

# Cooperation between truth commissions and the International Committee of the Red Cross

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## **Abstract**

*Starting with the usual functions of truth and reconciliation commissions, the article outlines the possibilities for and limits of cooperation by the ICRC with the varying types of commissions. The question as to the degree of such cooperation has mostly been resolved on similar lines to the privilege of non-disclosure in international criminal trials. Within the parameters of its principles of neutrality and impartiality and the operative rule of confidentiality established to enable access to victims of armed conflicts and internal violence, the ICRC has, however, cooperated with such commissions. The author explains some criteria determining the appropriate degree of cooperation and shows some forms it can take. He finally discusses the ICRC's policy vis-à-vis the amnesty provisions of truth and reconciliation commissions, which often preclude the prosecution of persons involved in offences committed during periods of violence.*

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In a post-conflict society, truth commissions may serve a vital role in rebuilding shattered social relations by establishing an accurate picture of the causes of a conflict. They also document abuses perpetrated during violent periods, attribute

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responsibility, encourage all sides in a conflict to engage in a dialogue about the past and thereby contribute to reconciliation and hopefully restore a peaceful society. In parallel, the International Committee of the Red Cross (ICRC) undertakes a number of tasks in the post-conflict environment that are relevant to its mandate, <http://www.icrc/web/eng/siteeng0.nsf/htmlall/statutes-movement-220506?opendocument> including humanitarian assistance; giving aid to victims by engaging in activities of rehabilitation, <http://www.icrc./web/eng/siteeng0.nsf/htmlall/p0700?opendocument> reconstruction and restitution; visiting persons detained in relation to the conflict; working to release and repatriate captives; tracing missing persons and facilitating family reunification; clarifying the fate of persons whose disappearance has been notified by the adverse party; and prompting states and civil society to take steps to implement the Ottawa treaty on anti-personnel landmines and limit the use and effects of explosive remnants of war.<sup>1</sup>

In terms of its contribution to establishing truth and justice, the role of the ICRC is “essentially legal and technical in nature.”<sup>2</sup> The ICRC firstly supports punitive measures at the domestic or international level, pursuant to obligations under the Geneva Conventions of 1949, Additional Protocol I, other relevant treaties and customary law to prosecute those accused of having committed war crimes. As states have the primary obligation to ensure that violations of humanitarian law are punished, the ICRC may facilitate this task even before the outbreak of hostilities by making recommendations for the adoption of domestic legislation consistent with international humanitarian law (IHL) and exchanging information on each state’s legal experience. It may also provide instruction to judges and court personnel on the rules and procedures of international criminal law. However, the most delicate issue has proved to be whether the ICRC may give testimony with regard to the perpetration of international crimes during armed conflict. It is sometimes in the unique position of being the only humanitarian organization present during some of the worst violence in certain countries. Its extensive access to most parts of the territory affected by armed conflict and its direct contact with victims means that ICRC delegates may themselves witness serious atrocities or their aftermath. However, to provide such testimony in a trial or a truth commission may be in breach of ICRC principles of neutrality and impartiality, which are often implemented in practice by the rule of confidentiality.<sup>3</sup> This is not merely a problem for the credibility of the organization, but has real consequences for the victims of armed violence, as

1 The ICRC’s governing body and the Assembly adopted guidelines on 12 December 2001 on the ICRC’s work in transitional periods (A 136 rev. of 8 April 2003). For a discussion of these, see Marion Harroff-Tavel, “Do wars ever end? The work of the International Committee of the Red Cross when the guns fall silent”, *International Review of the Red Cross*, Vol. 85, No. 851, September 2003, pp. 465–496.

2 Harroff-Tavel, *ibid.*, p. 485.

3 See Jakob Kellenberger, “Speaking out or remaining silent in humanitarian work”, *International Review of the Red Cross*, Vol. 86, No. 855, September 2004, pp. 593–610; Stéphane Jeannet, “Recognition of the ICRC’s long-standing rule of confidentiality”, *International Review of the Red Cross*, Vol. 82, No. 838, June 2000, pp. 403–426; and “Action by the International Committee of the Red Cross in the event of breaches of international humanitarian law or other fundamental rules protecting persons in situations of violence”, *International Review of the Red Cross*, Vol. 87, No. 858, June 2005, pp. 393–400.

ICRC access to areas affected by conflict is always built on a relationship of trust established with the warring parties. If any one of them believes that ICRC delegates will publicly reveal all they have witnessed in a certain area of the conflict, by choice or by subpoena, it is unlikely that access will be granted or that a meaningful dialogue with the parties to the conflict will be possible. This means that victims in that area will be without protection and crucial humanitarian aid and assistance at a time when they need it most.

While the dilemma has largely been resolved in international criminal trials by means of the privilege of non-disclosure, the question of the appropriate degree of cooperation by the ICRC with truth commissions or domestic quasi-judicial mechanisms remains unanswered. The question that arises is: should the ICRC be similarly constrained or testify to a truth commission about its observation of abuses committed in armed conflicts? Furthermore, how does the ICRC balance its need to preserve confidentiality with its role as guardian of the principles of IHL, one of which is that there should be no impunity for war criminals? In the present article, consideration is given to these questions and an attempt is made to identify some criteria relevant to ICRC action in this respect.

## The ICRC's policy towards transitional justice: a balancing act

The issues surrounding transitional justice mainly concern the ICRC in terms of implementation of its rule of confidentiality and the principles of neutrality and impartiality, which sometimes clash, or appear to clash, with the various ways in which it protects and assists persons affected by armed conflicts or other violent situations. It thus has to perform a delicate balancing act.

