

# Introduction

## The Brazilian Truth Commission in Local, National and Global Perspective

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After Brazilian President Dilma Rousseff was ousted from office in 2016, human rights violations in Brazil increased substantially.<sup>1</sup> On 16 February 2018, her successor, the unelected President Michel Temer (2016–18), issued a decree that legitimized the intervention of the armed forces in the state of Rio de Janeiro, targeting especially the slums (*favelas*) of the city of Rio de Janeiro. The decree was not intended as a short-term measure: it allowed military intervention until the end of 2018, with the next Brazilian presidential election scheduled for October of that year. While the decree in itself worried legal, security and human rights activists because it blurred the military-civilian divide and increased military interference in politics, the situation worsened when General Eduardo Villas Bôas of the Brazilian army made a stunning demand.

On 19 February 2018, following Temer's military decree, Villas Bôas asked President Temer to provide his assurance that there would be no 'new truth commission'.<sup>2</sup> In effect, this was a request for a 'licence to kill' that was sanctioned by the president with subsequent impunity guaranteed. Human rights critics reacted promptly. The Special Commission of the Political Dead and Disappeared (CEMDP), established in 2005 and currently presided over by the state attorney, Eugenia Augusta Gonzaga, declared that truth commissions were necessary precisely in those moments when state agents who violated the law were granted impunity.<sup>3</sup> (In the second chapter of this book, Eugenia Gonzaga provides details of the CEMDP's work, which has in a sense both preceded and succeeded the Brazilian Truth Commission.)

One of the fiercest public critics of military and police violence in the *favelas* in Rio was Marielle Franco, a young and popular Rio city councillor who was also a resident of the Maré slum, a lesbian feminist and an activist against racism. In the 2016 Rio city council election, she received the second most votes of any female candidate. On 14 March 2018, she was assassinated at the age of thirty-eight.<sup>4</sup> While

being driven home from a public event devoted to black women's political action, a car pulled alongside hers and Franco was shot four times in the head. Her driver was also killed.<sup>5</sup> The intended message of the crime was clear: human rights activists were in danger in Brazil, perhaps increasingly so. Marielle's death caused widespread shock, grief, anger and despair, both nationally and internationally.

There was one person, however, who kept conspicuously silent and did not publicly mourn Marielle: the former army captain, Roman Catholic with close ties to the evangelical Protestant church and member of parliament Jair Messias Bolsonaro, one of the candidates preparing for the 2018 presidential election. Meanwhile Bolsonaro has won the election and been vowed in as Brazil's next President. Jair Bolsonaro has publicly justified rape and repeatedly praised human rights violators.<sup>6</sup> On 9 December 2014, he attacked the former human rights minister and legislator Maria do Rosário of the Workers' Party (PT), saying that he would not rape her because 'she was not worth raping' and 'very ugly'.<sup>7</sup> On 17 April 2016, when the members of the Brazilian lower house (*Câmara*) cast their votes on whether to proceed with the 'impeachment' process and remove President Dilma Rousseff from office, Bolsonaro dedicated his vote in favour to Colonel Carlos A. Brilhante Ustra, who had been a notorious and unrepentant mass torturer under the military regime.<sup>8</sup> As a nineteen-year-old guerrilla fighter opposing the regime, President Rousseff had been imprisoned and tortured with electrical shocks on various parts of her body.<sup>9</sup>

Bolsonaro's dedication to Ustra was brought before the so-called Ethics Council of the Brazilian lower house in June 2016, on the charge of endorsing the crime of torture. The formal procedure did not go very far. On 9 November 2016, the Ethics Council cleared him of charges by a vote of eleven to one and closed the case. They argued that the member of parliament 'only expressed his free opinion' and invoked the immunity granted to members of parliament.<sup>10</sup> (As we will learn in the first chapter of this volume, Bolsonaro also humiliated victims' families, including that of parliamentarian Rubens Paiva, who had been disappeared under the military dictatorship.) In April 2018, President Luiz Inácio Lula da Silva, while still leading presidential polls at 37 per cent (nearly twenty points ahead of Bolsonaro), was sentenced to twelve years in jail for corruption in a much-criticized legal trial, clearing one of the main obstacles to electoral victory for Bolsonaro.<sup>11</sup> Recent evidence suggests that Bolsonaro's son Flávio, recently elected senator, employed family members of the retired military police officer suspected of having masterminded the assassination

of Marielle Franco – showing a direct link between Bolsonaro’s family and the assassination of Marielle.

To understand the current attacks on the Brazilian Truth Commission, the assassination of Marielle and the ongoing aggression and militarization in Brazilian public life, we need to study the legacy of past violence. This collection of chapters provides the world’s first systematic analysis of the Brazilian Truth Commission from a local, national and global perspective. The historically unique structure of the Brazilian National Truth Commission makes it an ideal case for closer examination: besides establishing a conventional official inquiry commission operating on a nation-state level, the Comissão Nacional da Verdade or National Truth Commission of Brazil (2012–14; hereafter NTC), the Brazilian model pioneered a network of approximately one hundred local truth and justice committees (hereafter local truth commissions).<sup>12</sup> These local truth commissions emerged all over the country and were often run or supported by civilians.

This volume approaches the Brazilian Truth Commission from three analytical angles: a local, national and global perspective. The local perspective refers to the work carried out by these local truth commissions, and the meaning and impact that they had. It transcends both an exclusively national and an exclusively state-focused reading. This is a new perspective, because most commonly truth commissions are understood as national institutions instated by the government for a limited period of time in post-conflict scenarios. Some authors in this volume adopt a primarily national point of view, which privileges the emergence, functioning, meaning and value of the NTC rather than local commissions, and analyses and interprets truth commissions as an instrument of nation-building. Lastly, the global view refers to the meaning that the Brazilian Truth Commission has beyond its own domestic framework. It analyses the similarities and differences with other Latin American commissions and the role and merits of truth commissions more generally. From a global perspective, the volume asks the question: what can an analysis specifically of the Brazilian Truth Commission model add to broader discussions of the role of truth commissions and the ways we produce knowledge about them in post-violence settings? While most authors privilege one of these perspectives, the key task is to explore how truth commissions (and other human rights institutions) can be studied as a complex negotiation process that may involve local, national and global protagonists.<sup>13</sup>

This introductory chapter aims to contextualize the themes and debates addressed in this volume. It serves four functions. It offers a short overview of the Brazilian truth commissions for those readers less

familiar with the Brazilian case. It also provides a brief introduction to the development of truth commissions worldwide, identifies relevant ongoing research debates about truth commissions, and explains how the book implicitly and explicitly seeks to advance these discussions. Individual chapters in the first two parts provide a thick description of a specific aspect of the Brazilian National Truth Commission or the local commissions, respectively, while the chapters in the last part adopt a comparative or entangled perspective on truth commissions more generally. When read as a whole, however, they yield important insights into the way we conceptualize, assess and produce knowledge about truth commissions in general. Thus, this study seeks to contribute to current debates on truth commissions in two main ways. First, it aims to problematize and expand our methodological and theoretical horizons, by systematically testing and evaluating local, national and global perspectives. This methodological reflection addresses the very production of knowledge about truth commissions, including the silencing of specific kinds of knowledge. It also deals with the relative absence of some disciplines from discussions about the truth commission (historians, for example, have written comparatively little about truth commissions), and the way they may expand and deepen scholarship on the topic. Second, it aims to advance our empirical knowledge of truth commissions by providing an in-depth analysis of one of the most recent examples, the National Truth Commission of Brazil (2012–14), along with its accompanying local commissions.

