



Minerva Access is the Institutional Repository of The University of Melbourne

Author/s:
Winston, C

Title:
Truth Commissions as Tactical Concessions: The Curious Case of Idi Amin

Date:
2021

Citation:
Winston, C. (2021). Truth Commissions as Tactical Concessions: The Curious Case of Idi Amin. *The International Journal of Human Rights*, 25 (2), pp.251-273. <https://doi.org/10.1080/13642987.2020.1773439>.

Persistent Link:
<https://hdl.handle.net/11343/259681>

License:
[Unknown](#)

Truth Commissions as Tactical Concessions: The Curious Case of Idi Amin

Carla Winston

University of Melbourne

Abstract

Tactical concessions represent a critical juncture in the process of human rights change; depending on how they are used by autocrats or the opposition, they can either thwart or enable further improvements in human rights. This article argues that some truth commissions, traditionally examined with a transitional justice lens, should instead be considered as tactical concessions. In many ways, the two sets of theorized causal processes overlap significantly. By examining in detail Idi Amin's 1974 Commission of Inquiry into Disappearances in Uganda – the world's first (and mostly forgotten) truth commission - this paper explores the features of truth commissions which make them potential tactical concessions: sites of active contestation between those who wish to advance human rights and those who do not, both domestically and internationally. The Amin case provides compelling evidence for both sets of causal processes and offers additional insights into the roles of information control and institutional norms in the spiral model.

Keywords: truth commissions, human rights, transitional justice, spiral model, Uganda

Introduction

A truth commission is “an official body, often created by a national government, to investigate, document and report upon human rights abuses within a country over a specified

period of time.”¹ Truth commissions have been used over the past 40 years to help a wide variety of states and societies to deal with the legacies of serious or widespread human rights abuses. However, truth commissions are also political tools, to be used by both those for and against the revelation of truth or the promotion of justice and human rights. The exact mandate, structure and practice of a Commission are likely to be highly contested.

Given the push and pull between these opposing forces, and the degree to which repressive elites give up a modicum of control to pro-human-rights forces when a commission is created and while it pursues its work, this paper argues that a different theoretical lens can shed insights on the creation, practice and potential effects of a truth commission: that of the spiral model of human rights change outlined in *The Power of Human Rights* (PoHR), by which repressive states eventually adopt and internalize international human rights norms.² Analyzing a truth commission with this theoretical lens connects debates on the effects of transitional justice mechanisms to broader normative processes, especially in states where the impetus for change comes mainly from outside forces rather than domestic ones. It also allows for an exploration of the similar ways that these approaches understand the causal mechanisms behind human rights progress.

The article begins with an overview of the concept of tactical concessions and the practice of truth commissions as tools of transitional justice, focusing on the theorized causal mechanisms which lead to their adoption and potential effects. A short discussion of the case selection methodology follows, outlining the justifications for choosing the Amin case as a single-country historical study. The article will then present Idi Amin’s 1974 Commission of Inquiry which, while considered a failure by most standards of justice, was actually the world’s first truth commission.³

The article details the Commission’s creation, practice, and outcomes, highlighting the Commission’s initial relative independence and subsequent ‘management’ by the state. Analysis

and discussion linking the theory of tactical concessions, versus transitional justice, to the case will occur at salient points throughout the narrative. The analysis focuses particularly on how the separate processes of design, practice, and reception of truth commissions provide opportunities to move the needle of human rights change either backward or forward, as described in Risse, Ropp and Sikkink's Phase 3 of the spiral model. Utilizing contemporaneous primary sources from governments, former Ugandan government officials, NGOs, and the Ugandan news media, and the Commission report itself,⁴ the documents examined present compelling evidence that some truth commissions should be considered in light of the spiral model's 'tactical concession' frame rather than solely as a justice-oriented pursuit.⁵

The article concludes with a revised assessment of the Ugandan commission's impact, and suggests a set of corollaries to the spiral model's theorized causal processes. In particular, it recommends that more attention be paid to the role of information control and to the responsibilities of international organizations for completing the boomerang effect necessary to move from phase 3 to phase 4 of the spiral model.

Truth Commissions and Tactical Concessions: Causal Mechanisms

As a normative enterprise with the general goal of 'transitional justice,' truth commissions have been imbued with a variety of potential short- and long-term effects on the state and society. They can illuminate a version of the truth which is different from that espoused by the regime; they can allow victims to regain a sense of dignity in the face of their injustices by providing testimony; such testimony, along with subpoenaed records and other documents, may also provide enough information to proceed with criminal cases against perpetrators. Even if this is not the case, the patterns of abuse and the institutional structures which enabled them which are uncovered by a truth commission may point to necessary institutional reforms and various forms of reparation

and restitution. The ultimate normative goal of a truth commission, for its proponents, is the improvement of human rights and the creation or maintenance of a peaceful and democratic regime.⁶

However, it is generally understood that the creation of a truth commission is explicitly political: it concerns the tensions between those who desire action to address human rights violations and those who do not, or between those who would like to be more or less selective about which violations (and by which actors) are addressed.⁷ This gives the domestic politics of truth commission creation, design, practice and reception center stage, exposing the push and pull between the forces for accountability versus impunity, or for stasis versus change.

Studies which analyze truth commissions as part of transitional justice processes, then, fall into these two major categories. The more political and processual approach examines whether or not TCs have lived up to their mandates and how they interact with other TJ and wider political processes.⁸ The second takes a more explicitly normative approach, and attempts to link truth commissions to their intended justice (or justice-avoidance) purposes.⁹ Do they actually provide a form of justice, and for whom? Do they contribute to peace, state stability, democracy, or human rights improvements?

It is important to note here that the power balance which produces a commission may not be exclusively, or even mostly, domestic. There is often a strong international human rights network calling for investigation of atrocities, while the state's own government would prefer that no investigation takes place.¹⁰ Increasingly in the modern era, states which abuse human rights at home are seeing these activities become the subject of international scrutiny. In each case, international pressure can change what on the surface seems to be a domestic political process.

Given the importance of both domestic and internal political pressures, truth commissions are therefore excellent candidates for analysis as tactical concessions in addition to analysis with an eye to transitional justice. PoHR argues that the ‘establishment and sustainability of networks among domestic and transnational actors who manage to link up with international regimes’¹¹ is a key driver of the diffusion of human rights norms and change on the ground. The authors detail a process of norm socialization that depends on the interplay between these forces, suggesting five (although not necessarily linear or inevitable) stages of a ‘spiral’ starting from repression and ending in fully institutionalized and habitual respect for human rights.

A repressive state (Phase 1) is pressured from the outside, since domestic civil society is weak. That repressive state may respond by denying the validity of human rights norms or maintaining the normative primacy of sovereignty and non-intervention (Phase 2). Eventually, however, sustained pressure from bilateral partners and multilateral institutions may result in a tactical concession (Phase 3). This phase is where a small opening created by the government, thereby limiting its repressive space, has the potential to mobilize and empower the domestic opposition. The growth and strength of domestic networks and the sharing of information abroad can, if successful, result in either a policy change or a regime change. The government of the pressured state (now in Phase 4) now accepts the norm in question, ratifies or implements relevant treaties, and uses human rights discourse. After a long period of domestic socialization and habituation, these new human rights norms become simply part of the state’s regular practice, and the government acts in a rule-consistent manner (Phase 5) without questioning the ‘rightness’ of its approach.¹²

This article concentrates on Phase 3, ‘tactical concessions.’ After Phase 2 (denial) creates sustained external pressure on an oppressive government, a tactical concession may be given in

order to get or keep external aid, to avoid censure, or to achieve other goals vis-à-vis the external actors who are pressuring for a change. Examples of tactical concessions include (but are not limited to) the release of activists or political prisoners, suspension of a particularly repressive policy, or an easing of restrictions on protest or political activity. It may be the result of a successful ‘boomerang’ of domestic human rights groups using international structures to bring attention to their plight,¹³ or it may be a way to balance international pressure with the domestic power structure keeping the regime in place. To spur a concession the target state must be in some way ‘vulnerable’: subject to economic assistance or reputational concerns.¹⁴ They are therefore an instrumental adaptation, and are not necessarily linked to a change in belief about the ‘rightness’ of the new behavior or an intention to continue along the path towards sustained human rights improvements.¹⁵

The authors also note that Phase 3 is ‘the most precarious phase of the spiral model, since it might move the process forward...but can also result in a backlash.’¹⁶ They conclude that ‘the phase of tactical concessions indeed turned out to be the most crucial with regard to achieving sustainable human rights improvements...’.¹⁷ Thus it would seem that increased attention to Phase 3, and how human rights actors and repressive governments struggle to build upon or contain the effects of a tactical concession, is a crucial need for scholars of human rights change. In particular, attention to the causal mechanisms within Phase 3 makes a useful contribution to the study and practice of human rights.

