackson Christensen**

The international community currently faces the painful reality that, despite the rallying cry “never again,” profligate state-sponsored and armed-opposition human rights violations remain widespread. Dealing with these violations in the context of transitional governance is a problem that many emerging democracies have faced and will continue to face in the near and distant future. The present transition underway in Afghanistan and increasing household familiarity with grievous Taliban offenses highlight the immediacy of the vexing question of what to do with past atrocities when attempting to start anew. The current situation in nations throughout the world, Afghanistan included, indicates that this question will not go away any time soon.

Punishing human rights violators by putting them on trial rarely plumbs beneath the surface of a regime’s atrocity-laden past, instead visiting consequences on only a few while leaving victims feeling betrayed.¹ One alternative to traditional prosecutions is the so-called “truth commission.” Whether indeed conceived as an alternative, or rather as a supplement to modes of retributive justice, truth commissions have emerged as a major force on the transitional justice stage. Hayner defines a truth commission by its primary characteristics:

- (1) truth commissions focus on the *past*; (2) they investigate a pattern of abuses over a period of time, rather than a specific event; (3) a truth commission is a temporary body, typically in operation for six months to two years, and completing its work with the submission of a report; and (4) these commissions are officially sanctioned, authorized, or empowered by the state (and sometimes also by the armed opposition, as in a peace accord).²

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1. See PRISCILLA B. HAYNER, *UNSPEAKABLE TRUTHS: CONFRONTING STATE TERROR AND ATROCITY* 88–90 (2001).

2. *Id.* at 14.

Unspeakable Truths provides an excellent practical survey of truth commissions, suitable for both fledgling democratic governments grappling with available options for appropriately coping with past abuses, as well as students of international human rights seeking to understand the who, what, when, where, how, and why of truth commissions. As Hayner notes, answers to many important questions concerning implementation and methodology are contingent on the particular set of circumstances within which a given truth commission is working.³ Hayner nonetheless admirably fulfills her avowed goal of helping readers “better understand how states and individuals might reckon with horrible abuses of the past, and specifically to understand the role played by truth commissions—the name that has been given to official bodies set up to investigate and report on a pattern of past human rights abuses.”⁴ Hayner also competently meets her stated goals to “bridge the gap between theory and practice; to fairly represent the experiences of the victims, the hopes of human rights advocates, and the dilemmas of policymakers.”⁵ *Unspeakable Truths* dissects the truth commission phenomenon into manageable pieces, using vivid examples and supporting details to distill important lessons from twenty-one truth commissions from 1974 to date.

Summaries of these twenty-one commissions provide the foundation from which Hayner approaches such fundamental questions as:

- (1) what compels a country to create a truth commission,
- (2) what “truth” a commission should or will uncover,
- (3) the relationship between “truth” and more traditional justice,
- (4) the question of whether to include names in a truth commission report,
- (5) how and whether truth is a precursor to reconciliation,
- (6) what psychological concerns a commission will encounter, and
- (7) questions concerning potential reforms, reparations, general nuts and bolts, and the role of the larger international community.

The preliminary truth commission sketches, along with more detailed examples culled from each commission’s experiences, help to secure Hayner’s theoretical and practical scaffolding. The varying ex-

3. *Id.* at 7 *passim*.

4. *Id.* at 5.

5. *Id.* at 9.

periences of each commission lend credence to the undercurrent running throughout *Unspeakable Truths* that there can be no "Truth Commissions for Dummies" guide providing a convenient how-to for countries intent on airing their sordid pasts in hopes of securing more peaceful futures. Hayner instead sets parameters by comparing and contrasting the achievements and failings of the various commissions, providing the reader with a set of questions to ask when implementing a commission, as well as a roadmap covering the rocky terrain of past commissions that should also provide some degree of assistance to those who will navigate the uncharted territory of commissions to come.