### **Least Studied: The Brazilian National Truth Commission and Local Commissions**

Between 1964 and 1985, Brazil was ruled by a military regime that systematically tortured several thousand citizens, while hundreds were killed or disappeared.<sup>14</sup> For decades Brazil was the only post-military country in South America that had neither instated a truth commission nor tried state criminals for their actions during the authoritarian period (1964–85). Rebecca Atencio has described this lack of official reckoning with the dictatorship as ‘institutionalized forgetting’.<sup>15</sup> Only in May 2012 did Brazil finally inaugurate the Comissão Nacional da Verdade (National Truth Commission, NTC; Law Decree no. 12.528/11). The commission was instated by the Brazilian president, Dilma Rousseff (2011–16), who had herself opposed the regime and suffered torture. The seven commissioners (two women and five men, most of them lawyers) were tasked with investigating gross violations

of human rights committed between 1946 and 1988. This longer time frame, ranging from the start of the Second Brazilian Republic (1946) to the establishment of the Constitution in 1988, was a concession to revisionists who were keen to downplay the brutality of the dictatorship. The commission officially presented its 3,383-page final report on 10 December 2014 and was dissolved soon afterwards.

From its inception, the Brazilian Truth Commission was attacked by families of victims, survivors, lawyers and human rights activists who – twenty-seven years after the formal return to democracy – regarded it as ‘too little too late’.<sup>16</sup> Yet the commission also raised high hopes among survivors and families of victims, as some of this book’s chapters will show. At the same time, it faced massive criticism from conservatives and the military.<sup>17</sup> Large sectors of the Brazilian public have remained indifferent to it or shown outright refusal to accept a reworking of the military regime.<sup>18</sup> The commission’s work was further hampered by serious conflicts between the commissioners. They disagreed, for example, about which would be the most appropriate public relations strategy to pursue: while some commissioners advocated publicly discussing their work as it proceeded, others preferred to work behind closed doors and only present the findings after the investigations had been completed.<sup>19</sup>

As this volume seeks to show, a truth commission and its final report is the outcome of a process involving many actors with different kinds of manoeuvring spaces (as occurs in every major hierarchized institution). In the Brazilian case, internal conflicts between individual commissioners often made the daily work of subordinate staff difficult, and it was not by chance that many of the early personnel were exchanged over the course of the commission’s two-year mandate (2012–14). Little research has been done into these dynamics. Three chapters in this volume offer exclusive insights into the daily work and constraints of truth commission personnel. Former key executives of the National Truth Commission, André Saboia Martins (Executive Secretary) and Carolina de Campos Melo (Final Report Executive Team), debate the challenges and limitations faced by the NTC, but also the commission’s achievements (establishing the chain of command; drafting final recommendations), which were steps intended to consolidate democracy in Brazil. They provide first-time insights into how they developed the report, including the final recommendations, and elucidate the resistance faced in that process, especially concerning the armed forces.

The chapter by San Romanelli Assumpção likewise offers an insider’s perspective by illuminating the *modus operandi* of one of the Brazilian Truth Commission’s subgroups, which was charged

with the delicate task of recording the testimonies of victims of gross human rights violations. It analyses the working group's ethical code, methodology and achievements, but perhaps most importantly sheds light on the psychological strain placed on the often unpaid volunteers and researchers who conducted the interviews with victims of brutal sexual violence. One chapter reveals the workings of a local truth commission, the Anísio Teixeira Commission, instated by the National University of Brasília (UNB). Cristiano Paixão and José Otávio Guimarães, two of its former commissioners, show how the University of Brasília, a vanguard educational project, became a prime target of repression after the 1964 coup. They argue that only an intergenerational perspective can enable us to understand the specific kind of oppression experienced at universities. While criticizing the lack of truth commissions from an outside perspective is always easy, these chapters illuminate how the manoeuvring power of those actors working for the truth commissions was limited, and, importantly, help explain why certain policies may have failed to advance. Three chapters furthermore offer first assessments of the NTC. One chapter, for example, is authored by Federal Prosecutor Marlon Alberto Weichert, who pioneered many legal actions relating to human rights crimes committed under the post-1964 dictatorship. Weichert analyses the National Truth Commission's final report, key findings and recommendations, and also elucidates the challenges that the commission faced, if from an outsider perspective.

Ultimately, the Brazilian National Truth Commission is historically unique for two reasons. First, the time lapse between the formal transition to democracy (1985) and the inauguration of the truth commission (2012) is unprecedented. Second, and most importantly for this volume, it pioneered a new model comprised of a National Truth Commission and a nationwide network of approximately eighty local commissions (see a preliminary list of sixty-seven local truth commissions in Appendix 1). The dynamics between the local and the national commission changed over time and were case-specific. Many local commissions supported the NTC by providing information and exchanging evidence, while others questioned or rejected its findings. Local commissions were organized by numerous institutions including universities, municipal and regional government bodies, and trade unions. They all tried to investigate the role that their institutions played in human rights crimes committed during the military dictatorship. It is important to acknowledge that the work of the NTC – most importantly the final report – was shaped at various times by both friendly and hostile dialogue with local truth commissions,

most of which were run by civilians. The National Truth Commission was thus complemented, and to a certain extent challenged, by local commissions.<sup>20</sup>

The Brazilian National Truth Commission did not emerge from nowhere. It has to be understood in both national and international contexts, and with reference to previous human rights initiatives, as described in the chapters by Eugenia Gonzaga and Janaína de Almeida Teles. Gonzaga offers a brief report on the work of state attorneys from São Paulo and the CEMDP. Janaína de Almeida Teles, survivor, activist and historian, revisits the democratic transition and traces the struggles waged by the families of the dead and disappeared from the 1970s until the end of the transition process. Their quest for truth and justice arguably led to the Brazilian truth commissions in the first place. Teles also shows how those who sympathized with the dictatorship systematically tried to block the families' demands.

While the NTC resulted in part from national struggles, it also developed in response to rising pressure from the international human rights community. In December 2011, the Inter-American Court of Human Rights of the Organization of American States (OAS) condemned the Brazilian state for not systematically examining the circumstances surrounding the murder and disappearance of guerrilla fighters in the Araguaia region and for granting amnesty to the human rights transgressors who had been involved (by refusing to revoke the 1979 Amnesty Law), charges that Brazil has yet to respond to.<sup>21</sup> Lastly, there is another international link: the Brazilian National Truth Commission was but the latest in a line of truth commissions in Latin America and elsewhere.

## **Latin American Truth Commissions in Global Perspective**

The development of modern truth commissions is closely linked to the history of political repression in Cold War Latin America. During the 1960s and 1970s, authoritarian regimes seized power throughout most of Latin America, leading to hundreds of thousands of citizens being tortured, killed or disappeared.<sup>22</sup> While these regimes differed according to the nature of the conflict, the actors involved and the level of brutality, they shared a new form of state violence justified under the umbrella term 'national security', directed against the idea of a constant threat from so-called internal enemies. Political opponents were systematically suppressed by domestic organs of repression,

and even transregionally through the secret programme known as Operation Condor.<sup>23</sup>

Most Latin American countries continue to struggle with their authoritarian legacy today. A pressing unresolved problem is that the whereabouts of hundreds of thousands of disappeared persons remains unknown, denying family members the basic right to bury their loved ones. Victims' families and human rights activists have fought a long and ongoing campaign for the clarification of these crimes, as states have tended to obstruct rather than support effective clarification and accountability mechanisms. Complete or partial impunity for the perpetrators continues to fuel mass protests among survivors and victims' families, human rights activists and artists all over the continent.

In post-authoritarian and post-war scenarios, one of the oldest and most significant policy instruments that are used to investigate and publicly acknowledge systematic human rights crimes committed in the past are truth commissions.<sup>24</sup> Different definitions abound, yet one of the earliest and most frequently cited was coined by Priscilla Hayner: truth commissions are 'temporary' institutions 'officially sanctioned' through legislation, with a legal mandate to clarify the repressive *systems* (rather than *single acts* of violence), tasked with producing an official report including recommendations.<sup>25</sup> In the case of the Brazilian Truth Commission, which comprised an officially sanctioned National Truth Commission as well as an unprecedented number of private, public and mixed local commissions, Hayner's definition of a truth commission may need to be broadened. Local commissions were neither necessarily official nor based on official law.