Truth Commissions as Tactical Concessions: Theory and Significance

While the spiral model has received significant attention in the 20 years since PoHR was originally published. One major criticism of the original work was that it could not account for processes which got “stuck” between human rights commitments and actual compliance, or

suggestions that the mechanisms which drive the first part of the spiral (phases 1-3) differ from those near the end (phases 4-5).¹⁸ Although the authors have attempted to address these critiques in their follow-up volume, studies focusing directly on that middle point - Phase 3 – remain relatively rare.¹⁹ Much of what has been written focuses on the signing or ratification of human rights treaties rather than direct domestic policy change.²⁰ Given that one of the major criticisms of the original work centered on this point in the spiral, the dynamics of Phase 3, particularly at the domestic level, deserve further investigation.

This article follows Simmons' suggestion²¹ and argues that some truth commissions, as domestic institutional adaptations partly spurred by international pressure, can be understood as tactical concessions. The description of how we get a tactical concession above, and its use by various actors in an instrumental fashion to promote or restrain further political and human rights change, could fit any number of truth commissions in both transition and non-transition states. This includes commissions such as Zimbabwe (1983), Chad (1991), Uzbekistan (1999), Serbia (2002), Liberia (2003), Kenya (2008), and Honduras (2010).²²

The major advantage of analyzing some truth commissions as tactical concessions, rather than solely as efforts at transitional justice, is in the elaboration of both short- and long- term causal processes of human rights change which are common to both sets of theories. In the short term, the ability of actors to capitalize on a truth commission to move the spiral forward, and in the long-term, to help achieve the same human rights goals that transitional justice processes are meant to achieve.

According to PoHR, in the best-case scenario, even a small concession may open up political space for domestic human rights actors. In the short term, they write, the main role of international pressure is to

Facilitate social mobilization in the target country...The increased international attention serves to create and/or strengthen local networks of human rights activists whose demands are empowered and legitimated by the transnational/international network, and whose physical integrity may be protected by international linkages and attention.²³

In addition, in the event of an attempt at backsliding, the combination of new links to domestic actors and the information revealed by a concession (such as a truth commission) could help to sustain international pressure. In turn, in the long term, pressure from both above and below would lead to a policy and/or regime change, and a new domestic focus on human rights. Therefore, the ability of a truth commission to serve as an effective tactical concession for human rights activists depends on its ability to facilitate domestic social mobilization and to provide new information and leverage to the international community, who can then continue or intensify their pressure along with that of newly organized and empowered domestic actors.

What organizational structures and practices of truth commissions can perform these dual roles? Current truth commission best practices include (but are not limited to) operational independence, open access to official archives inside and outside the country, commitments to cooperate by the government, sufficient funding, and an improvement in the security situation to the point where witnesses are not afraid to testify.²⁴

However, there are also ‘bad’ best practices for those wishing to use commissions to prevent change: Loyle and Davenport argue that ‘the utilization and manipulation of transitional justice processes can be done with the direct intention of undermining justice and consolidating political power.’²⁵ Grodsky argues that state leaders will only allow truth commissions when they have sufficient control over the process and results, including ‘limiting the scope of the

commission, controlling its activities, and manipulating its conclusions.’²⁶ Cronin-Furman suggests that investigatory “half-measures” may be used to tamp down or delay further international sanction, even if their results are not particularly convincing.²⁷

Each of these sets of practices has implications for the spiral model, the causal processes of human rights change, and the ability of unwilling leaders to slow or reverse the advance of human rights norms within their states. An examination of the 1974 Ugandan truth commission provides evidence of ways to ‘manage’ a tactical concession, either spurring or preventing further human rights advances.

Case Selection

This article presents the first in-depth academic presentation of the 1974 Commission. Although it has been included in several transitional justice studies, existing works limit description to around a page length or treat it in comparative (and therefore more limited) fashion.²⁸ In contrast, the depth of information provided by a single-country study, including contemporaneous media coverage within Uganda for the first time, has several benefits. It allows an understudied case to become more common knowledge, provides insights on causal processes and mechanisms that comparative studies may ignore, and offers new hypotheses for future comparative investigation.

The choice of case may be justified in several ways, depending on whether one understands it as a transitional justice process or a tactical concession within the spiral model.²⁹ As an example of a “deviant” case within the TJ literature, it adds to the growing body of knowledge about truth commissions which do not fit the traditional “good faith” model of TJ in which a sincere political will is assumed to exist on the part of the conveners.³⁰ It also presents deviant TJ dynamics in the less normative and more political vein of scholarship, in which a Commission’s structure, mandate

and practice are the result of political compromise. In the Amin case, the Commission's structure and initial practice were relatively strong, independent, and open even though Amin was uninterested in justice. This combination – lack of political will but strong institution - offers a space to identify and analyze those processes which are theorized to lead to human rights change without the complicating variable of positive political will. In this way, better knowledge about the Amin Commission contributes to ongoing scholarly and practitioner debates about the impact of transitional justice processes in varied political contexts.³¹

Additionally, as the “index” case of the first truth commission, the first iteration of a new institution is worth studying both on its own and as a source of new information for future decisionmakers. Although it is beyond the scope of this article to investigate, it is possible that other autocratic leaders learned directly from Uganda's example, thus creating an alternative pathway of diffusion intended to hijack and subvert transitional justice processes. Although there are not yet firmly identified cases of this type of diffusion, the added detail from this examination may help to highlight specific features or processes which later “bad-faith” adopters found appealing, narrowing the focus of inquiry for future researchers. Given the tendency to study “good” norms³², exploring the possibility of autocratic norm diffusion within transitional justice seems a useful corrective.

On the other hand, as a case study of the spiral model, this may be only a “diverse” case: one in which major similarities exist between it and other examples of tactical concessions, but in which the outcome differs from existing literature. This offers the opportunity to refine the existing theory, rather than to confirm or disconfirm the spiral model itself.³³ Risse and Sikkink are careful to point out in the original book that not all cases of tactical concession result in a transition to actual human rights policy, but there is to date not a great deal of literature on “failed attempts.”

Adding such detailed work on Phase 3 of the spiral model is intended to identify specific causal processes which move the human rights needle backwards or forwards. Lastly, this case reflects the importance of one particular additional scope condition included in the updated volume, *The Persistent Power of Human Rights*: social vulnerability, particularly at the international level, as a driver of both commitment and compliance.³⁴ By all accounts, Idi Amin cared very much about his international reputation.

There may be some concern about the relevance of a historical case to modern times. However, one of the major strengths of case studies, historical or otherwise, is to focus on causal mechanisms which are meant to be, to a certain extent, generalizable across space and time.³⁵ This article focuses on causal mechanisms at the international and domestic levels. As will be explored, the international dynamics which pressured Uganda to create a commission in the first place functioned in the same way that they are theorized to do even with today's more highly developed transnational human rights network. There is no reason to think that the domestic political processes which exist during phase 3, particularly with regards to the control of information, are limited to any particular era. And, as the conclusion states, some of the problematic aspects of those international dynamics remain today, regardless of institutional evolution.

Idi Amin's Truth Commission

Idi Amin's 1974 Commission of Inquiry into Disappearances in Uganda since 1971 offers a case through which to observe the ways in which governments hostile to human rights may prevent an initial tactical concession (phase 3 of the spiral model) from inspiring further change. The commission is actually mentioned in *The Power of Human Rights*, but only in passing. Schmitz, in his chapter on Kenya and Uganda, devotes a paragraph to it but argues that 'although

concessions were made...the ever-increasing number of killings and torture cases justify the general categorization of the country in the second phase of the model until 1985.’³⁶

If one views the model as linear and teleological, then this may be correct. However, this need not be the case: the tactical concessions phase of the model need not be successful in order for certain of its characteristics to appear. If the autocrat does not miscalculate, they will be able to prevent the causal mechanisms theorized to lead to a strengthened domestic civil society and a transition to phase 4.³⁷ This could, in theory, happen repeatedly, with more than one ‘block’ or ‘reversal’ of the spiral. This article argues that Uganda did enter phase 3 of the model in 1974, but that Amin was able to prevent his concession from leading to further change, thus stalling or reversing the spiral back to phase 2.