The lack of solid conclusions is at once one of *Unspeakable Truths*' greatest strengths and most disappointing weaknesses. Because Hayner draws on a wide variety of truth commission models that have met with varying degrees of success, there is, in the end, no ready-made truth commission template arising from her observations and recommendations. Critics may question Hayner's tendency to avoid taking a firm stance and her penchant for prescribing aspirational recommendations at best. However, Hayner astutely recognizes that adaptability is essential to a truth commission's ability to fill the interstices between traditional modes of justice and impunity or failure to acknowledge the past. A one-size-fits-all model would inhibit commissions' ability to engender broad restorative justice where other, more traditional models either fail or inadequately address the unique problems facing nations emerging from troubled histories.

UNSPEAKABLE TRUTHS BY CHAPTER

Hayner begins with the essential question, "to remember, or to forget?"⁶ Building on earlier work where she challenged the international norm imposing a duty on countries to remember and explore past atrocities,⁷ Hayner does not entirely sidestep the difficult issue of whether investigating the truth should be the default starting point for a nation recovering from an abusive regime. She devotes some time to the issue in chapter twelve, but never fully explores it, choosing instead to proceed on the basis that in most cases it is desirable for countries attempting to

6. *Id.* at 1.

7. See Priscilla B. Hayner, *International Guidelines for the Creation and Operation of Truth Commissions: A Preliminary Proposal*, LAW & CONTEMP. PROBS., Autumn 1996, at 173, 174 [hereinafter Hayner, *International Guidelines*] (questioning whether "intensive truth seeking should be a universal norm" by reference to Mozambique and Cambodia). In *Unspeakable Truths*, Hayner expands upon this discussion in chapter twelve, *Leaving the Past Alone*.

surmount their abusive pasts to confront the abuses of the prior regime and/or the armed opposition.

Hayner suggests that “[t]here are a range of emotional and psychological survival tactics for those who have experienced such brutal atrocities.”⁸ This range provides a mooring for Hayner’s work by allowing her to incorporate victims’ voices while exploring the variety of paths those creating truth commissions can take. The victims’ experiences ostensibly comprise the backbone of any truth commission, but many of the challenges and limitations commissions face in fact prevent the individual victim or victim’s family from fully benefiting from the commission’s work.

Hayner identifies three generalities emerging from victims’ and other participants’ and observers’ experiences with truth commissions. First, the aspirations of truth commissions regularly exceed their actual potential; second, similar problems confront each new commission; and third, truth commissions and their work have potential unforeseen long-term consequences.⁹ These generalities undergird *Unspeakable Truths* as a whole. Hayner includes much anecdotal evidence that tethers potentially unbridled aspirations of truth commission participants. Additionally, the recurring problems commissions face provide the basis for Hayner’s recommendations. Finally, awareness of the long-term consequences Hayner highlights is essential to the ability of future commissions to take full advantage of her recommendations.

Chapters two and three furnish a foundation for subsequent issues Hayner addresses by briefly exploring available models for confronting past horrors and explaining the reasons a country might choose to implement a truth commission in particular. A truth commission’s aims can include any of the following: “to discover, clarify, and formally acknowledge past abuses; to respond to specific needs of victims; to contribute to justice and accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past.”¹⁰ Some advantages Hayner ascribes to truth commissions include their focus on victims, their ability to augment rather than displace court systems and to pave the way for forgiveness by identifying *who* needs to be forgiven, and their furtherance of an increasing number of international instruments and norms recognizing a right to the truth.¹¹

8. HAYNER, *supra* note 1, at 2.

9. *Id.* at 8–9.

10. *Id.* at 24.