A key difference between Hayner's definition and the many alternatives revolves around the issue of whether truth commissions must be officially established or whether privately initiated short-term investigative commissions also qualify as truth commissions. In the Brazilian case, for example, the Brasil Nunca Mais Report (BNM; Brazil Never Again), instituted by the Catholic Church, is sometimes regarded as the first Brazilian truth commission.<sup>26</sup> Although not officially instated, it nonetheless produced a privately organized report on the basis of documents relating to military trials that were secretly copied during the regime.<sup>27</sup> Most definitions concur, however, that truth commissions are tasked with: collecting testimonies from victims, witnesses and occasionally even perpetrators, with the goal of illuminating the structures of systematic state violence (sometimes also non-state violence); requesting and analysing archival documents (classified material is often unavailable to ordinary citizens or historians); and producing a final report. The final report includes a set of



non-binding recommendations, which, therefore, cannot be enforced. In the Brazilian case, many local commissions produced a final report, yet some lacked the financial and staff resources to do so.

Although truth commissions have spread all over the world, their origins lie in Latin America and most chapters in this volume refer to this region. In quantitative terms, 38 per cent of the world's truth commissions were set up in Latin America, while Africa was not far behind, accounting for 36 per cent.<sup>28</sup> While Bolivia was the first country to instate a national commission to investigate state-sponsored murders (1982–84), Argentina hosted the first truth commission to produce a final report – the Comisión Nacional sobre la Desaparición de Personas, CONADEP (1983–84). Therefore, the Argentinean commission qualifies as the world's first truth commission according to Hayner's definition. Many scholars argue that the CONADEP had an influence on most of the other commissions that followed it throughout the world, as it set a model for its institutional design and reporting structure.<sup>29</sup>

Over time, truth commissions have adopted different names and approaches, investigated different kinds of violence and pursued various goals. The first Chilean truth commission, for example, the Rettig Commission (1990–91), was the world's first to include the term 'reconciliation' in its title. Reconciliation was made a priority as opposed to other goals like 'justice'. Many subsequent commissions have followed suit, most famously the South African Truth and Reconciliation Commission, but also those in other countries such as Sierra Leone (2002–04), East Timor (2002–05), Peru (2001–03) and Honduras (2010–11).<sup>30</sup> The truth commissions in Guatemala (1997–99) and Peru (2001–03) were the first to pay specific attention to indigenous populations and to pioneer gender-specific investigations.<sup>31</sup> In Guatemala, the Comisión para el Esclarecimiento Histórico (CEH; Commission for Historical Clarification) uncovered the fact that 83 per cent of the citizens who had been killed were Mayan, and that the state had committed genocide.<sup>32</sup> The Peruvian commission set up a special unit to investigate gender-related violence – most importantly sexual violence – and two chapters of its final report focus specifically on the gender aspect. In sum, truth commissions have varied significantly in scope and quality.<sup>33</sup>

Importantly, the spread of truth commissions was not accidental or unplanned, unlike some rather triumphalist and depoliticized accounts may suggest. From the 1990s onwards, truth commissions have been actively promoted by former commissioners, non-governmental organizations (NGOs) like the International Center for Transitional Justice

(ICTJ), and the United Nations.<sup>34</sup> A succession of official truth commissions have been founded all over Latin America: in Chile (Rettig Commission, 1990–91; Valech Commission, 2003–05), El Salvador (1992–93), Haiti (Comisión Nationale de Vérité et de Justice, 1995–96), Ecuador (Comisión de Verdad y Justicia, 1996–97; Comisión de la Verdad para impedir la impunidad, 2007–09), Guatemala (Comisión para el Esclarecimiento Histórico, 1997–99), Uruguay (Comisión Para la Paz, 2000–02), Peru (Comisión de la Verdad y Reconciliación, 2001–03), Panama (Comisión de la Verdad, 2001–04), Paraguay (Comisión Verdad y Justicia, 2004–08) and Honduras (Comisión de la Verdad y la Reconciliación, 2010–11).<sup>35</sup> One of the most recent Latin American truth commissions was the Brazilian Comissão Nacional da Verdade (2012–14), the Brazilian National Truth Commission, which presented its final report on 10 December 2014.<sup>36</sup>

The mandate and function of truth commissions has evolved over time, as has the scholarship. The first generation of commissions tended to focus exclusively on disappeared persons and the search for truth rather than punishment of the perpetrators.<sup>37</sup> In these cases, ‘truth’ meant two things: first, families of the disappeared wanted to know the circumstances of their family members’ death and the locations of their remains, and the state was often the only resource available to them through which they could trace the victims and obtain access to relevant archives; second, the right to truth was increasingly invoked to pressure states into accepting accountability for their citizens, and truth was linked to an official acknowledgement of state violence that had long been withheld. It is vital to remember that authoritarian regimes in Cold War Latin America operated secretly, and organized systems of repression designed to spread fear and terror. Often the new formal democracies failed to shed light on these crimes. Early scholarly discussions on truth commissions mirrored the balancing act performed by the politicians to secure peace (*peace versus justice* debate), and tended to discuss truth commissions and prosecutions as though they were alternatives rather than complementary initiatives (*truth versus justice* debate).<sup>38</sup> Later, truth commissions expanded their mandates to investigate larger victim groups and broadened their goals. They increasingly claimed to pursue reconciliation and public education, and sometimes collected evidence for criminal trials. Again, this evolution was reflected in the accompanying scholarly debates; instead of a political compromise, truth commissions were now seen as independent bodies with various functions and as constituting one means of transitional justice among several others.<sup>39</sup>

Meanwhile, studies on truth commissions have become associated with the field of so-called transitional justice. Since the term was first coined in the 1990s, transitional justice has evolved into a worldwide, institutionalized, heterogeneous field involving both human rights practitioners and scholars with a focus on transition processes and the instruments that were used to facilitate countries' transitions from periods of violence to peaceful democracies.<sup>40</sup> Truth commissions constitute one among a number of other transitional justice mechanisms, including trials, amnesties, reparations and memory initiatives. Both broad and narrow definitions of transitional justice coexist. For instance, the non-governmental organization ICTJ, which is based in New York, defines 'transitional justice' as 'the set of *judicial* and *non-judicial* measures that have been implemented ... to redress the legacies of massive human rights abuses'.<sup>41</sup> Despite the rise of transitional justice, the concept itself, along with its uncritical promotion, has become increasingly problematic.<sup>42</sup> Various empirical, conceptual and increasingly political-epistemological points of criticism that have been levelled against transitional justice are paralleled in the critical scholarship on truth commissions. An important point of critique involves the opaque and scientifically questionable way in which the role and impact of truth commissions has been assessed.

### **Sketching the State of Art: Irreconcilable Analytical Approaches**

Scholars have applied a panoply of analytical approaches to examine, explain and assess truth commissions. Many studies on Latin American truth commissions examine individual cases with a focus on the context in which they were created, their outcomes and their medium- and long-term socio-political legacies.<sup>43</sup> These studies have analysed truth commissions from a predominantly national perspective. Increasingly, scholars have also tried to draw comparisons between cases. A recent international cooperative project, for example, compares the recommendations made by various Latin American truth commissions.<sup>44</sup> Scholars disagree about the scale of analysis to be applied and the goals that truth commissions have tried to achieve. For the purpose of this volume, the truth commission literature may be heuristically divided into two broad groups: scholars who regard truth commissions predominantly as an instrument for nation-building and national democratization (national approach); and those who frame

their analysis around a global trend towards human rights standards and democratization (global approach).<sup>45</sup>

Scholars have found diverse ways of adopting a national approach towards truth commissions. The Argentinean sociologist Elizabeth Jelin emphasized the commissions' role in the process of redefining a national identity.<sup>46</sup> Jelin traces back the process – albeit a slow and non-linear one – of how the Argentinean government became increasingly involved in human rights concerns. Human rights, she argues, became the ethical foundation of the new democracy (and, I add, in marked contrast to post-authoritarian Brazil).<sup>47</sup>

The historian Greg Grandin has called truth commissions 'modern-day instruments' that are used to build and rebuild a nation.<sup>48</sup> Grandin invokes Benedict Anderson's paradigm of the nation as being founded on a paradox: '[they] need to forget acts of violence central to state formation that can never be forgotten'.<sup>49</sup> Yet Grandin also situates the upsurge in truth commissions in the wider international context, which is also associated with the abandonment of social democratic principles, the rise of neoliberalism, and a specific moment in history when the concept of democracy became pared down to mean just political and legal rights.<sup>50</sup> Grandin and Klubock both regard truth commissions as a form of 'national catharsis', yet one that harmonizes with neoliberalism's free-market economics.<sup>51</sup> Overall, Grandin and Klubock seem to find the exclusively national approach to truth commissions too limited and therefore espouse complementing it with international contextualization.