The next section pursues this line of argumentation by charting the background, creation, and practice of the Commission. After presenting background on Amin’s first few years in power, different forms of human rights pressure on the Ugandan government will be examined to determine if they fit the expected theories on truth commission creation and/or tactical concessions. As will be shown, the sources of influence were primarily international, suggesting a tactical concession in bad faith as opposed to a negotiated agreement or good-faith justice process. Next, the Commission’s creation, mandate, process and practice will explore the potential causal mechanisms for human rights change, and how that potential change was progressively blocked over the course of the Commission’s work.

Background

The Amin years (1971-1979) were witness to some of the greatest human rights abuses in Ugandan history: by the time he was removed from power in 1979 by invading forces from Tanzania, it is estimated that nearly 300,000 people had been killed.³⁸ Eliminations began almost

immediately after the coup, with members of the military who belonged to ethnic groups that Amin believed did not support him (mostly Acholi and Langi) being systematically killed in January and February, and in a second wave in June and July, of 1971. This amounted to most of the old officer corps and over half the rank and file, eliminated by roving 'extermination squads' from the State Research Bureau and the Public Safety Units. Because the violence was contained mostly to military bases and could be passed off as resistance to the new political leadership, news of these killings did not extend much beyond Uganda and did not arouse international concern at the time.³⁹

Amin appeared to be relatively popular within Uganda for the first year or two of his regime (Uganda Plagued by Shortages of Many Basic Commodities, 1975). However, given the repressive nature of his regime, this did not last long. Public disagreement tended to end in disappearance, death, exile, or other human rights violation. Such was the scale of repression inside Uganda that domestic calls for reform or investigation of abuses were nearly impossible without risking one's life. One exiled politician wrote at the time, 'Amin's killings (both in method and extent) generate a degree of fear that is impossible to overstate.'⁴⁰ Even most exiles were too cowed to speak on the record, 'frightened into silence by the fear that he would wreak terrible havoc on friends and relatives remaining behind.'⁴¹

Domestic Human Rights Pressure

Some domestic concern did eventually make it into public discourses. By early 1974 the problem of disappearances had become prominent enough that it appeared in even the pro-Government media. The nation's largest newspaper, the *Voice of Uganda*, mentions disappearances inside Uganda as early as 1972.⁴² By early 1974, the Church had gotten involved: the outgoing Archbishop of Uganda, Rwanda and Burundi raised the issue with Amin and 'thanked the President for his statement recently that the police must investigate the disappearance of

people.⁴³ Disappearances were, in communications to the Ugandan public rather than international audiences, blamed on gangs or *kondos* impersonating the police and security forces, and the newspaper's editorial page welcomed a police probe into them announced in late April.⁴⁴

International Human Rights Pressure: States

Although the international community had initially been supportive of Amin's rise, that support slowly dwindled in response to Amin's erratic and violent approach to governance and his propensity for insulting those nations which refused to help him. Although concern was expressed about different types of human rights violations in Uganda,⁴⁵ the focus tended to be on bilateral relationships and the wellbeing of foreign nationals. For example, one specific incident which led to outside pressure on Amin was the killing of two Americans who were investigating one of these military massacres (referred to as the Stroh/Siedle affair). After several months of pressure from the American government and two investigations, Amin offered to pay compensation to the Americans' next of kin in order to 'remove an irritant' from US-Ugandan relations.⁴⁶

The United States government cut off aid after the affair and closed its embassy in 1973; Britain was alienated by Amin's expulsion of Uganda's Asian population, many of whom had British citizenship; Israel and Britain both refused to provide Amin with military equipment; and so forth.⁴⁷ Uganda's traditional allies were deserting it.

International Human Rights Pressure: Transnational Networks

Without serious domestic pressure for human rights investigations or reforms due to the prevailing attitude of fear within the country, and with major foreign governments embroiled in their own battles with the Amin government, most of the human rights criticism of the regime's treatment of its own citizens came from transnational actors: human rights NGOs, foreign

(particularly British) journalists, and an increasing number of Ugandans who fled the regime and then spoke out.

In response to accusations from foreign journalists and other sources, the government released the results of an ad-hoc and secret ‘investigation’ into the disappearances of 85 prominent persons in January 1973 which attempted to place blame for rights abuses on sources other than the Ugandan government, specifically ‘agents of [former president] Obote and other Imperialists and Zionists’.⁴⁸ This sidestepping of blame (foreign agents or domestic gangs) represents not so much a classic denial of international human rights norms, as suggested in Stage 2 of the Spiral Model (‘Denial,’), as an attempt to reduce scrutiny on the Ugandan government. The denial in this case is not of the norms, but of the blame for the supposedly proscribed practice.

Those that did manage to flee the country instead of being killed spoke with authority on the situation inside Uganda, and could often speak directly to the involvement of Amin himself in the violence. Perhaps the most high-profile of these exiles was Wanaume Kibedi, former Minister of Foreign Affairs and, perhaps more importantly, Idi Amin’s brother-in-law. Western diplomatic analysis pegged him as, at one point, the second-most powerful person in the country. After leaving the country in 1973 Kibedi worked with the International Commission of Jurists (ICJ) to authenticate and supplement a report on human rights abuses in Uganda submitted to the United Nations Commission on Human Rights in May 1974. The report suggested that the first three years of the Amin regime had resulted in anywhere from 25,000 to 250,000 arbitrary executions.⁴⁹

Reports of killings had already made it into Western media,⁵⁰ but the Ugandan government tended to dismiss them as biased or propaganda.⁵¹ However, this report could not be easily dismissed for three reasons: first, it was submitted to the United Nations, an inter-governmental body of which Uganda was a member and active participant with reputational concerns. Second,

much of the information was substantiated by someone with impeccable credentials: if Wanaume Kibedi, both a former government minister who had in the Ugandan public's view left on good terms (a health issue, with Amin's blessing) and was a close relative of Amin himself, attested to the truth of the report, he could not be dismissed as an Obote supporter or opponent of the regime.

Third and finally, the ICJ was a respected non-governmental organization whose own reports on the rule of law in other countries, such as South Africa, had been covered favorably by the Ugandan press. It was able to speak with reputational authority both inside and outside the country it was criticizing. This allowed both international and domestic human rights actors to call upon the information it presented when pushing for change.

This effort can be neatly fitted into the model of a 'boomerang effect' whereby, if actors calling for change are stifled domestically, going to international bodies and working with prominent NGOs in other countries may result in indirect pressure on the home country via sympathetic states or international organizations.⁵² Kibedi's actions seem like a perfect example of such a boomerang: a domestic actor prevented from making positive change at home, Kibedi went abroad to a respected international NGO (the ICJ) with his information. That NGO used the setting of an international organization (the UN Commission on Human Rights) to bring external pressure, in the form of legitimacy and reputational concerns, back onto Uganda. As such, it also fits the Spiral Model's description of what happens between stage 2 (denial) and stage 3 (tactical concession): continued pressure and extension of the transnational network.⁵³

Creation of the Commission

In response to the ICJ report, Amin ordered the creation of a Commission of Inquiry immediately.⁵⁴ This action is what moves Uganda into stage 3 of the spiral model: a tactical concession, or a small opening or policy change, 'in order to get the international human rights

community ‘off their backs’.⁵⁵ However, the Commission was structured the way it was almost by accident: ‘This Commission had been set up as a whitewash operation on Amin’s orders, but Amin had not bothered to check the brief that defines their powers’.⁵⁶ He also had no legal training to help him interpret the potential effects of any changes to the standard CoI model, which had been used previously in the Stroh/Siedle affair. In fact, this Commission of Inquiry differed from its predecessors in subtle but potentially important ways.

