



Resolution 1613 (2008)¹

Use of experience of the “truth commissions”

Parliamentary Assembly

1. Dealing with the past, establishing the truth and promoting reconciliation in war-torn, post-conflict and transitional societies are key preconditions for the achievement of lasting peace and a stable future in which democracy can be built and the rule of law and respect for human rights ensured. To succeed with this task, a growing number of countries emerging from a difficult past have made use of a mechanism known as “truth commissions”.
2. Increasingly accepted around the world, truth commissions have not been widely used in Europe. Yet there are European countries and regions where past – and in some cases on-going – violence has left the society with deep wounds that need to be dealt with, so that the future is no longer hostage to the past. The experience of truth commissions in other parts of the world could prove to be of significant political importance and a source of inspiration for those countries.
3. Truth commissions are officially established, temporary, non-judicial bodies set up to research and report on tragic violent events in a country's past, in particular to investigate human rights abuses committed during a particular violent period or by a former regime.
4. Truth commissions focus on a pattern of violations, look into their roots and causes and draw lessons from past abuses, thus helping to create conditions to avoid future abuse. The work and conclusions of truth commissions should make it possible to establish institutional responsibility and facilitate the necessary institutional reforms.
5. By addressing the victims' need to be heard and to have their suffering recognised, truth commissions can help reconstitute a sense of civic belonging for those whose rights were denied, and overcome their social exclusion. In many cases, truth commissions can be a unique opportunity for the survivors to learn the fate of loved ones who have disappeared, thus responding to their right to know the truth.
6. The Parliamentary Assembly considers that truth commissions may be an effective mechanism for addressing past human rights violations, thus bringing reconciliation to a society emerging from a difficult past. If established in accordance with the basic principles of international human rights law, they may also play a useful and complementary role to criminal justice but cannot and should not be seen as an alternative to it. In particular, truth commissions should not grant amnesties for crimes which fall under international law. They should function in a way that respects, protects and promotes human rights. In order to be impartial and independent, they should be established through broad consultations throughout the society, with the participation of civil society organisations and victims.
7. A number of countries and regions of Europe still have to come to terms with the heritage of a tragic past. They should be encouraged to turn to the experiences of truth commissions, to learn from their strengths and weaknesses, and to assess whether these experiences could be adapted to their specific national contexts in order to help reconcile divided societies and restore justice, confidence and hope for a common future.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 29 May 2008 (see Doc. 11459, report of the Political Affairs Committee, rapporteur: Mr Gross).*



8. Therefore, the Assembly calls on the governments, the parliaments, the political parties and the civil society organisations of the Council of Europe member and observer states, in particular of those where the wounds of the past are still present in the society, to study the experience and the best international practices of truth commissions, and to consider whether establishing such a commission could help address the past.

9. The Assembly considers that the experience of truth commissions may be of particular relevance for the Chechen Republic of the Russian Federation. The society in Chechnya, and in the whole Russian Federation, needs to deal with the legacy of the conflict in this region, to reconstitute the history of abuses committed, and of violence and injustices suffered, by all sides involved. It further needs to provide recognition and redress to victims and to establish institutional and personal responsibilities, so as to ensure that perpetrators are held accountable and to prevent further abuses. A truth commission could be one way of meeting those needs.

10. The Assembly recognises that a decision on the appropriateness of establishing a truth commission belongs to the authorities of the Chechen Republic of the Russian Federation. It notes at the same time that there is a growing interest in this matter as well as a demand for truth and reconciliation at various levels of Chechen society.

11. To respond to this interest, the Assembly asks its Political Affairs Committee to provide, in the most suitable way, the authorities and civil society organisations of the Chechen Republic of the Russian Federation with information on experiences and best international practices of truth commissions.

12. Nothing in this resolution should be interpreted as undermining the right of individuals to apply to the European Court of Human Rights.