Studies that adopt a global approach share the view that a national framework is inadequate. However, most global studies prefer to focus on truth commissions' role in diffusing (Western) international human rights norms. Importantly, and similarly to the polarization of views that has occurred regarding the globalization process, many authors welcome this diffusion of global norms, while a sizeable minority of others regard it with suspicion or even connect it to a new form of Western dominance, and complicity with a number of drawbacks to globalization (like Grandin's intervention against neoliberalism).<sup>52</sup>

The sociologist Fatima Kastner, for example, adopts Luhmann's system-theoretical approach and regards truth commissions primarily as a tool for initiating and framing a new field of communication that transcends national boundaries.<sup>53</sup> Her chapter in this volume identifies international and translocal agents who contribute to the global diffusion of post-conflict norms, standards and institutions, drawing on North Africa and the Middle East. By contrast, the German sociologist Anne Krüger analyses how truth commissions have become 'globally

diffused' by drawing on a neo-institutional approach.<sup>54</sup> She compares the mandates of different truth commissions in search of similar proclaimed goals and underlying norms. The German sociologist Anika Oettler, on the other hand, has rightly cautioned that despite this global proliferation of truth commissions (involving professionalization and standardization), each one can only be understood within its specific power constellation.<sup>55</sup> Oettler highlights the tension that exists between what she calls the 'transnationalization' of truth commissions, on the one hand, and the local experience and shaping of truth commissions, on the other hand. This conflict between a context-sensitive in-depth analysis of a historically and locally specific truth commission, and broader conclusions that integrate individual commissions into a larger explanatory framework without overdetermining the research results, remains to be resolved. Furthermore, both the national and the global approach fail to account for the type of local truth commissions that existed in the Brazilian case. It seems that Brazil requires yet another analytical perspective – a local reading of truth commissions. In what way these different perspectives may be fruitfully combined remains unresolved.

Most of the scholarship on truth commissions has been written by non-historians. This might seem surprising given the notable expansion of historical writing on human rights in general since the late 1990s. Historical accounts of truth commissions and similar truth-seeking initiatives may profit from that work. In contrast to traditional histories and conceptualizations of human rights as transhistorical, universal, decontextualized, and following a linear evolution (and ultimately constituting a success story), a more sophisticated historical account treats human rights as the outcome of particular contexts and specific struggles, not an *a priori* moral certainty destined to triumph.<sup>56</sup>

Some historians have investigated particular commissions in a national rather than a global context.<sup>57</sup> A few have tried to connect the rise of truth commissions (and similar responses to past atrocities) to a larger historical framework. One example is Elazar Barkan, who both described and sought to explain the new global trend to redress the past – a practice that he terms 'restitution'.<sup>58</sup> Barkan stresses two developments: first, the increasing human rights mobilization that began with a first wave of minority rights movements between the 1950s and 1970s in the United States, along with subsequent efforts by indigenous groups; and second, a changed view of history and historical identity as 'constructed' or 'negotiated'.<sup>59</sup> In Barkan's view, both of these tendencies contributed to a new, more central role for history to play, because it now was both 'a formative political force'

and 'malleable'. Initiatives to redress the violent past demonstrated that the process of renegotiating history was underway.<sup>60</sup> According to Barkan, a new kind of moral order has emerged that increasingly has shaped foreign policies as well as national state–citizen relations.

As mentioned previously, the historian Greg Grandin has also related the rise of truth commissions to the wider international historical context, especially with reference to social democracy and neoliberalism. Truth commissions, he remarks, appeared at a specific moment in history, when socialist movements in Latin America were defeated, and when the meaning of democracy was narrowing. Truth commissions, in his reading, thus relate to a larger history of neoliberal free-market economics.<sup>61</sup> Currently, historians are working to connect specific truth commissions to the larger history of colonialism, as in the case of Canada.<sup>62</sup> Overall, this kind of historical research seems to be in its early stages.

## Diverse Assessments

Global and national approaches also diverge in their assessment of truth commissions' achievements. The contributions to this volume show how scholars, who each privilege a particular local, national or global perspective, attribute diverse meanings to truth commissions. Although most authors do not explicitly address the debates surrounding truth commissions, they provide the empirical substance with which to advance such discussions. Currently, the impact of truth commissions – broadly understood as how commissions transform the field of policy-making and moral values – remains contested.<sup>63</sup>

It is useful to first briefly sketch the main benefits and shortcomings identified in the vast literature on truth commissions.<sup>64</sup> Some key positive traits mentioned include: the capacity to 'give victims a voice' (a term that requires definition) and a platform for their stories; to help clarify cases of human rights crimes, most pertinently those relating to disappeared persons; to underline the importance of human rights and prevent future violence; to build archives for future generations; to facilitate peace and reconciliation; to officially acknowledge state violence; and to issue recommendations designed to enhance social cohesion and the government's commitment to human rights and democracy.<sup>65</sup> The main points of criticism of truth commissions include: the neglect of victims' and their families' needs at the expense of those of wider society; the use of truth commissions as alternatives to prosecutions, which leads them to support impunity;

and their failure to enforce recommendations (which has resulted in them gaining a reputation as toothless instruments).<sup>66</sup> Lastly and very importantly, the name 'truth commission' in itself is unavoidably misleading. Whether or not they are state-sanctioned, truth commissions are ultimately political organizations, and they face specific political and financial constraints. Historical accounts produced by truth commissions should not be mistaken for those written by trained historians, although there are certainly similarities, as will be discussed further in the afterword. Historically, few professional historians have been appointed to truth commissions. In the case of the Brazilian National Truth Commission, for instance, most of the commissioners were legal experts, but historians were noticeably absent.<sup>67</sup> Truth commissions involve a complex interplay between opposing agents who each favour a different kind of truth. In addition, the declared goal of reconciliation may actually obstruct the process of gaining historical knowledge about a violent past.<sup>68</sup> However, despite these numerous points of criticism, most scholars and practitioners seem to regard truth commissions in a generally positive light.