11. *See id.* at 24–31, (citing Article 19, *Malawi’s Past: The Right to the Truth*, CENSORSHIP NEWS 1993, at 3, and Juan E. Méndez, *Accountability for Past Abuses*, 19 HUM. RTS. Q. 255 (1997), to the effect that article 19 of the Universal Declaration of Human Rights, the

Chapters four and five summarize the experiences of the twenty-one commissions Hayner believes fall within her definition of a “truth commission.” In chapter four, Hayner identifies truth commissions in Argentina, Chile, El Salvador, South Africa, and Guatemala as providing the most guidance for future truth commissions. In chapter five Hayner describes the experiences of Uganda (1974), Bolivia, Uruguay, Zimbabwe, Uganda (1986–1995), Nepal, Chad, South Africa (1992), Germany, South Africa (1995–2000), Sri Lanka, Haiti, Burundi, Ecuador, Nigeria, and Sierra Leone. The conclusions Hayner draws from these perhaps less notable truth commissions are largely less auspicious than their counterparts described in chapter four. However, their inclusion is imperative because they illuminate many potential pitfalls, which future truth commissions may be able to avoid. The particular truth commission descriptions in the two chapters together provide a common thread that Hayner then weaves through the remainder of the book via individual and institutional experiences.

Chapter six explicates the relationship between the “truth” that a truth commission discovers and the commission’s mandate, its methodology, and the type of information it collects. Hayner focuses on the need for an adaptable mandate that will allow the commission to gather information unconstrained by predetermined requirements. The mandate should also require the commission to gather information about “all patterns of abuse.”¹² Through several social scientists’ experiences, Hayner emphasizes the importance of methodology. She notes alternatives to myopic analyses of names and numbers—including questioning focused on the broader picture, with attention to both who came to the truth commission and why, and the effect of witnesses’ experiences on the community at large.¹³ The ability of a truth commission to move beyond the mere taking of testimony to find broader social and psychological implications may allow it to transcend its situational importance by combating the causes of abuse directly.

Chapter seven addresses truth commissions’ compatibility with traditional court justice and chapter eight explores the question of whether a truth commission should name names, building on the previous chapter’s focus by concentrating on due process. Despite international obligations to prosecute crimes against humanity, logistical,

African Charter on Human and People’s Rights, and the Inter-American Commission on Human Rights’ ruling in the *Velásquez-Rodríguez* case suggest a right to truth).

12. HAYNER, *supra* note 1, at 77. Hayner builds on her thesis in *International Guidelines* that minimal standards for truth commissions should require that official truth seeking “is done in good faith, [resulting] in an honest and unrestricted investigation.” Hayner, *International Guidelines*, *supra* note 7, at 180.

13. HAYNER, *supra* note 1, at 80–85.

political, and practical considerations in most cases prevent prosecution of all but a very few individuals. Hayner convincingly challenges the notions that truth commissions and traditional prosecutions are simply substitutes for one another, and that gaining the benefits of one requires losing the benefits of the other.¹⁴ For example, it is estimated that the trial of former Yugoslav President Slobodan Milosevic will take several years.¹⁵ Ratko Mladic and Radovan Karadzic—general in command of the Bosnian Serb army and first president of the Bosnian Serb administration, respectively—have yet to be brought before the International Criminal Tribunal for the former Yugoslavia on their July and November 1995 indictments for, among other things, genocide and crimes against humanity.¹⁶ Although international treaties and customary international law require prosecution of such crimes, these outstanding warrants illustrate the difficulties surrounding international prosecution of even the most senior officials and egregious rights-violators. These cases are but one example of the time and support (in this case international) needed for prosecutions to succeed. Often these crucial ingredients are notably absent, both nationally and internationally, in transitional regimes. Yet the ingredients for a successful truth commission might be in place in such cases.

Even when trials are feasible, truth commissions can provide important information and may enhance and advance justice in the courts.¹⁷ The record of such endeavors is far from clear, however, as illustrated by the six countries where Hayner examines the interplay between a truth commission and trials or prosecutions.¹⁸ Whereas the files from Argentina's truth commissions were crucial to subsequent prosecutions,¹⁹ the release of El Salvador's truth commission report led to the sweeping amnesty passed less than one week thereafter.²⁰ The trials that did result in Argentina fell short of exacting full accountability from perpetrators, and have been characterized by some as essentially a failure.²¹ Hayner neither

14. *Id.* at 86–87.

15. *See, e.g.*, John Laughland, *Victors' Justice*, SPECTATOR, Feb. 9, 2002, at 2002 WL 14837774.