The structure of the 1974 Ugandan Commission of Inquiry, although it mimics a traditional Commission of Inquiry (CoI) for non-human-rights-related questions, departs from existing precedent in two key ways. First, it directly addresses a human rights issue in its mandate, and second, its scope of inquiry is broad in both time and potential cases. This makes it, structurally, the first truth commission.⁵⁷ Its mandate is also quite institutionally strong: it was given numerous operational goals and empowered to pursue them by law. An examination of the Commission’s Charter suggests a number of ways in which a truth commission could, in theory, help to empower domestic human rights actors, provide new information to transnational actors, and push the country towards sustained changes in the acceptance of human rights norms.

The 1974 Ugandan Commission’s provisions require it

- a) to inquire into and establish the identity of the persons who are alleged missing;
- b) to establish whether such persons are dead or alive;
- e) whether there are any individuals or organizations of persons whether within or outside Uganda who are criminally responsible for the disappearances or deaths of the missing persons and what should be done to the persons criminally responsible for such disappearances or deaths;
- f) what should be done to the affairs and families of the missing persons bearing in mind the provisions of decree No. 20 of 1973;

g) what should the Government do to put an end to the criminal disappearances of people in Uganda.⁵⁸

In other words, the Commission is charged with identifying victims and their fates, determining criminal responsibility if it exists, recommending reparative measures if appropriate, and suggesting policy changes to avoid such events in the future. These are standard mandates of a truth commission. Paragraphs (e) through (g) are particularly important as regards future effects: they create avenues for further action to remove human-rights-violating individuals from the governance structure, empower survivors as an interest group, and recommend long-term changes in government policy to prevent future violations.

It is important to note that the combination of institutional strength and broad human rights mandate is the enabling factor for moving the needle forward on either justice or human rights via a truth commission. Without a mandate explicitly for the investigation of disappearances over a broad period of time and set of circumstances, individual events could be explained away without reference to the larger patterns or systems of injustice which TCs are meant to identify. Additionally, without the institutional and legal capacity to gather information, identify victims and participants, and recommend prosecutions or policy changes, the Commission would not be able to contribute to processes of change.

In terms of personnel and process, an expatriate British judge of Pakistani origin, Mohamed Saied, was contracted to head the Commission, which also included two Police superintendents and an Army captain. Hearings were to be conducted mostly in public, but testimony could be collected *in camera* or by affidavit if necessary.⁵⁹

Initial Reception in Uganda

At least in the beginning, the Commission's practice was fairly open. The Commission's founding and work had initially been highly and positively publicized by the nation's largest newspaper, including requests for citizens and public servants to provide evidence.⁶⁰

'[The president] has the fullest confidence in the commission and asks everyone who feels that he has a contribution to make to this inquiry to come out without fear or favour to give evidence to the commission...[he] has directed all persons of authority in whatever form who may be asked by the commission for assistance to give the commission their utmost co-operation...'.⁶¹

Indeed, an editorial appearing the day after the Commission's announcement echoes many of the theorized ways in which both tactical concessions and truth commissions are supposed to work:

What is perhaps most vital and enlightening about it is that this is a commission of inquiry which is open to the whole public...What is thus expected is a stream of people in an endless traffic proceeding to the chairman of the commission of inquiry to aid if not the discovery, at least the truth about what happened...more consoling is the unshelling of the cause of the act which has a dual effect. One is that of exposing the wrongdoers and the other is the appeasement it will, in the end, have on the general public. With such a delicate commission of inquiry therefore, it becomes vital to give it a special set up that will ensure both the collection of honest evidence as well as guarantee its unfettered autonomy over the matter under investigation.⁶²

The editorial makes particular note of the expectation of citizen involvement in the commission, as sources of information and evidence about disappearances. The role of testimony and evidence in spurring changes in domestic political discourses is a theorized causal mechanism of a truth commission. The public, often performative nature of truth commission testimony also serves to keep human rights issues front and center in the news cycle and in national politics.⁶³

Citizen involvement and the revelation of truth are also potential causal mechanisms in the spiral model. The ‘revelation of wrongdoers’ and the eventual ‘appeasement’ of the public are linked in both the op-ed and in theory: knowledge of who is responsible (and how) must be followed by meaningful action in order for the commission to fulfil its mandate. The information submitted could help to mobilize domestic groups and make human rights discourses center stage in national politics. In particular, the very public calls to provide evidence and cooperate in investigations, and the press reporting on the Commission’s initial stages, could have created societal expectations; i.e. that participants would not be sanctioned for speaking up. This would have changed the risk/reward calculus for those domestic political groups opposed to Amin’s repression but previously too scared to mobilize inside the country. Even absent a transition, the platform provided and evidence made public by a well-functioning truth commission had the potential to improve human rights, as theorized in both transitional justice and the spiral model.

That said, the editorial also calls attention to two vital properties of the commission’s practice which would be necessary for it to succeed in either of its two missions: honest submission of evidence and institutional autonomy. These are additional levers by which a tactical concession may trigger change, or not: the control of information at multiple stages of the inquiry.

Commission practice: subverting advances

As the Commission proceeded, its initial openness and positive media reception grew rarer. Grodsky suggests that ‘Amin held the leash loose only so long a relatively benign process unfolded.’⁶⁴ Rather than an attitude of non-interference, Amin changed his approach to the Commission shortly after it began taking testimony and began to subvert its work. This included influencing the news media. After a long account of a witness statement to the Commission accusing Wanaume Kibedi of trying to have the former Chief Justice murdered and another distancing him politically from Amin and the national, the paper ceased to report directly on the hearings except for one last notice in November.⁶⁵ The paper had never printed witness statements before, had not disparaged Mr. Kibedi when the initial ICJ report came out, and had previously been supportive of investigations on its editorial page. Given a recent change in the paper’s editorial board and the use of the media by the Amin regime to speak directly to the public,⁶⁶ this strongly suggests that the paper was following Amin’s wishes to change its coverage of the commission.

The Commission also had trouble gathering evidence from the authorities: Carver notes that despite repeated requests, only 90 files regarding previous police investigations into disappearances were handed over, and the military handed over no information from its intelligence unit and only one Daily Occurrence Book from the military police.⁶⁷ It is likely that those who had evidence of Amin’s direct involvement in some of the cases feared for their jobs and their lives if they testified, and therefore lied or remained silent.⁶⁸

Lastly, the Commissioners were subject to direct pressure from Amin himself. A 1977 ICJ report recounts a meeting in early 1975 with members of the commission and other officials:

He told commission members that if there was too much work they could quit, and they told him that they had no evidence to link him to any disappearances; whereupon he told them to get on with their work. President Amin then urged the commission to rush their hearings to an end because he was concerned about accusations against him at the United Nations. A senior presidential advisor told [the source] that they were concerned that as more damaging evidence was revealed, more people would be encouraged to come forward and testify.⁶⁹

This account directly supports the argument that Amin became aware of the Commission's potential to create undesired change (and thus worked to thwart it).

Results

The Commission held public hearings, took testimony from 529 witnesses and collected other evidence for nearly a year, and presented a report of more than 800 pages to Amin detailing the disappearances of 308 specific persons.⁷⁰ The report itself did have some notable findings. Of the evidence which does in large part match the ICJ report, the Commission concluded that there was a great deal of violence towards soldiers and police, mostly Acholi and Langi at specific barracks, through July 1972 and with sporadic incidents thereafter.⁷¹

The Commission also disagreed with the government's assertion that deaths beginning in September 1972 were a result of the failed invasion from Tanzania by Obote supporters, writing, 'There is no evidence at all to suggest that any of [the deaths] was either directly or indirectly connected with the Invasion in any manner whatsoever'.⁷² Although it had no powers of indictment or criminal prosecution, it suggested to the Director of Public Prosecutions that 26 specific cases, and 23 separate accused persons, had enough evidence available for a trial.⁷³ In addition, the report heavily criticized the Public Safety Unit, a special arm of the Police. It recommended major

administrative reorganizations of the military and police, new regulations on arrest, detention and prosecution, and even that army and police officers should receive training in human rights.⁷⁴ These assertions and recommendations attest to a surprising level of independence for the Commission, given the level of control Amin exercised within Uganda and his expectation that the Commission would whitewash any findings and absolve him of any responsibility. They are also impressive given the lack of cooperation the Commission received from the organs of government it was investigating. However, that is where the good news ends.