Another important key question asked of both truth commissions and transitional justice initiatives revolves around their legitimacy and impact.<sup>69</sup> Although addressed implicitly rather than explicitly in this volume, it is a vital concern and thus merits a brief discussion. As Hirsch, MacKenzie, Sesay and others have pointed out, much of the truth commission (and transitional justice) literature is based upon unproven assumptions, while the proclaimed positive effects of truth commissions are often grounded on methodologically dubious measurements.<sup>70</sup> The authors identify three methodological biases: sociological, methodological and epistemological.<sup>71</sup> The first relates to the fact that scholarly standards are often sacrificed in favour of human rights advocacy goals. Due to pressure from donors, the same protagonists that promote and operationalize truth commissions also tend to evaluate them. This blurring of professional roles can lead to dependent and interest-driven assessments.<sup>72</sup> Additionally, the main methods used rarely account for local specificities or for marginal views (methodological bias), and third, surveys use vague key terms like justice and reconciliation that are defined in very different ways (epistemological bias). The authors conclude that these methodological biases 'reinforce and deepen the gap between how TRCs [truth and reconciliation committees] are evaluated internationally and how local communities perceive them'.<sup>73</sup>

Two leading truth commission researchers, Eric Wiebelhaus-Brahm and Onur Bakiner, likewise acknowledge that the precise

effects of truth commissions remain unknown, that antagonistic consequences persist, and that the method used to measure the impact of truth commissions is complex and allows for variation, leading to results that are not comparable.<sup>74</sup> While some scholars argue that the success of a truth commission must be judged according to its specific mandate, others highlight that even a respectable report may fail to generate public repercussions. Hence, privileging specific evaluation criteria leads to very different results. Wiebelhaus-Brahm also highlights what may be called a bibliographical bias: most studies relate to only three truth commissions (Argentina, Chile and South Africa), resulting in a misrepresentation of what is regarded as the standard model of a truth commission.<sup>75</sup> Examining the timely and understudied Brazilian case may help to rectify this bias. In addition, more recent quantitative attempts to measure the effects of truth commissions have used criteria and sources that are not comparable, and have often only been able to draw on databases with a high level of aggregate information that have themselves been accused of containing statistical biases.<sup>76</sup>

It is also conceivable that something is lost in translation. Several truth commissions have been praised by international scholars, while domestically they have provoked controversy or even outright rejection, one of the most prominent examples being the South African Truth and Reconciliation Commission (SA TRC).<sup>77</sup> Likewise, the Peruvian truth commission was viewed as an international success, while nationally it remains fiercely contested.<sup>78</sup> Similar points of critique have been raised by numerous 'transitional justice' sceptics. Drawing on the case of East Timor, Lia Kent, for instance, has called for more scholarly attention to be paid to a possible mismatch between international assumptions and local meanings.<sup>79</sup> Focusing on the 'experiences, priorities and perceptions' of local victim groups, her work offers a 'corrective' to assumptions that are widely promoted nationally and internationally (e.g. by the United Nations).<sup>80</sup> A similar claim has been made by Marcia Esparza and by me: we have argued that transitional justice is a Janus-faced paradigm that in contrast to much of its rhetoric may not always be experienced as supporting human rights at the local level.<sup>81</sup> These insights into how local actors' pursuit of justice disrupts international transitional justice discourses may be of particular relevance here. This study interrogates to what extent a global (and often hypothetical rather than empirical) view of the Brazilian Truth Commission may diverge from local experiences and empirical evidence. Critical interrogation of human rights rhetoric is key here.



This volume, similarly, aims to test ‘facts’ that are assumed to be true and critically revisit methods and forms of knowledge production about truth commissions: it asks which analytical approach or perspective is most suited to studying, analysing and judging the role of truth commissions – a local, national or global perspective, or all three? If the latter, how are these three perspectives interrelated (entangled histories of truth commissions)? How does the choice of a particular method or perspective influence (or manipulate) the findings? While the chapters in this volume may only succeed in providing partial or incomplete answers to some of these pending questions, they may at least highlight the urgency with which they require addressing.

The Brazilian Truth Commission seems to provide an ideal case study with which to investigate local, national and global approaches to truth commissions, and thus advance the scholarly literature both empirically and methodologically. A comprehensive analysis of the Brazilian National Truth Commission and local truth commissions involves reading it not as exclusively local, national or global, but as the product of local, national and global interest groups engaged in a complex process of political negotiation.<sup>82</sup> Disentangling the various actors, each chapter in this volume offers an in-depth understanding of one specific aspect of the Brazilian Truth Commission.

## **Scope and Structure of the Book**

The book is divided into three parts, ranging from the local and historically specific perspective (Brazil) to a broader global and general view (truth commissions in the twenty-first century).

The chapters that comprise the most extensive part (Part I: The Brazilian National Truth Commission) thoroughly contextualize the Brazilian commission in its local and national historical setting. Section 1 (Emergence and Context) offers a thick description of the context in which truth commissions emerged. It starts with a special contribution by Vera Paiva, Professor of Social Psychology and human rights activist, and daughter of the disappeared Brazilian deputy, Rubens Paiva (1929–71), whose disappearance represents one of the dictatorship’s most emblematic cases. It is a translated version of what she calls a ‘non-speech’ that was prepared for the inauguration ceremony of the Brazilian Truth Commission in May 2012, but was never actually delivered, as she was barred from speaking at the eleventh hour due to protests from military generals. It is the first time her suppressed historical speech has been published in the English language

(except for an online blog, see the chapter of Vera Paiva). Vera Paiva, who saw the recent political and human rights backlashes coming, reminds us: 'democracy is built and rebuilt day by day, every day'; human rights can never be taken for granted. As mentioned previously, the chapters by Eugenia Gonzaga and Janaína de Almeida Teles elucidate memory and justice initiatives that both preceded and survived the Brazilian Truth Commission, though from different angles. While Gonzaga privileges state-led actions including the crucial role of state attorneys, Teles focuses on the vital role of the families of the dead and disappeared and their opponents. The section is complemented by a piece that maps the manifold attempts to silence information on human rights violations – precisely the opposite of what truth commissions ought to do. Antoon De Baets, expert in history, ethics and human rights, traces the history of censorship in military Brazil and outlines how the work of truth commissions in other Latin American countries has been impeded in this way. His contribution thus helps to elucidate both the history of censorship related to human rights crimes prior to the Brazilian Truth Commission and to set the Brazilian case in a broader Latin American context.

Section 2 (Novelties of the Brazilian Model) is divided into two parts. The first part provides insights into the work of national and local commissions and their staff, as mentioned previously, and includes an innovative chapter on the relation between truth commissions and social media. The chapter by communication scholar Ana Lúcia Migowski analyses social networking sites as new arenas for public debate about both the military regime and the Truth Commission, in particular. Taking the Brazilian National Truth Commission's Facebook page as a case study, she reveals that social media reflect a highly polarized view of the past. While it has offered a public platform to human rights defenders, it has also been used by those who celebrate past crimes (similar to the case of Bolsonaro's online supporters). This double-edged impact merits reflection for all public discussion platforms beyond social media. The next two chapters focus on Corporate Complicity. A chapter by Oxford professor Leigh A. Payne shows that Brazil is a particularly interesting case for corporate complicity research for two reasons. First, there were civilian groups that mobilized specifically to draw attention to corporate complicity. Second, the business community remains deeply fragmented over its relationship to the dictatorship. Christopher Kopper, Professor of Economic and Social History at Bielefeld, addresses corporate complicity in Brazil from a transnational rather than domestic perspective. Kopper elucidates the challenges and findings of a special report he

was commissioned to produce on Volkswagen do Brasil's support for the military dictatorship. In response to his report, the Volkswagen Company offered reparation payments to former staff who were tortured during the military regime. Kopper's chapter thus gives further substance to a key claim of this volume: that it takes an entangled and holistic perspective to fully unravel the local, national and global actors involved in human rights crimes. Corporate complicity research remains an understudied and promising research field.

Meanwhile, Section 3 (First Assessments of Brazil's National Truth Commission) includes contributions from Federal Prosecutor Marlon Alberto Weichert and San Romanelli Assumpção mentioned previously, and is complemented by a chapter by Gisele Iecker de Almeida, who combines a philosophical approach to history with empirical evidence from Brazil.<sup>83</sup> She focuses in particular on the slogan 'Never Again', frequently invoked by the Brazilian National Truth Commission, and asks what kind of reading of the past can help to prevent the reoccurrence of violence.

While the first part of the volume is dedicated to the Brazilian case, the second part (Truth Commissions in Context: Comparing Latin America) compares the Brazilian model with other Latin American truth commissions. This comparative approach serves as an antidote to an over-emphasis on national particularities and reveals that truth commissions share difficulties, advantages and even scandals. Ann Schneider's chapter, for example, compares the truth commissions of Brazil, El Salvador and Peru. Focusing on archival evidence collected by commissions in contexts where offenders have been granted immunity, her contribution analyses the plans that truth commissions have had for their archives, and the importance of these archives for possible future prosecutions of egregious human rights violations. Jobst Welge's chapter also adopts a comparative perspective, by examining recent Latin American fiction. Welge analyses how literary narratives address the problem of historical truth and justice, and the tendency among recent works of fiction to be transgenerational or marked by generational discontinuity.