16. *See, e.g.*, Charles M. Madigan, *Crimes Against Humanity: A UN Tribunal Prosecutor's Quest to Bring Two of the World's Worst Criminals to Justice*, CHI. TRIB., Jan. 4, 2002, § 5, at 1. Mladic and Karadzic's indictments are available at <http://www.un.org/icty/indictment/english/kar-ii950724e.htm>.

17. HAYNER, *supra* note 1, at 90.

18. *Id.* at 90–100 (examining Argentina, Uganda, Haiti, Chile, and South Africa).

19. *Id.* at 93–94.

20. *Id.* at 91.

21. *See, e.g.*, Joan Fitzpatrick, *Nothing But the Truth? Transitional Regimes Confront the Past*, 16 MICH. J. INT'L L. 713, 722 (1995) (book review) (citing Jaime Malamud-Goti, *Punishing Human Rights Abuses in Fledgling Democracies: The Case of Argentina*, in IMPUNITY

skirts the perceived shortcomings of truth commissions and trials nor wavers in her assertion that truth commissions can, and have, offered important and utilitarian contributions to “justice.” Instead of focusing on some golden mean derived from existing international law that places a duty on countries to investigate and prosecute all such crimes, Hayner considers the practical realities of transitional justice, and credibly concludes that truth commissions, on balance, assist rather than displace or hinder traditional forms of justice.

Naming names in a truth commission report is clearly one method of assisting judicial efforts. Hayner approaches the problem of whether to name names in a truth commission report as a determination to be made by weighing the competing principles of adequate due process and commitment to memorializing the full truth.²² The guidelines Hayner settles on reflect these concerns. First, individuals who will be named should be notified of both the intention to name them and the allegations to be made. Second, some procedure should be in place allowing the individual to defend his or her actions before the commission. Third, the report should indicate that its conclusions are not tantamount to a finding of criminal guilt.²³

By offering these guidelines, Hayner begs the question whether a uniform standard for naming names should develop or whether—like most decisions by truth commissions—defining the standard should be left to individual commissions in light of their specific needs and mandates. The answer depends to some degree on one’s perception of a commission’s purpose and the role it plays vis-à-vis criminal proceedings. Can a truth commission, by naming names, really serve as a viable alternative form of justice where naming names requires ignoring basic due process? It seems crucial for a commission to employ safeguards sufficient to prevent its gains from being undermined by naming names in revisionist fashion; yet a truth commission cannot be expected to adopt the full protections of a criminal trial without sacrificing many of its strengths. Hayner’s suggested safeguards seem to strike a fair balance between such competing concerns.

In chapter nine, Hayner proceeds to discuss the limitations of truth commissions in handling the psychological effects of mass violence. This chapter speaks most directly to what this reviewer believes constitutes the most powerful element of truth commissions—the *individual*. Many laud truth commissions as the answer to the problem posed by the

AND HUMAN RIGHTS IN INTERNATIONAL LAW AND PRACTICE 160–70 (Naomi Roht-Arriaza ed., 1995)).

22. HAYNER, *supra* note 1, at 107.

23. *Id.* at 129–30.

model of retributive justice that largely excludes victims. Even as trials, both nationally²⁴ and internationally,²⁵ have begun to incorporate more victim awareness and involvement with the judicial process, the truth commission remains an alternative that many believe more effectively addresses the personal suffering of individuals, shifting—as one author posits—from the perception that crimes are committed against “faceless state[s]” that must mete out punishment, to one where they are viewed as committed against living, breathing human beings.²⁶ Others focus on the apparently universal need individuals have to talk about the brutality they have experienced or witnessed, as a critical first step toward even partial emotional recovery.²⁷ Albie Sachs described witnesses testifying before the South African Truth and Reconciliation Commission as speaking to relieve themselves from the pain of carrying the memories associated with their experiences, compounded by the “extra pain” caused by lack of acknowledgment.²⁸ There is almost universal agreement that having experienced or witnessed the kinds of horror truth commissions unearth—either as a perpetrator, victim, or witness—it is psychologically detrimental to attempt to bury the event without ever confronting or coping with it in some way. However, whether a truth