The Commission's most obvious failing was that it did not name Amin himself as responsible for the killings. There was 'no evidence where there was even the remotest suggestion that Your Excellency had directed the disappearance of any person or the annihilation of any ethnic group of persons.'⁷⁵ Instead it blamed soldiers acting as 'pinchbeck dictators' and misusing a 1971 Decree giving the military powers of warrantless arrest, search and seizure over ordinary persons. It argued that the Decree itself was not problematic (although most human rights organizations would disagree), but noted that 'soldiers, who were required to enforce the provisions of these Decrees, were themselves the worst offenders in not complying with their part of the responsibilities and obligations.'⁷⁶

Beyond the evidence-tampering and outright lying by military witnesses, and the generalized fear of retaliation that dampened all testimony, it is likely that much of the violence was not personally directed by Amin but rather a consequence of his leadership style. There was very little control of the country beyond the capital: the military were 'unruly, intermittently in open rebellion over the nonpayment of their salaries...these formations controlled life and property in their territorial segments and were the ultimate fount of all activity and authority.'⁷⁷ Once Amin

placed his own loyal troops in a region, they were probably responsible for directing much of the local violence without his direct input.

In addition, while 308 identified deaths and disappearances is a good number for a commission working under the conditions this one did, it is only a tiny fraction of the total. The 1971 Arrest Decree is by itself estimated to have contributed to over 10,000 deaths.⁷⁸

Former Minister of Justice Wanaume Kibedi stated the main problem with the Commission succinctly, even before it finished its work: ‘Since [Amin] is the main culprit, the position of the commission...is clearly an impossible one.’⁷⁹ The Commission’s access to information, independence in analyzing it and ability to disseminate its findings were irreparably compromised by Amin’s direct meddling and the generally repressive environment, effectively negating much of its potential impact as a driver of human rights change in Uganda. In an environment of fear and distrust of any government institution, and of non-cooperation by military and police witnesses, it would have been next to impossible for the 1974 Commission to have properly documented the true horrors experienced in Uganda up to that point. Whatever the legal framework of the Commission, and no matter how well-intentioned the Commissioners themselves were, the Commission Report remains an incomplete and highly flawed document.

Domestic Effects: Suppression and Continued Control

Amin and his allies within the armed services controlled much of the official evidence that was presented, making it highly unlikely that any information could come to light which would be damaging enough to his reputation to spur further sanction from the international community or to mobilise domestic audiences to demand institutional reform. Additionally, inside Uganda, the Commission’s report was delivered to the public via state-owned radio in heavily redacted form and spun to show the military regime in a positive light.⁸⁰ These measures, both during and after

the Commission's operation, perfectly fit Grodsky's theory of information control, or Loyle and Davenport's goal of "promoting denial and forgetting."⁸¹ The Report fell into obscurity soon after it was released; the ICJ believed in 1977 that only 16 copies survived.⁸²

So what were the Commission's effects on the practice of human rights in Uganda? First, this particular tactical concession did apparently lead to a temporary opening of the human rights space in the face of increased scrutiny. Average citizens were able to submit testimony to a nominally independent government body, there was a decrease in disappearances during the Commission's tenure, and 18 Army officers were eventually put on trial for some of the better-known offenses listed in the report.⁸³ However, that space closed again once attention waned. The officers were acquitted,⁸⁴ no reparations were paid to victims, and no reforms were implemented. The Commissioners were themselves sidelined, driven out of the country, and even apparently framed for murder.⁸⁵ Except for the Commissioner from the Army's State Research Bureau (who had likely prevented the Commission from getting military records which would have implicated them in the violence), who was later promoted.⁸⁶

The Commission's refusal to hold Amin accountable for even a single death, contradicting what many experienced in their daily existence inside Uganda, undermined the report's findings from the beginning and made them easier to dismiss as unimportant. Amin stayed in power for another four years, continuing to commit massive human rights abuses, before eventually being driven out of the country by an invasion force headed by ousted former president Milton Obote. Indeed, the Commission's impact on Ugandan domestic policy is so negligible that it was actually forgotten, or at least strategically ignored, by later governments. In 1986 when the new government established a Human Rights Commission, one of its commissioners boasted that it was the 'second such Commission in the world, after Argentina.'⁸⁷

International effects: appeasement and delay

Internationally, the impact was also negligible. The report and letter from Kibede were received by the Working Group on Communications of the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities in May 1974, to be deliberated upon by the wider UN Commission in 1975. The Ugandan Ambassador submitted to the Commission that the country was cooperating with the UN on an investigation of the ‘criminal disappearance of persons,’ specifically citing the 308 deaths accounted for by the Ugandan commission to refute accusations of greater violence.⁸⁸ The UN Commission ‘decided to postpone the matter for a year.’⁸⁹ Amin declared that he had been exonerated of baseless allegations ‘inspired by an imperialist conspiracy’.⁹⁰

In August 1976 the Sub-Commission recommended a full investigation of Uganda.⁹¹ However, at the 1976 meeting of the Human Rights Commission, discussion of two proposed resolutions on Uganda was successfully moved from open to closed sessions, and it is believed Uganda also submitted a copy of the Commission of Inquiry report. Ultimately, no resolutions were adopted.⁹² Although the deliberations leading to the decision not to take action are not available, it is likely that that decision was based at least partially on the fact that Uganda had already undertaken an internal review of its practices, however insincerely. Amin also used the report at the OAU to counter accusations of atrocities from Tanzania.⁹³ Additionally, Idi Amin was at the time serving Uganda’s rotation as the Chair of the Organisation of African Unity; perhaps the UN Commissioners did not wish to upset the delicate balancing act that his chairmanship meant for international organisational relations. Lastly, later in 1976 Uganda was elected a member of the Commission itself.⁹⁴ In 1977, for the first time, the Africa regional group in the General Assembly agreed to ask the UN Commission on Human Rights for a full

investigation of Uganda.⁹⁵ In 1978 the Commission took a vote on Uganda in closed session, but neither the vote nor the recommendations were published.⁹⁶ Amin was overthrown before any further action was taken.

The production of a Commission of Inquiry report (no matter its contents), combined with the option of closed sessions and general reticence to act by other states, seems to have been sufficient in temporarily quelling international outcry on human rights abuses in Uganda. Although we do not know exactly how different states voted in closed session, it is a strong possibility that Cronin-Furman's theory on playing to "swing states" holds true here.⁹⁷ The information presented by the 1974 Ugandan Commission barely made it out of the country and did not present a serious leadership challenge to Amin from the international community, and thus did not spur further advancements in human rights.

Conclusion: the 'success' of the Commission and its implications for the spiral model

Because Amin's truth commission has traditionally been included in studies of transitional justice but is also an example of a tactical concession, the evaluative criteria of both theoretical lenses can be applied here. In the truth commissions literature, one form of evaluation is based on an assessment of whether a commission has helped to achieve the long-term goals of its creators or proponents.⁹⁸ In the spiral model of human rights change, achieving long-term human rights goals is also an indicator of success, but a more intermediate measure is whether or not the tactical concession creates additional capacity and motivation for that country's domestic human rights actors, and helps to sustain international pressure for change.⁹⁹

From both perspectives, evaluations of the Ugandan commission's final record are dismal. For those concerned about human rights in Uganda, the commission was a near-complete failure. While its outcome was less than flattering to Ugandan state institutions, Amin himself was not

personally named culpable was not forced to make legal or institutional changes. He (and Uganda) also did not suffer international sanction: he was even allowed to take his turn as rotational Chair of the Organisation of African Unity, and Uganda was soon after elected (via rotation) to a seat on the UN Commission on Human Rights. Although he had to put more effort into it than originally planned, the 1974 Commission of Inquiry allowed for the maintenance of the status quo, and even provided a degree of legitimacy in the face of international criticism.

There was no lasting positive change in Uganda's human rights record during the remainder of Amin's rule. There was little to no domestic human rights constituency to begin with, and the crushing political environment (including regarding the Commission) effectively prevented one from arising regardless of the report's contents. Additionally, the Commission and its report failed to generate sustained external pressure: The United Nations failed to take further action based not so much on the contents of the report as the fact that an investigation had happened at all. This does not mean that external human rights pressure on Uganda did not exist; it did, and voices condemning Uganda's human rights grew more numerous as the decade progressed. However, that criticism did not, by and large, make reference to the Commission report as a source of evidence. Bilateral relations with remaining partners were not much impacted, either: they continued to deteriorate along the same trajectory as before, and without reference to the Commission report.