The goal of identifying similarities and differences among truth commissions across the world is also addressed by the third and final part of this volume (Truth Commissions between the Global and the Local). This part explores the dispersal of truth commissions worldwide, their general function and meaning, and the tension between global and locally specific interpretations of these commissions' work. In addition to the already mentioned chapter by Fatima Kastner, the chapter by Anja Mihr analyses the role played by truth commissions in the creation of democratic institutions. Public and democratic

institutions, she argues, cannot exist or function effectively without the support and trust of citizens. The third part, in sum, explores truth commissions from a global perspective.

Altogether, this interdisciplinary collection of essays seeks to offer a unique blend of contrasting and thought-provoking views that provide the necessary ingredients for a truly critical and controversial debate. Presenting a range of opinions, it aims to contribute to ongoing debates, 'give voice' to silenced perspectives (with Vera Paiva's censored speech as a central example) and allow readers to form their own opinions on the basis of clear evidence. Many of the contributors to this volume have directly participated in truth commissions in Brazil, and their texts are rarely available to an English-speaking audience. They include some of the world's leading scholars, key practitioners, human rights activists and survivors of the Brazilian military dictatorship. Overall, this volume seeks to advance critical research on truth commissions, as a means of strengthening – not just rhetorically but substantially – a local, national and global human rights culture.

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## Notes

1. Technically it is termed 'impeachment', but critics have called it a political 'coup' because it brought to power a group of centre-right politicians who would never have won by public vote, as opinion polls at the time clearly confirm. The naming remains a controversial issue; opponents of

the Workers' Party (PT) use the word 'impeachment', while supporters and several critical intellectuals use the word 'coup'.

2. A. Benites, 'Intervenção federal no Rio desperta fantasmas sobre o papel do Exército', *El País (Brasil)*, retrieved 21 February 2018 from [https://brasil.elpais.com/brasil/2018/02/20/politica/1519155351\\_378130.html](https://brasil.elpais.com/brasil/2018/02/20/politica/1519155351_378130.html).
3. *Ibid.*
4. Fernanda Chaves, 'Tribuna: Marielle Franco e o futuro do Brasil', *El País (Brasil)*, retrieved 21 June 2018 from [https://brasil.elpais.com/brasil/2018/06/13/opinion/1528925943\\_158923.html](https://brasil.elpais.com/brasil/2018/06/13/opinion/1528925943_158923.html).
5. J. Carneiro, 'Marielle Franco: Vivacious Fighter Shaped by the Favela', BBC, retrieved 25 March 2018 from <https://www.bbc.com/news/world-latin-america-43484449>.
6. G. Bezerra and F.R. Pozzebom, 'Bolsonaro é inocente no caso da apologia ao estupro', *Veja*, retrieved 1 March 2018 from <https://veja.abril.com.br/blog/o-leitor/bolsonaro-e-inocente-no-caso-da-apologia-ao-estupro>.
7. A. de Souza, 'Bolsonaro cogitou acordo com PGR para suspender processo sobre incitação ao estupro, mas desistiu', *O Globo*, retrieved 21 June 2018 from <https://oglobo.globo.com/brasil/bolsonaro-cogitou-acordo-com-pgr-para-suspender-processo-sobre-incipitacao-ao-estupro-mas-desistiu-22549281#ixzz5MACU7CCg>.
8. For Bolsonaro's entire dedication, see R. Bragon, 'Conselho de Ética livra Bolsonaro de processo por homenagem a Ustra', *Folha de S. Paulo*, retrieved 15 May 2018 from <https://www1.folha.uol.com.br/poder/2016/11/1830828-conselho-de-etica-livra-bolsonaro-de-processo-por-homenagem-a-ustra.shtml>.
9. P. Wilcken, 'The Reckoning: Investigating Torture in Brazil', *New Left Review* 78 (2012), 73–90.
10. Maria de Rosario issued a criminal procedure against Bolsonaro which is still pending at the time of writing and may be decided by the Brazilian Supreme Court. According to a recent law called *Ficha Limpa* [Clean Record], parliamentarians may be barred from presidential elections if they have been involved in a crime or have a criminal case pending. Bragon, 'Conselho de Ética'.
11. 'Brazil's Election after the Jailing of Lula', *The Economist* 427(9087) (2018), 44. Bolsonaro is often called the 'Brazilian Trump'. As these examples have shown, this is a clear understatement. BBC, 'Brazil Far-Right Politician Enters Presidential Race', retrieved 25 July 2018 from <https://www.bbc.co.uk/news/world-latin-america-44919769>. According to critics, it was a political trial that violated rule of law standards and served to ban Lula from running for the 2018 presidential elections (according to the April 2018 polls possibly even winning them).
12. Officially, the NTC signed cooperation agreements with twenty-nine local commissions. See Comissão Nacional da Verdade (CNV), 'The Final Report of the Brazilian Truth Commission', retrieved 20 December 2014 from <http://www.cnv.gov.br/index.php/outros-destaques/574-conheca-e-acesse-o-relatorio-final-da-cnv>, 10.

13. For truth commissions as a dynamic process, see N. Schneider, “‘Too Little Too Late’ or ‘Premature’? The Brazilian Truth Commission and the Question of ‘Best Timing’”, *Journal of Iberian & Latin-American Research* 19(1) (2013), 159. A similar conception of truth commissions as a dynamic interplay was suggested by Vera Paiva, keynote speaker at an international symposium on the Brazilian Truth Commission in Hannover in October 2015.
14. For a timely, balanced and concise introduction to the history of the Brazilian military regime and its controversies, see M. Napolitano, *1964: História do regime militar brasileiro* (São Paulo: Contexto, 2014). For a recent bibliographical overview, see M.C.D. Araújo, ‘Taking Stock (with Discomfort) of the Military Dictatorship Fifty Years after the 1964 Coup: A Bibliographical Essay’, *Brazilian Political Science Review* 9(3) (2015), 143–63; and C. Fico, ‘Brazilian Military Dictatorship: Theoretical and Historiographical Approximations’, *Tempo e Argumento* 9(20) (2017), 400–67. Some scholars refer to the regime as a civil-military regime to stress its extensive complicity with civilians. For more on that discussion, see Napolitano, *1964*, 37.
15. R. Atencio, *Memory’s Turn: Culture and Transitional Justice in Brazil* (Madison: University of Wisconsin Press, 2014), 12.
16. Schneider, “‘Too Little Too Late’”.
17. N. Schneider, ‘Truth No More? The Struggle over the National Truth Commission in Brazil’, *Iberoamericana* 42 (2011), 164–70.
18. P. Abrão and M. Torelly, ‘As dimensões da Justiça de Transição no Brasil’, in L.A. Payne, P. Abrão and M.D. Torelly (eds), *A anista na era da responsabilização: o Brasil em perspectiva internacional* (Oxford: Oxford University Press, 2011), 212–49.
19. Schneider, “‘Too Little Too Late’”.
20. For more details on the relationship between the local commissions and the Brazilian National Truth Commission, see N. Schneider and G.I.D. Almeida, ‘The Brazilian Truth Commission (2012–2014) as a State-Commissioned History Project’, in B. Bevernage and N. Wouters (eds), *The Palgrave Handbook of State-Commissioned History after 1945* (London: Palgrave MacMillan, 2018), 641–42, 648. The final report explicitly relates to the findings of local commissions. See CNV, ‘Final Report’.
21. For more details, see N. Schneider, ‘The Supreme Court’s Recent Verdict on the Amnesty Law: Impunity in Post-Authoritarian Brazil’, *European Review of Latin American and Caribbean Studies* 90 (2011), 39–54.
22. The overall number of disappearances in Cold War Latin America remains unknown. Even national estimates remain contested. In Argentina, for example, the official report of the Comisión Nacional sobre la Desaparición de Personas (CONADEP, 1983–84) estimates a total number of 8,961 disappeared persons from 1976 to 1983. Human rights organizations, by contrast, speak of approximately thirty thousand. In 1980, the United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) began collecting figures on the number of forced disappearances. As of September 2017, they had been notified of 45,120 cases of

