



## Commission on Human Rights

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### Resolution 10 (2004)

Adopted by the General Assembly at its 10<sup>th</sup> meeting, on 12 August 2004

*The Commission on Human Rights,*

*Guided by* the Charter of the United Nations, specifically looking towards the 6<sup>th</sup> Chapter; the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, both regional and universal,

*Considering* the manifest link between peace, development and democracy,

*Further recognizing* that a sustainable and prosperous peace can only be secured through reconciliation, accountability and the prevention of a recurrence of past atrocities,

*Confident* that the establishment of Truth and Reconciliation Commissions are part of a complementary process, also involving ad hoc international criminal tribunals if their jurisdiction is recognized by the respective State,

*Observing* that the reconciliation of peoples and nations is the crowning achievement of peace and the means of going beyond conflicts,

*Convinced* that providing a forum for victims to restore their dignity, especially that of women and children and exposing violations of human rights and humanitarian law as well as compiling an impartial historical record of violations of human rights and humanitarian law will help to ensure that human rights will continue to be promoted and protected,

*Affirming* that reconciliation should go hand in hand with forgiveness, not oblivion, and that reconciliation is characteristic of any pacified society which has turned to a future of joint reconstruction based on the values of mutual respect, equality and tolerance,

*Reminding* the positive results obtained by The South African Truth and Reconciliation Commission, The National Commission on Disappeared Persons, The Commission on the Truth for El Salvador and other similar bodies throughout the world,

1. *Encourages* the United Nations and its Member States to pursue and intensify its efforts to prevent conflicts and maintain and consolidate peace worldwide, particularly in less developed countries, where slow and fragile development is a fertile breeding ground for instability;

2. *Invites* the establishment of truth commissions in countries where past human rights abuses have not yet been solved and thus hinder the constitution of viable democratic structures;

3. *Recommends* that domestic governments, taking into account in the drafting process the voices of appropriate and peaceful groups of civil society, take whenever possible, the decisive initiative in the establishment of the mandate of the truth commission;

4. *Encourages* the international society to assist with financial means, material, staff, and other relevant manners, in carrying out the mandate of such a truth commission, provided that the following requirements are met:

- a. The mandate of the truth commission must be clearly specified before the commission starts operating, and must be in compliance with international law
- b. Any work carried out by such a commission can not exclude the possibility of criminal prosecution before an international court for international crimes;

5. *Encourages* that local voices representing different significant groups of society, such as traditional and social figures from all relevant ethnic and religious fractions, as well as representatives from the different parties to the conflict, and at least one observer representing the international society, are included in the Commission;

6. *Stresses* the necessity of ensuring the Truth and Reconciliation Commission's impartiality;

7. *Further encourages* states to establish, by legislative act, after a broad consultative process of the national population, civil society and the international society, Truth and Reconciliation Commissions charged with taking statements and conducting hearings, public where possible; and compiling an impartial historical record of human rights violations;

8. *Recognizes* that, in regard of taking statements and conducting hearings, Truth and Reconciliation Commissions should reach a large section of the population, including victims, perpetrators, witnesses and whole sectors of society, and that cooperation at large should be achieved, and to this end, recommends that States engage in public information and education campaigns on the work of Truth and Reconciliation Commissions;

9. *Emphasizes* that the effectiveness of the Truth and Reconciliation Commissions is conditioned by the following:

- a., the cooperation with the civil society, especially with victims or witnesses of human rights violations,
- b., the accurate assessment of community needs in order to render suitable aid to the victims,
- c., the choice of proper activities (e.g. fundraising, documenting of evidence, medical and psychological services, amnesty procedures),
- d., the use of both official language and the languages of victims and, when required, translators in all official proceedings,
- e., the convenient degree of media coverage of the activities,
- f., the accessibility for local, national or international news media,

10. *Recommends* that once established, the Truth and Reconciliation Commission should have full access to the necessary state or military files and any other relevant documents, as long as the national integrity of the State is not harmed;

11. *Emphasizes* the need for taking protective measures for victims and their families;

12. *Stresses* the importance of the specific needs of women and children to be taken into account in the process of achieving the goals of the Truth Commission, especially during the statement taking and hearing phase;

13. *Welcomes* the publication, in the official languages of the State, of final reports in those States where Truth and Reconciliation Commissions have investigated past violations of

human rights and humanitarian law and urges States to implement the legal, administrative, political and other reforms contained in these reports;

14. *Recommends* the establishment of National Human Rights Commissions, or similar regulative bodies, as the successors of Truth and Reconciliation Commissions;

15. *Calls upon* the establishment of a UN platform consisting of international experts on international law and political and social leaders with experience in Truth Commission work, to provide the international society with suggestions on how Truth Commissions function effectively;

16. *Decides* to remain actively seized of the matter.