Based on this particular case, two addenda on tactical concessions deserve mention here. First, sustaining change after a tactical concession requires a certain amount of freedom of information. Although Simmons points out that we should not expect concessions to spur change in stable authoritarian states, she states that the cause is the repression of activists themselves, not the information they present: the risk/reward calculus is too high.¹⁰⁰ In contrast, the experience of

Uganda highlights the role of the control of information and its dissemination in the ability of human rights activists to both organise and to garner domestic support for sustained change. While this is a known argument regarding truth commission impact,¹⁰¹ and the role of information is already a large part of the human rights literature,¹⁰² it deserves further attention specifically to do with Phase 3. If sustained domestic civil society pressure, or even a regime change, is necessary to move the spiral forward, then the public must have access to the information necessary to expose government wrongdoing and change local sentiment. Therefore, the type of tactical concession most likely to lead to advancements may be one which enables information to move more freely within domestic circles. Domestic and international actors pressuring those states for change should lobby specifically for changes to the domestic information environment, both formal (news media; freedom of access and dissemination) and informal (social media; ending censorship and blackouts).

Second, the extent to which rules and norms of participation in international organizations can impede human rights progress, rather than support it, cannot be overstated. While PoHR focuses on the role of transnational networks in creating and sustaining change, Murdie and Davis find that creating human rights change by NGO naming and shaming also requires pressure from third parties, such as international organizations.¹⁰³ Many of the institutions which can be used to provide information, sanction, or shame have state-based membership and governance structures. Target states must not be able to use norms of ‘good statehood’ to sidestep, squash, silence, or simply ignore human rights concerns. The election-by-rotation practice of African states in the Chairmanship of the OAU and membership on the UN Commission of Human Rights, as well as the UN Commission’s in-camera sessions wherein Uganda was able to present the report without it becoming public record and have a formal investigation delayed by several years, aided the Amin

government's attempts to control the consequences of the information contained in the Commission's report.¹⁰⁴

The ability of the United Nations human rights mechanisms, in particular, to play an effective naming-and-shaming role is both contested and variable. Membership on the Council/Commission is determined by a vote of the states, rather than strictly on a human rights record. This leaves open the possibility of politicization and polarization, claims of selectivity and bias, and the hypocrisy of major human rights violators sitting on the Council itself, essentially protecting wrongdoers and degrading the body's reputation. The Commission's ability to create change was undermined by these problems, with Uganda's case (detailed above) not exceptional in the least. Although the Human Rights Council was redesigned to attempt to ameliorate some of these problems while amplifying working processes and introducing the Universal Periodic Review, its experience so far suggests that some of these issues have survived.¹⁰⁵ If the international mechanisms for amplifying information, naming and shaming, and mobilizing other parties are less effective than they could be, the ability of repressive states to game the system, halt the spiral, and avoid further human rights change remains.

Funding Details: None.

Disclosure Statement: There are no conflicts of interests related to this publication.

¹ Ruti Teitel, "Human Rights in Transition: Transitional Justice Genealogy." *Harvard Human Rights Journal* vol. 16 no. 69 (2003), pp. 69-94.

² Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge University Press, 1999).

³ A majority of quantitative studies of truth commissions identify this as the earliest qualifying case. See Eric Brahm, "What is a Truth Commission and Why Does it Matter?", *Peace & Conflict Review* vol. 7 no. 1 (2009), pp. 1-14. Additionally, the title (Commission of Inquiry) may be confusing. Truth Commissions and Commissions of Inquiry (ColIs) have several similar attributes, and there is some debate over whether specific ColIs qualify as TCs or not. However, two differences are generally accepted as important: First, that ColIs are not required to explicitly address human rights violations in their mandate. ColIs are part of the British-inherited legal systems of many states, and may be used for diverse purposes, while a truth commission is explicitly created to deal with human rights violations. Second, and somewhat trickier, Truth Commissions are intended to investigate large-scale violations. While specific instances of human rights violations (such as security forces shooting protesters at a single pro-democracy rally in Nepal) may be investigated by a Col or a TC, for a TC it would be done as part of a broader pattern of violations, affecting a larger group, over a longer period of time. On ColIs specifically, see Hun Joon Kim, "Are UN Investigations into Human Rights Violations a Viable Solution? An Assessment of UN Commissions of Inquiry," *Journal of Human Rights Practice* vol. 11 (2019), pp. 96-105; Raanan Sulitzeanu-Kenan, "Reflection in the Shadow of Blame: When Do Politicians Appoint Commissions of Inquiry?", *British Journal of Political Science* vol. 40 (2010), pp. 613-634.

⁴ More than 40 years after the Commission took place, and in a country which is still only partially democratic, interviews of participants and Amin's government officials could not be conducted. Indeed, even contemporaneous accounts from those who fled the regime are few and far-between; those who left still feared for their relatives back in Uganda at the time. This undoubtedly presents an incomplete picture of Amin's thought processes, and at times falls into speculation, but there's really no way to gain additional insight.

⁵ This does not negate the fact that justice-oriented pursuits are also political. However, the key difference here lies in the theorized purpose of the institution itself: to provide at least some form of justice for some actors (transitional justice), or to stave off further criticism (tactical concession). Although TJ efforts are often analysed with respect to the politics which produce TCs, the underlying goal of the analysis is usually to explore how those politics impact the attainment of justice.

⁶ Eric Brahm, 'Uncovering the Truth: Examining Truth Commission Success and Impact.' *International Studies Perspectives* 8:1 (2007), pp. 16-35; Onur Bakiner, 'Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society.' *International Journal of Transitional Justice* 8 no. 1 (2014); Geoff Dancy, 'Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice.' *The International Journal of Transitional Justice* 4 no. 3 (2010), 355-76; Luke Wilcox, 'Reshaping Civil Society through a Truth Commission: Human Rights in Morocco's Process of Political Reform.' *The International Journal of Transitional Justice* 3:1 (2009), 49-68; Michal Ben-Josef Hirsch, Megan MacKenzie and Lohamed Sesay, 'Measuring the impacts of truth and reconciliation commissions: Placing the global 'success' of TRCs in local perspective,' *Cooperation and Conflict* vol. 47 no. 3 (2012), pp. 386-403; Laura Taylor and Alexander Dukalskis, 'Old truths and new politics: Does truth commission 'publicness' impact democratization?' *Journal of Peace Research* vol. 49 (2012), pp. 671-684

⁷ Eric Wiebelhaus-Brahm and Elin Skaar, 'The Drivers of Transitional Justice: - An Analytical Framework for Assessing the Role of Actors.' *Nordic Journal of Human Rights* 31 no. 2 (2013), 127-48.

⁸ See for example Andrew H. Beattie, 'An Evolutionary Process: Contributions of the Bundestag Inquiries into East Germany to an Understanding of the Role of Truth Commissions,' *The International Journal of Transitional Justice* vo. 3 (2009), pp. 229-249; Rosalind Shaw, 'Memory Frictions: Localizing the Truth and Reconciliation Commission in Sierra Leone,' *The International Journal of Transitional Justice* vol. 1 (2007), pp. 183-207; Hun Joon Kim, 'Local, National and International Determinants of Truth Commissions: The South Korean Experience,' *Human Rights Quarterly* vol. 34 no. 3 (2012), pp. 726-750.

⁹ See note 13.