- disappearance involving ninety-one states. This likely underrepresents the number. For details, see the official webpage of the UNWGEID, retrieved 20 July 2018 from <https://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>.
23. J. Dinges, *The Condor Years: How Pinochet and His Allies brought Terrorism to Three Continents* (New York: New Press, 2004) and P. McSherry, *Predatory States: The Operation Condor and Covert War in Latin America* (Boulder, CO: Rowman & Littlefield, 2005).
  24. While literature on truth commissions is abundant, key books include P. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2002); M. Freeman, *Truth Commissions and Procedural Fairness* (Cambridge: Cambridge University Press, 2006); E. Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy* (New York: Routledge, 2009); O. Bakiner, *Truth Commissions: Memory, Power, and Legitimacy* (Pennsylvania: University of Pennsylvania Press, 2016); and R.I. Rothberg and D. Thompson (eds), *Truth v. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000). For a concise overview, see N. Mnewabe, 'Truth Commissions', in L. Stan and N. Nedelsky (eds), *Encyclopedia of Transitional Justice*, Vol. 1 (Cambridge: Cambridge University Press, 2013), 98–106.
  25. Hayner, *Unspeakable Truths*, 14.
  26. See T.D. Olsen, L.A. Payne, and A.G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace, 2010). This also explains the diverging total numbers of truth commissions in the literature.
  27. The Portuguese version is available online, retrieved 5 May 2016 from <http://bnmdigital.mpf.mp.br/>. For an English version, see Archdiocese of Sao Paulo, *Torture in Brazil* (Austin: University of Texas, 1998).
  28. K. Sikkink and C.B. Walling, 'Argentina's Contribution to Global Trends in Transitional Justice', in N. Roht-Arriaza and J. Mariezcurrena (eds), *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (Cambridge: Cambridge University Press, 2006), 309.
  29. Hayner, *Unspeakable Truths*, 33; Sikkink and Walling, 'Argentina's Contribution', 305–6, 308. For a classic history of the production, public circulation and reinterpretations of the CONADEP's *Nunca Mas* report, see E. Crenzel, *Memory of the Argentina Disappearances: The Political History of Nunca Más* (New York/London: Routledge, 2017).
  30. Mnewabe, 'Truth Commissions', 101.
  31. Sikkink and Walling, 'Argentina's Contribution', 305–6, 308.
  32. A summarized English translation of the report was published as Historical Clarification Commission (CEH), *Guatemala: Memory of Silence* (Guatemala City: CEH, 1999).
  33. For a recent, concise overview of truth commissions' diversity and trajectory, see E. Wiebelhaus-Brahm, 'Truth Commissions and the Construction of History', in Bevernage and Wouters, *The Palgrave Handbook*, 599–621.

34. *Ibid.*, 600.
35. See United States Institute for Peace (USIP), 'Truth Commission Digital Collection', retrieved 20 December 2014 from <http://www.usip.org/publications/truth-commission-digital-collection>.
36. See CNV, 'Final Report'.
37. Mnewabe, 'Truth Commissions', 101.
38. For the *peace versus justice* debate, see C.L. Sriram and S. Pillay (eds), *Peace versus Justice? The Dilemma of Transitional Justice in Africa* (Cape Town: University of KwaZulu-Natal Press, 2009); for the *truth versus justice* debate, see Rothberg and Thomson, *Truth v. Justice*.
39. Mnewabe, 'Truth Commissions', 99, 102.
40. The language of transitional justice relates to two key events: the 1992 Salzburg Conference 'Justice in Times of Transition' and a three-volume publication edited by Neil Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Washington, DC: Institute of Peace Press, 1995). Both projects were funded by US-based foundations: the Charter 77 Foundation and the United States Institute of Peace (USIP), a neutral institution founded in 1984 and financed by the US federal government. G. Mouralis, 'The Invention of "Transitional Justice" in the 1990s', in L. Israel (ed.), *Dealing with Wars and Dictatorships* (The Hague: Asser Press, 2014), 83–100. The definition, scope and goals of transitional justice are contested and have developed over time. See J. Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004); R. Teitel, 'Transitional Justice Genealogy', *Harvard Human Rights Journal* 16 (2003), 69–94; C. Bell, 'Transitional Justice, Interdisciplinarity and the State of the "Field" or "Non-Field"', *The International Journal of Transitional Justice* 3 (2009), 5–27; and P. Arthur, 'How Transitions Reshaped Human Rights: A Conceptual History of Transitional Justice', *Human Rights Quarterly* 31(2) (2009), 321–67.
41. International Center for Transitional Justice (ICTJ), 'What Is Transitional Justice?', retrieved 5 March 2015 from <https://www.ictj.org/about/transitional-justice>.
42. See K. McEvoy and L. McGregor, *Transitional Justice from Below: Grassroots Activism and the Struggle for Change* (Portland, OR: Hart, 2008); N. Palmer, P. Clark, and D. Granville (eds), *Critical Perspectives in Transitional Justice* (Cambridge, Antwerp, Portland: Intersentia, 2012); R.E. Brooks, 'The New Imperialism: Violence, Norms, Rule of Law', *Michigan Law Review* 101(7) (2003), 2275–340; R. Nagy, 'Transitional Justice as Global Project: Critical Reflections', *Third World Quarterly* 29(2) (2008), 275–89; N. Schneider and M. Esparza, 'Introduction', in Schneider and Esparza (eds), *Legacies of State Violence and Transitional Justice in Latin America: A Janus-Faced Paradigm?* (Lanham, MD: Lexington Books, 2015), xi–xxviii.
43. On Latin America, see A. Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical*



- Perspective* (London and New York: Routledge, 2015); G. Grandin, 'The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile, and Guatemala', *American Historical Review* 110(1) (2005), 46–67; A. Oettler, 'Der Stachel der Wahrheit: Zur Geschichte und Zukunft der Wahrheitskommission in Lateinamerika', *Lateinamerika Analysen* 9 (2004), 93–126; and A. Oettler, *Erinnerungsarbeit und Vergangenheitspolitik in Guatemala* (Frankfurt/M: Vervuert, 2004); L. Laplante and K. Theidon, 'Truth with Consequences: Justice and Reparations in Post-Truth Commission Peru', *Human Rights Quarterly* 29 (2007), 228–50; D. Gairdner, *Truth in Transition: The Role of Truth Commissions in Political Transition in Chile and El Salvador* (Bergen: CMI, 1999); E. Allier-Montano, 'Exploration – the Peace Commission: A Consensus on the Recent Past in Uruguay?', *European Review of Latin American and Caribbean Studies* 81 (2006): 87; Schneider, "'Too Little Too Late'".
44. See E. Wiebelhaus-Brahm, J. García-Godos, and E. Skaar (eds), *Beyond Words: Latin American Truth Commissions' Recommendations* (forthcoming).
  45. Arguably, a third group comprises scholars (mainly theological, psychological, and peace and conflict scholars) who focus on the commissions' role in rehabilitating victim groups with a view to what is known as 'reconciliation' (itself a problematic term), irrespective of the victim's nationality. This approach, less relevant for this volume, acknowledges a universal human dignity often related to Christian beliefs (I call this the human dignity approach).
  46. E. Jelin, *State Repression and the Labors of Memory* (Minnesota: University of Minnesota Press, 2003); and E. Jelin, 'La justicia después del juicio: legados y desafíos em la Argentina postdictatorial', in C. Fico, M.D.F. Moraes et al. (eds), *Ditadura e Democracia: balanço e perspectivas* (Rio de Janeiro: FGV, 2008), 341–60.
  47. Jelin, 'La Justicia', 344, 347.
  48. Grandin, 'The Instruction of Great Catastrophe', 49.
  49. *Ibid.*
  50. *Ibid.*, 1–2.
  51. G. Grandin and T.M. Klubock, 'Editor's Note', *Radical History Review* 97 (2007), 4.
  52. Though not related to truth commissions but to transitional justice in general, one of the key studies emphasizing the benefits of a diffusion of global norms is K. Sikkink's *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: Norton, 2011). For predominantly critical views, see Brooks, 'The New Imperialism'; and Nagy, 'Transitional Justice'.
  53. F. Kastner, 'Weder Wahrheit noch Recht: Zur Funktion von Wahrheitskommissionen in der Weltgesellschaft', *Mittelweg* 36(16) (2007), 31–50.
  54. See A.K. Krüger, *Wahrheitskommissionen* (Frankfurt and New York: Campus, 2014), 17–19.