24. The increasing popularity of victim impact statements demonstrates this. *See, e.g.*, *Payne v. Tennessee*, 501 U.S. 808 (1991) (expanding the permissible use of victim impact statements to the context of capital sentencing); Niru Shanker, *Getting a Grip on Payne and Restricting the Influence of Victim Impact Statements in Capital Sentencing: The Timothy McVeigh Case and Various State Approaches Compared*, 26 HASTINGS CONST. L.Q. 711, 712–13 (1999) (describing the “overwhelming” state and federal responses to the “victims’ rights movement” and the almost universal acceptance of victim impact statements in non-capital criminal cases).

25. *See* RULES OF PROCEDURE AND EVIDENCE, INTERNATIONAL CRIMINAL COURT, at ch. 2, § I(2) (Victims and Witnesses Unit), U.N. Doc. PCNICC/2000/1/Add.1 (2000) (providing for, among other things, notification of victims, assistance for victims to exercise their legal rights, relocation for threatened witnesses, and support services for traumatized victims), available at <http://www.un.org/law/icc/statute/rules/rulefra.htm>; RULES OF PROCEDURE AND EVIDENCE, INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, at R. 34 (Victims and Witnesses Unit), R. 69 (Protection of Victims and Witnesses), R. 75 (Measures for the Protection of Victims and Witnesses), R. 106 (Compensation to Victims), U.N. Doc. IT/32/Rev.20 (2001), available at http://www.un.org/icty/basic/rpc/IT32_rev22con.htm.

26. *See* Charles Villa-Vicencio, *Why Perpetrators Should Not Always be Prosecuted: Where the International Criminal Court and Truth Commissions Meet*, 49 EMORY L.J. 205, 214 (2000) (citing TRUTH AND RECONCILIATION COMM’N OF S. AFR., REPORT, ch. 5, para. 82 (1998)).

27. *See* HAYNER, *supra* note 1, at 2–3 (noting that it is impossible for many of those who have witnessed or experienced abuse to recover without remembering or telling their stories); Martha Minow, *The Work of Re-Membering: After Genocide and Mass Atrocity*, 23 FORDHAM INT’L L.J. 429, 429–30 (1999) (discussing the damage that repressing trauma can cause); Albie Sachs, *Truth and Reconciliation*, 52 SMU L. REV. 1563, 1567–68 (1999) (recounting the importance to South Africans of speaking publicly about their suffering, thus having it acknowledged).

28. Sachs, *supra* note 27, at 1567–69.

commission is necessary or adequate for this task remains questionable, as Hayner indicates.²⁹

Both the nation and the individuals emerging from a regime rife with human rights abuse must move on. In Hayner's estimation, such moving on inevitably involves encouraging reconciliation and promoting institutional reform that will prevent past tragedy from recurring. She draws a crucial distinction between national reconciliation and individual reconciliation, crediting a truth commission with the ability to advance "national" or "political" reconciliation, not necessarily "individual" reconciliation.³⁰ This raises the question of whether a truth commission's primary "hope for healing"³¹ is similarly national as opposed to individual in scope. In chapter nine Hayner acknowledges the mixed record on truth commissions, noting that although telling one's story may be an essential first step toward recovery, the truth commission itself is not "long-term therapy."³² Hayner cites several alarming cases where individuals who testified before a truth commission became markedly more troubled than they had been before testifying.³³ The dichotomy between the macro view of a nation as a whole and the micro view of an individual victim of that nation's painful past poses a unique problem for a commission dedicated to remembering and attempting to understand that past. Martha Minow posits that because of the chance truth commissions offer individuals to tell their stories, commissions have independent value, not as an alternative to prosecutions (as is often argued³⁴), but as a necessary tool for "re-membering" and healing victims as "distinctive individuals."³⁵

Hayner provides a powerful message for would-be truth commissions, whether they are designed to serve the needs of individual members of society, of the society as a whole, or—more likely—of both. She recommends a number of measures truth commissions should implement to ensure that victims are not further traumatized by their experiences with the commission, and that they are able to obtain recovery assistance beyond that provided by the commission.³⁶ Perhaps where the micro and macro views meet, then, is in the concept that each

29. HAYNER, *supra* note 1, at 135.

30. *Id.* at 155.