-
- ¹⁰ 287. Brian Grodsky, 'Justice without Transition: Truth Commissions in the Context of Repressive Rule.' *Human Rights Review* 9 no. 3 (2008), 281–97; Grodsky, 'Justice without Transition.'
- ¹¹ Thomas Risse and Kathryn Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction.' In *The Power of Human Rights - International Norms and Domestic Change* (Cambridge University Press, 1999), 1–38 (5).
- ¹² Risse, Ropp and Sikkink, *The Power of Human Rights*.
- ¹³ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press, 1998).
- ¹⁴ Risse, Ropp and Sikkink, *The Power of Human Rights*, 245.
- ¹⁵ Risse and Sikkink, 'Socialization', 11-12.
- ¹⁶ *Ibid.*, p. 25.
- ¹⁷ Risse, Ropp and Sikkink, *The Power of Human Rights*, 246.
- ¹⁸ Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (eds.), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge University Press 2013), pp. 8-12.
- ¹⁹ Beth Simmons, 'From Ratification to Compliance: Quantitative Evidence on the Spiral Model.' In *The Persistent Power of Human Rights: From Commitment to Compliance*, ed. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (Cambridge University Press, 2013), pp. 43-60 (53).
- ²⁰ See for example Emilie M. Hafner-Burton and Kiyoteru Tsutsui, 'Human Rights in a Globalizing World: The Paradox of Empty Promises.' *American Journal of Sociology* 110 no. 5 (2005), 1373–1411; Oone Hathaway, 'Do Human Rights Treaties Make a Difference?' *Yale Law Journal* 111 no. 8 (2002), 1935–2042; Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press 2009); Kirssa Cline Ryckman, 'Ratification as Accommodation? Domestic Dissent and Human Rights Treaties.' *Journal of Peace Research* 53 no. 4 (2016), 582–96.
- ²¹ Simmons, 'From Ratification to Compliance', 53
- ²² Steven D. Roper and Lilian A. Barria, 'Why Do States Commission the Truth? Political Considerations in the Establishment of African Truth and Reconciliation Commissions.' *Human Rights Review* (2009); Brian Grodsky, 'International Prosecutions and Domestic Politics: The Use of Truth Commissions As Compromise Justice in Serbia and Croatia.' *International Studies Review* 11 no. 4 (2009), 687–706; Grodsky, 'Justice Without Transition,; Wiebelhaus-Brahm and Skaar, 'The Drivers of Transitional Justice.'
- ²³ Risse and Sikkink, 'Socialization', 25.
- ²⁴ United Nations, 'Rule-of-Law Tools for Post-Conflict States: Truth Commissions.' New York and Geneva, 2006. <http://www.ohchr.org/Documents/Publications/RuleoflawTruthCommissionsen.pdf>.
- ²⁵ Cyanne E. Loyle and Christian Davenport, 'Transitional Injustice: Subverting Justice in Transition and Postconflict Societies.' *Journal of Human Rights* 15 (2016), 126–49 (131).
- ²⁶ Grodsky, 'Justice without Transition,' 287.
- ²⁷ Kate Cronin-Furman, 'Human Rights Half Measures: Avoiding Accountability in Postwar Sri Lanka.' *World Politics* 72, no. 1 (2020), 121-163.
- ²⁸ Priscilla Hayner, 'Fifteen Truth Commissions—2974 to 1994: A Comparative Study.' *Human Rights Quarterly* 16 no.4 (1994), 597-655; Richard Carver, 'Called to Account: How African Governments Investigate Human Rights Violations.' *African Affairs* 89 (1990), 391–415.
- ²⁹ John Gerring and Lee Cojocar, 'Selecting Cases for Intensive Analysis: A Diversity of Goals and Methods.' *Sociological Methods and Research* vol. 45 no. 3 (2016), pp. 392-423.
- ³⁰ Grodsky, 'Justice without Transition'; Loyle and Davenport, 'Transitional Injustice'; 126–49. Jelena Subotic, 'The Paradox of International Justice Compliance.' *The International Journal of Transitional Justice* 3 (2009), 362–83; Cronin-Furman, 'Human Rights Half Measures'
- ³¹ Onur Bakiner, 'Truth Commission Impact'; Geoff Dancy, 'Impact Assessment, Not Evaluation'.
- ³² On "bad" norm diffusion see for example Thomas Ambrosio, 'Constructing a Framework of Authoritarian Diffusion: Concepts, Dynamics and Future Research.' *International Studies Perspectives* vol. 11 no. 4 (2010), 375-392; Regina Heller and Martin Kahl, 'Tracing and understanding "bad" norm dynamics in counterterrorism: the current debates in IR research.' *Critical Studies on Terrorism*, vo. 6 no. 3 (2013), 414-428; Clifford Bob, *The Global Right Wing and the Clash of World Politics* (Cambridge UP, 2009).

-
- ³³ Jason Seawright and John Gerring, 'Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options.' *Political Research Quarterly* vol. 61 no. 2 (2008).
- ³⁴ Risse, Ropp and Sikkink, *The Persistent Power of Human Rights*, pp. 20-21.
- ³⁵ Alexander George and Andrew Bennett, *Case studies and theory development in the social sciences* (Boston: MIT Press, 2004) p. 19.
- ³⁶ Hans Peter Schmitz, 'Transnational Activism and Political Change in Kenya and Uganda.' In *The Power of Human Rights: International Norms and Domestic Change* Cambridge University Press, 1999), 39-77 (45).
- ³⁷ Risse and Sikkink, 'Socialization', 28. Indeed, PoHR suggests that the leader's underestimation of the impact of a tactical concession is crucial to its success.
- ³⁸ Michael T. Kaufman, 'Idi Amin, Murderous and Erratic Ruler of Uganda in the 70's, Dies in Exile,' *The New York Times*, August 17, 2003.
- ³⁹ Samuel Decalo, *Psychoses of Power: African Personal Dictatorships* (Boulder, CO: Westview Press, 1989), 99-100.
- ⁴⁰ David Gwyn, *Idi Amin: Death-Light of Africa* (Boston, MA: Little, Brown and Company 1977).
- ⁴¹ Henry Kyemba, *A State of Blood* (Paddington Press, Ltd., 1977). FIND PAGE.
- ⁴² *Uganda Argus*, 'Students Concerned over Reported Disappearances,' February 3, 1972. Name changed after an editorial board change in 1973. The new board was much more circumspect in its reporting on Amin and on government affairs.
- ⁴³ *Voice of Uganda*, 'Erica Sabiti Welcomes Police Prob,' April 30, 1974.
- ⁴⁴ *Voice of Uganda*, 'Uganda Police Force Swiftly Moves In,' May 15, 1974.
- ⁴⁵ Associated Press, 'Uganda Executions of Rebels Reported.' *The New York Times*, March 26, 1974.
- ⁴⁶ Associated Press, 'Uganda Offers to Pay Kin of Two Slain Americans.' *The New York Times*, August 16, 1972. The internal army investigation 'absolved [it] of any involvement' (*Uganda Star*, 'Amin Accuses Judge,' April 15, 1972), while the Commission of Inquiry report so clearly stated the involvement of the Amin-favored Simba Battalion that the report's author secretly fled the country in fear for his life, mailing the report from exile. Reuters, 'U.S. Killings Laid to Ugandan Troops.' *The New York Times*, July 25, 1972; Government of Uganda, 'Commission of Inquiry into Missing Americans Messrs. Stroh and Siedle held at the Conference Room, Parliament House, Uganda', 1972.
- ⁴⁷ Britain tried to raise this issue at the United Nations in 1972, but it got little traction and never made it on to the full Commission on Human Rights agenda. Associated Press, 'Uganda Executions of Rebels Reported,' *The New York Times*, March 26, 1974; Decalo. *Psychoses of Power*, 107-109.
- ⁴⁸ International Commission of Jurists. 'Violations of Human Rights and the Rule of Law in Uganda, May 1974.' In *Uganda & Human Rights: Reports of the International Commission of Jurists to the United Nations*, (International Commission of Jurists, 1977), 2-63 (51-52).
- ⁴⁹ United Press International, 'Uganda's Foreign Minister Resigns on Amin's Advice.' *The New York Times*, April 30, 1973. Kibedi said that he was in fear of arrest (International Commission of Jurists, 'Violations of Human Rights'); the Ugandan government officially stated that his resignation from government was due to health reasons, and that Amin himself suggested it (United Press International, 'Foreign Minister Resigns').
- ⁵⁰ See for example David Martin, *General Amin*. (London: Faber and Faber, 1974); Associated Press, 'Uganda Executions of Rebels.'
- ⁵¹ *Voice of Uganda*, 'Gen. Amin Gives BBC One More Chance,' June 8, 1974; *Voice of Uganda*, 'Amin Dismisses Malicious Propaganda,' June 10, 1974.
- ⁵² Keck and Sikkink, *Activists Beyond Borders*.
- ⁵³ Risse and Sikkink, 'Socialization', 22-24.
- ⁵⁴ *Voice of Uganda*, 'Investigation into Disappearances,' May 31, 1974.
- ⁵⁵ Risse and Sikkink, 'Socialization', 6.
- ⁵⁶ Godfrey Lule, 'Foreword,' in David Gwyn, *Idi Amin: Death-Light of Africa*. (Boston, MA: Little, Brown and Company, 1977), pp. 1-8(6). See endnote 3 for a fuller discussion of the difference between TCs and Cols.
- ⁵⁷ See endnote 3 for a fuller discussion on the differences between traditional Cols and Truth Commissions.
- ⁵⁸ 'Commission of Inquiry into the Disappearance of People in Uganda since 25th January, 1971: Charter.' Government of Uganda, 1974.
- ⁵⁹ *Voice of Uganda*, 'Saeid Gets Probe Job,' June 5, 1974; *Voice of Uganda*, 'Probe Body Starts Its Work Today,' July 1, 1974; Commission of Inquiry into Disappearances in Uganda, 'Report of the Commission,' (Kampala: Government of Uganda, 1975).