55. Oettler, 'Der Stachel der Wahrheit'.
56. For a very good survey, see K. Cmiel, 'The Recent History of Human Rights', in A. Iriye, P. Goedde, and W.I. Hitchcock (eds), *The Human Rights Revolution: An International History* (New York: Oxford University Press, 2012), 27–51. Key studies include L. Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Company, 2007); S. Moyn, *The Last Utopia: Human Rights in History* (London and Boston: Harvard University Press, 2010); S.-L. Hoffmann (ed.), *Human Rights in the Twentieth Century* (New York: Cambridge University Press, 2011); and Iriye, Goedde, and Hitchcock, *The Human Rights Revolution*.
57. For recent examples, see A. Karn, 'Switzerland's Independent Commission of Experts: State-Sponsored History and the Challenges of Political Partisanship', in Bevernage and Wouters, *The Palgrave Handbook*, 757–71.
58. E. Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York and London: W.W. Norton & Company, 2000), xi, xvii, xi.
59. *Ibid.*, xxi–xxii.
60. *Ibid.*, x.
61. Grandin, 'The Instruction of Great Catastrophe', 46–47; Grandin and Klubock, 'Editor's Note', 4.
62. See, for example, the work by L. Rüsing, 'Truth Commissions in Postcolonial Societies: The Cases of Canada and Mauritius', paper presented at the International Symposium on the Brazilian Truth Commission, Hannover, October 2015.
63. To name but a few: D. Mendeloff, 'Truth-Seeking, Truth-Telling and Post-Conflict Peacebuilding: Curb the Enthusiasm?', *International Studies Review* 6(3) (2004), 355–80; M.B.-J. Hirsch, M. MacKenzie, and M. Sesay, 'Measuring the Impacts of Truth and Reconciliation Commissions: Placing the Global "Success" of TRCs in Local Perspective', *Cooperation and Conflict* 47(3) (2012), 386–403; Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies*; O.N.T. Thoms, J. Ron, and R. Paris, 'State-Level Effects of Transitional Justice: What Do We Know?', *International Journal of Transitional Justice* 4(3) (2010), 329–54; Olsen, Payne, and Reiter, *Transitional Justice in Balance*.
64. For two concise and more complete summaries of assumed aims and effects of truth commissions, see Tristan Anne Borer, 'Truth Telling as a Peace-Building Activity: A Theoretical Overview', in Borer (ed.), *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies* (South Bend: University of Notre Dame Press, 2006), 1–57; and O. Bakiner, 'Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society', *International Journal of Transitional Justice* 8 (2014), 6–30.
65. Many authors have covered the supposed benefits. See, for example, Rothberg and Thompson, *Truth v. Justice*; and Hayner, *Unspeakable Truths*. On commissions' role as a healthy platform from which to tell unacknowledged stories of suffering, see M. Minow, *Between Vengeance*

- and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon, 1998). For detailed bibliographic reference, see Wiebelhaus-Brahm, 'Truth Commissions and the Construction of History'.
66. The impunity question has long been discussed elsewhere. While Bakiner stresses that only two commissions have explicitly recommended amnesties (South Africa and Liberia), this sidelines the much more complex question of truth commissions' indirect contribution to impunity. See Bakiner, 'Truth Commission Impact', 7.
  67. Schneider and Almeida, 'Brazilian Truth Commission', 640.
  68. Grandin, 'The Instruction of Great Catastrophe', 46; Grandin and Klubock, 'Editor's Note', 6.
  69. See the work of H.M. Weinstein, L.E. Fletcher, P. Vinck, and P.N. Pham, 'Stay the Hand of Justice: Whose Priorities Take Priority?', in R. Shaw and L. Waldorf (eds), *Localizing Transitional Justice: Justice Interventions and Local Priorities after Mass Violence* (Stanford, CA: Stanford University Press, 2010), 27–48; A.L. Hinton, 'Introduction: Toward an Anthropology of Transitional Justice', in Hinton (ed.), *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence* (Newark: Rutgers University Press, 2010), 1–22; and Schneider and Esparza, 'Introduction'.
  70. Hirsch, MacKenzie, and Sesay, 'Measuring the Impacts'. For an overview of a similar kind of criticism levelled against transitional justice, see Schneider and Esparza, 'Introduction'.
  71. Hirsch, MacKenzie, and Sesay, 'Measuring the Impacts', 388.
  72. This point of criticism has been put forward by numerous scholars including P. Clark and N. Palmer, 'Introduction: Challenging Transitional Justice', in Palmer, Clark, and Granville, *Critical Perspectives*, 4–6; and Wiebelhaus-Brahm, 'Truth Commissions and the Construction of History'.
  73. Hirsch, MacKenzie, and Sesay, 'Measuring the Impacts', 388.
  74. Wiebelhaus-Brahm, 'Truth Commissions and the Construction of History'; and Bakiner, 'Truth Commission Impact'. A good example is the different results produced by Olsen, Payne, and Reiter, on one hand, and Hunjoon Kim and Kathryn Sikkink, on the other (who have recently joined up for a new cooperative project). Using different methods to evaluate truth commissions, the former find that truth commissions on their own have 'a significant, negative effect'. See Wiebelhaus-Brahm, *Truth Commissions and Transitional Societies*, 153–54n12. Wiebelhaus-Brahm, too, finds a minor negative effect (*Truth Commissions and Transitional Societies*, 153–54n12). By contrast, Kim and Sikkink claim that truth commissions have positive effects. However, others argue that it is impossible to observe any kind of impact. See Bakiner, 'Truth Commission Impact', 9n21.
  75. Wiebelhaus-Brahm, 'Truth Commissions and the Construction of History'.
  76. While it is beyond the scope of this volume, evaluation criteria include human rights statistics, democracy indexes and rule of law performance, and are often based on major aggregated data like the Freedom House

- database and other similar sources. For an overview of related studies, see Bakiner, 'Truth Commission Impact', 9nn12–15, 10.
77. M.D. Jobson, 'Commentary on Transitional Justice after Transition', in Palmer, Clark, and Granville, *Critical Perspectives in Transitional Justice*, 485–91.
  78. C.E. Milton, 'The Truth Ten Years On: The CVR in Peru', in E.A. Montaña and E. Crenzel (eds), *The Struggle for Memory in Latin American Recent History and Political Violence* (London: Palgrave Macmillan, 2016), 126–27.
  79. L. Kent, 'Local Memory Practices in East Timor: Disrupting Transitional Justice Narratives', *The Journal of Transitional Justice* 5 (2011), 434–55.
  80. *Ibid.*, 446–38.
  81. Schneider and Esparza, 'Introduction'.
  82. This dialogues with Bakiner's claim that the impact of truth commissions depends on a complex set of relations between politicians, national and global human rights protagonists and commissioners. See Bakiner, 'Truth Commission Impact', 29.
  83. For another recently published assessment of the Brazilian National Truth Commission, see M. Torelly, 'Assessing a Late Truth Commission: Challenges and Achievements of the Brazilian National Truth Commission', *International Journal of Transitional Justice* 12(2) (2018), 194–215, retrieved 20 January 2018 from <https://doi.org/10.1093/ijtj/ijy002>.

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