31. Martha Minow, *The Hope for Healing: What Can Truth Commissions Do?*, in TRUTH v. JUSTICE 235 (Robert I. Rotberg & Dennis Thompson eds., 2000).

32. HAYNER, *supra* note 1, at 135.

33. *Id.* at 141–44.

34. See, e.g., Stephan Landsman, *Alternative Responses to Serious Human Rights Abuses: Of Prosecution and Truth Commissions*, LAW & CONTEMP. PROBS., Autumn 1996, at 81.

35. Minow, *supra* note 27, at 432.

36. HAYNER, *supra* note 1, at 145–48, 153.

individual case of suffering, taken as a composite, comprises the suffering nation in dire need of healing. The difficulty remaining, of course, is that despite the promise a truth commission holds to help heal a nation, victims (as Hayner and others note) must often relive the agony of their experiences, receiving only heightened trauma and anxiety in return.³⁷

There is a great deal of promise in the idea of giving individuals a voice and offering some official acknowledgment of their suffering. However, when the commission completes its work, it may seem that the individual has been lost in the course of its focus on the nation,³⁸ and it may simply be false to pretend the individual victim is better served by a truth commission in the end. Yet where trials offer “justice” to those prosecuted, truth commissions document, however briefly, the plights of individuals, and may therefore be indispensable to maintaining the individual human rights international law ultimately seeks to protect. In the shuffle of a nation’s transition from the horrors of mass atrocity, room must be left to acknowledge the experience of each individual that, together with hundreds or thousands of others, provides the basis for the label “mass atrocity” in the first place. Obviously a truth commission cannot realistically do this with respect to every person, but commissions realize this goal more than most other options, and are desirable for this reason. Hayner’s attention to this issue forces the reader to confront these *individuals* and grapple with the profound implications for good or ill that a truth commission may have on them.

Chapters ten and eleven deal with truth commissions’ ramifications for future action, including reconciliation, institutional reform, and reparation efforts. In the reconciliation arena, Hayner depicts truth commissions as having the potential to promote *national* as opposed to *individual* reconciliation. Since an entire society is typically in transition, it is the entire society that must reconcile itself to its past in order to move forward. There is thus an apparent conflict between the national focus for reconciliation purposes and the potential for a more individualized focus in the context of the day-to-day operation of the commission itself. However, it is a truth commission’s potential to promote future institutional reform that will hopefully yield some national reconciliation. South Africa has perhaps seen the best “fit” between national reconciliation and individual attention—not only because of its commis-

37. HAYNER, *supra* note 1, at 152–53; Angelika Schlunck, *Truth and Reconciliation Commissions*, 4 ILSA J. INT’L & COMP. L. 415, 421 (1998) (citing Suzanne Daley, *In Apartheid Inquiry, Agony Is Relived but Not Put to Rest*, N.Y. TIMES, July 17, 1997, at A1).

38. Minow notes that even the South African Truth and Reconciliation Commission report, *supra* note 26, one of the most comprehensive to-date, could not accommodate even a sentence from any of the over 20,000 testifying survivors. Minow, *supra* note 27, at 433.

sion's name, but because the entire process there was meant to trigger structural and systemic reformation. Reparations generally focus on individuals, but the fact that a government sponsors a reparations program may sow seeds of national reconciliation.