-
- ⁶⁰ *Voice of Uganda*, 'Disappearance of People Will Be Probed Into,' May 30, 1974; *Voice of Uganda*, 1974i. 'Public Notice: The Commission of Inquiry,' July 10, 1974.
- ⁶¹ *Voice of Uganda*, 'Probe Body Starts Its Work Today,' July 1, 1974.
- ⁶² *Voice of Uganda*, 'Investigation into Disappearances,' May 31, 1974.
- ⁶³ Laura K. Taylor and Alexander Dukalskis, 'Old Truths and New Politics: Does Truth Commission 'publicness' Impact Democratization?' *Journal of Peace Research* (2012).
- ⁶⁴ Grodsky, 'Justice Without Transition', 286.
- ⁶⁵ *Voice of Uganda*, 'Truth about Kibede,' August 2, 1974; *Voice of Uganda*, 'Wanume Kibedi Attacked,' August 2, 1974; *Voice of Uganda*, 'Shock Story of Mr Kibede,' September 6, 1974; *Voice of Uganda*, 'Probe Duty Goes On,' November 6, 1974.
- ⁶⁶ The paper's name was changed, as well as the editorial board, in 1973. See also Derek R. Peterson and Edgar C. Taylor, 'Rethinking the state in Idi Amin's Uganda: the politics of exhortation.' *Journal of Eastern African Studies* vol. 7 no. 1 (2013), 58-82.
- ⁶⁷ Carver, 'Called to Account', 397-398.
- ⁶⁸ International Commission of Jurists, *Uganda & Human Rights: Reports of the International Commission of Jurists to the United Nations*, (International Commission of Jurists, 1977), 124
- ⁶⁹ *Ibid*, 122.
- ⁷⁰ Commission of Inquiry, 'Report of the Commission.'
- ⁷¹ *Ibid*. 704, 706.
- ⁷² *Ibid.*, 705.
- ⁷³ *Ibid.*, 786-788.
- ⁷⁴ *Ibid.*, 797-815.
- ⁷⁵ *Ibid.*, 709.
- ⁷⁶ *Ibid.*, p. 715; Government of Uganda, 'Armed Forces Power of Arrest Decree. Decree No. 13 of 1971.' It is hard to see how this decree could have been considered conducive to law and order, no matter how well-disciplined troops were.
- ⁷⁷ Decalo, *Psychoses of Power*, 19.
- ⁷⁸ International Commission of Jurists, 'Violation of Human Rights', 22.
- ⁷⁹ Africa Watch, 'African Update: Uganda. May-June 1974.'
- ⁸⁰ Amnesty International, 'Human Rights Violations in Uganda.' (Amnesty International, 1978).
- ⁸¹ Grodsky, 'Justice without Transition'; Loyle and Davenport, 'Transitional Injustice,' 131.
- ⁸² International Commission of Jurists, *Uganda & Human Rights*, x.
- ⁸³ Carver, 'Called to Account,' 400.
- ⁸⁴ It was a special military tribunal under Major Juma Ali, who had earlier been implicated in the murders of Messrs. Stroh and Siedle. Amnesty International, 'Human Rights Violations in Uganda'.
- ⁸⁵ Carver, 'Called to Account', 399-400.
- ⁸⁶ Jack Anderson, 'Idi Amin of Uganda Still Flying High.' *Washington Post*, April 27, 1978. There is a reference to a Major Haruna, the chief intelligence officer at Entebbe airport, charged with preventing people from exiting Uganda if Amin didn't want them to leave. If the same person, he was a Captain during his tenure on the Commission.
- ⁸⁷ Hayner, 'Fifteen Truth Commissions,' 613 footnote 25.
- ⁸⁸ *The New York Times*, 'Ugandan, in U.N., Rejects U.S. Charges,' October 8, 1975.
- ⁸⁹ International Commission of Jurists, *Uganda & Human Rights*, ix.
- ⁹⁰ Amnesty International, 'Human Rights Violations in Uganda'
- ⁹¹ Commission on Human Rights. Sub-Commission on Prevention of Discrimination and Protection of Minorities 'Report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on Its Twenty-Ninth Session.' (Geneva: United Nations Economic and Social Council, 1976.)
- ⁹² Commission on Human Rights, 'Report on the Thirty-Third Session.' Geneva: United Nations, 1977. UN Doc. E/CN.4/1257., 17-18.
- ⁹³ *New York Times*, 'Amin New Head of African Organization,' July 29, 1975. Amin also stated that he would submit the report to the OAU, although no investigation was underway. In his inaugural speech as chair, he promised, 'I will not embarrass you.'

⁹⁴ Voting for Commission membership took place in the UN Economic and Social Council, and African states tended to rotate membership evenly rather than vying for election based on merit.

⁹⁵ *New York Times*, 'African U.N. Group Agrees to an Inquiry on Rights in Uganda,' December 10, 1977.

⁹⁶ Amnesty International, 'Human Rights in Uganda'

⁹⁷ Cronin-Furman, 'Human Rights Half Measures'

⁹⁸ Brahm, 'Uncovering the Truth'; Geoff Dancy, Hunjoon Kim, and Eric Wiebelhaus-Brahm. "The Turn to Truth: Trends in Truth Commission Experimentation." *Journal of Human Rights* 9 no. 1 (2010), 45–64; Don Foster "Evaluating the Truth and Reconciliation Commission of South Africa." *Social Justice Research* 19 no. 4 (2006), 527–40; Francesca Lessa, *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity* (Springer, 2013).

⁹⁹ Risse, Ropp and Sikkink, *The Power of Human Rights*; Thomas Risse, Stephen C Ropp, and Kathryn Sikkink (eds.), *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge University Press, 2013).

¹⁰⁰ Simmons, 'From Ratification to Compliance'

¹⁰¹ Grodsky, 'Justice without Transition'

¹⁰² See for example Clair Apodaca, 'The Whole World Could Be Watching: Human Rights and the Media.' *Journal of Human Rights* 6 no. 2 (2007), 147–64; Clifford Bob, *The Marketing of Rebellion: Insurgents, Media, and International Activism* (Cambridge University Press, 2005); A. Trevor Thrall, Dominik Stekula, and Diana Sweet, 'May We Have Your Attention Please? Human-Rights NGOs and the Problem of Global Communication.' *The International Journal of Press/Politics* 19 no. 1 (2004); Keck and Sikkink, 'Activists Beyond Borders'.

¹⁰³ Amanda M. Murdie and David R Davis, 'Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs.' *International Studies Quarterly* 56 no. 1 (2012), 1–16.

¹⁰⁴ Alhargan suggests that changes to the UN's human rights structure may help to ameliorate this problem, although recent activities show rather less promise. Raed A. Alhargan, 'The Impact of the UN Human Rights System and Human Rights INGOs on the Saudi Government with Special Reference to the Spiral Model.' *The International Journal of Human Rights* 16 no. 4 (2012), 598–623; Allehone Mulugeta Abebe, 'Of Shaming and Bargaining: African States and the Universal Periodic Review of the United Nations Human Rights Council.' *Human Rights Law Review* 9 no. 1 (2009), 1–35.

¹⁰⁵ Nico Schrijver, 'The UN Human Rights Council: A New 'Society of the Committed' or Just Old Wine in New Bottles?' *Leiden Journal of International Law* 20 no. 4 (2007), 809–2.; Sarah Joseph and Eleanor Jenkin 'The United Nations Human Rights Council: Is the United States Right to Leave This Club?' *American University International Law Review* forthcoming (August 2019); Martin S. Edwards, Kevin M. Scott, Susan Hannah Allen, and Kate Irvin, 'Sins of Commission? Understanding Membership Patterns on the United Nations Human Rights Commission.' *Political Research Quarterly* 61 (2008), 390–402.