Chapter twelve deals with circumstances where a country may "legitimately choose to forgo official truth-seeking at the time of transition."³⁹ While thoroughly explaining the circumstances of Mozambique and Cambodia, Hayner does little to develop any clear standard by which to measure the "legitimacy" of a country's ultimate choice to eschew any official process for uncovering past abuses. Given the international norm Hayner herself identifies as suggesting a "right to truth,"⁴⁰ perhaps there should be some agreed-upon standard for determining those occasions when the norm need not be followed. Hayner emphasizes in her introduction the importance of leaving the final decision on this count to the "country and its people."⁴¹ Yet this stance detracts from the normative view based on the concept that human rights violations so egregious as to be appropriately dubbed "crimes against humanity" demand the attention of humanity as a whole and cannot be forgotten at a country's own behest.⁴²

Chapter thirteen explores the relationship between the International Criminal Court (ICC) and truth commissions, including the possibility of a truth commission equivalent as a part of the Court, which Hayner warns against. Because of the fundamentally different nature of prosecutions and truth commissions, and the potential that assuming the latter role would detrimentally splay the Court's focus, Hayner instead suggests that in certain cases the ICC could release a summary of information used for each prosecution upon completion. Such information specific to a certain region or situation may fulfill some of the same functions as a truth commission report.

Chapter fourteen is the closest Hayner comes to providing a user's guide to truth commissions. She covers a great deal of ground, discussing who should implement a commission and give it power, who should serve on the truth commission, the important question of timing for the truth commission, financing and methodological issues, whether public or private hearings are more appropriate, the decision about what to record and how to record it, and the level of proof needed to justify a commission's conclusions. The wealth of practical information and firsthand experience in this chapter alone ensures that Hayner's

39. *Id.* at 186.

40. *See supra* note 11 and accompanying text.

41. HAYNER, *supra* note 1, at 9.

42. *See, e.g.*, Richard J. Goldstone, *Justice as a Tool for Peace-Making: Truth Commissions and International Criminal Tribunals*, 28 NY.U. J. INT'L L. & POL. 485, 496 (1996).

contribution to understanding the role and utility of truth commissions will remain a seminal source for years to come. Hayner's suggestions draw from a range of possibilities to provide helpful guidelines without appearing tendentious or overstepping Richard J. Goldstone's charge to "eschew generalizations" when approaching the issue of justice for a "society in transition."⁴³

Chapter fifteen covers the relationship of outside parties to the truth commission, such as NGOs and various other international actors. Using examples of outside cooperation, or non-cooperation as the case may be, Hayner conveys the important role such outside organizations can play, both with regard to a truth commission's ability to garner information and to its overall success. This chapter also looks at the varying degrees of success truth commissions have had with accessing official information, as well as with countering outside forces threatening the stability and integrity of both the commission as a whole and the witnesses and staff members associated with it.

Lastly, Hayner's epilogue is a powerful reminder that truth commissions cannot be ignored. Fortunately, future undertakings of this nature will have *Unspeakable Truths* as an important tool to contribute to their success. Hayner's appendices assist this contribution with detailed charts of each commission she discusses and a chronicle of her interviews.

CONCLUSION

Hayner has provided a volume that will be of critical importance to anyone interested in the human rights arena generally, or the utility and operation of truth commissions more specifically. While some may wish that she were more unequivocal on some points, this is a minor quibble. Though lacking in the wide-ranging theoretical perspectives and conclusions of volumes like *Truth v. Justice*,⁴⁴ *Transitional Justice*,⁴⁵ and *Impunity and Human Rights in International Law and Practice*,⁴⁶ the practical value and significance of *Unspeakable Truths* is unsurpassed. Additionally, Hayner's artful use of personal stories and experiences provide richness and accessibility that many of the contributions to this burgeoning field lack. Overall Hayner has produced a much-needed practical chronicle, overview, and explication of truth commissions—one that is a must for the library of any student or practitioner of human

43. *Id.* at 486.

44. *See supra* note 31.

45. TRANSITIONAL JUSTICE: HOW EMERGING DEMOCRACIES RECKON WITH FORMER REGIMES (Neil J. Kritz ed., 1995).

46. *See supra* note 21.

rights, and one that will long be the standard against which subsequent studies of truth commissions will be evaluated.