The ICRC's approach to its humanitarian work is determined essentially by one criterion: the interests of the persons its mandate requires it to protect and assist. Its ability to carry out that mandate depends upon the willingness of parties to the conflict to grant access to the persons in need, and such willingness depends in turn upon the ICRC's adherence to the principles of impartiality and neutrality as defined by the Statutes of the International Red Cross and Red Crescent Movement<sup>4</sup> and, in particular, the rule on confidentiality. These principles and this rule can conflict, however, with the duty of the ICRC to succour persons affected by violence. In such cases it must find an operational solution. Providing assistance in the short-term must be weighed against medium- and long-term needs. Action taken in one context must also be assessed in the light of its impact on ICRC operations worldwide.

Problems also arise where the ICRC's role as guardian of international humanitarian law is concerned. As part of its humanitarian mission to protect the lives and dignity of persons affected by armed conflict, the ICRC strives to

4 See Preamble to the Statutes of the International Movement of the Red Cross and Red Crescent, <[http://www.gva.icrc.priv/web/eng/siteeng0.nsf/htmlall/statutes-movement-220506/\\$file/mvt-statutes-english.pdf](http://www.gva.icrc.priv/web/eng/siteeng0.nsf/htmlall/statutes-movement-220506/$file/mvt-statutes-english.pdf)> (visited on 1 July 2006).

promote respect for international humanitarian law. In this context the ICRC Advisory Service helps states set up the structures and adopt the legislation needed to protect such persons more effectively and discourage war crimes (and other IHL violations). If successful, this consultation, analysis and harmonization of legal instruments can help to ensure that no perpetrator goes unpunished. The ICRC's reticence with regard to condemning violations of IHL and its privilege not to testify before tribunals<sup>5</sup> seem to contradict its role as guardian of humanitarian law and its desire to see perpetrators brought to justice. But out of respect for the rule of confidentiality the ICRC does not transmit (confidential) information, either in the form of written reports or as direct testimony.<sup>6</sup>

## Cooperation with domestic or international courts

The Humanitarian Liaison Working Group in June 1995 discussed the subject of “Impunity versus accountability: the role of mechanisms for accountability in resolving humanitarian emergencies.” The ICRC explained its position of not testifying in judicial proceedings before the International Criminal Tribunal for Rwanda and concerning the situation in Burundi. During the meeting the then prosecutor for the ICTY and ICTR, Richard Goldstone, said he could understand the impossibility of the ICRC divulging confidential information to the tribunal but put forward the idea of organizations like the ICRC or UNHCR passing on “secret information,” which the tribunal would not use as evidence during a trial but only to help it find other admissible evidence (Rule 70 of the ICTR Rules of Procedure and Evidence). The question is not, however, of ICRC cooperation being kept confidential, but of whether the ICRC can truthfully claim to its interlocutors that it does not cooperate with such tribunals. In response the ICRC explained unequivocally that it could never transmit information to the tribunal, since to do so would harm its credibility in future conflicts and endanger its ability to gain access to victims.<sup>7</sup>

The ICRC's inability to cooperate with criminal tribunals does not mean that it is hostile or indifferent to their task. The tribunals and complementary mechanisms have in common the objective of ensuring respect for international humanitarian law, and the ICRC naturally supports the existence of mechanisms for the repression of criminal violations of that law. However, since the ICRC is mandated to assist and protect persons affected by violence and cannot risk losing access to them, its role should be seen as distinct from that of the tribunals and

5 Decision of 27 July 1999 of the International Criminal Tribunal for the former Yugoslavia (ICTY) (*Prosecutor v. Simić et al.*, IT-95-P), and Rona Gabor, “The ICRC privilege not to testify: Confidentiality in action”, *International Review of the Red Cross*, Vol. 84, No. 845, March 2002, pp. 207–220.

6 See Anne-Marie La Rosa, “Humanitarian organizations and international criminal tribunals, or trying to square the circle”, *International Review of the Red Cross*, Vol. 88, No. 861, March 2006, pp. 169–186.

7 Document 202 (204), Note of 21 June 1995 concerning the Humanitarian Liaison Working Group Meeting of the 19 June 1995 on the role of war crimes sanction mechanisms in the context of humanitarian crisis (on file with the author).

certainly not as an integral part of witness testimony. The dilemma was resolved before the International Criminal Tribunal for the former Yugoslavia (ICTY) in the *Simić* case, in which the trial chamber decided that the ICRC could not be compelled to give testimony before the court.<sup>8</sup> This decision was formally enshrined in Rule 73(4) of the Rules of Procedure and Evidence of the International Criminal Court (ICC).<sup>9</sup> It should be noted, however, that sub-rule 6 of Rule 73 provides for the possibility of consultations between the court and the ICRC with a view to resolving the matter cooperatively should the former consider that information held by the ICRC is of great importance to a particular case and cannot be procured from an alternative source. These consultations must bear in mind “the interests of justice and of victims” as well as “the performance of the Court’s and ICRC’s functions.” If the ICRC does not object in writing to such information being used in a trial after the said consultations, or has otherwise waived its privilege of non-disclosure, then the material may be used.<sup>10</sup> This opens a narrow window of opportunity for ICRC testimony to be used in trials before the ICC. It is not entirely clear whether the “victims” whose interests have to be taken into account in consultations refers to the victims of the crimes being tried (who undoubtedly would want the ICRC’s testimony heard) or victims of armed conflict in general, whose interests the ICRC strives to protect (access to whom may be jeopardized through ICRC disclosure). Undoubtedly, such issues need to be resolved on a case-by-case basis, and, therefore, the balancing of various interests is a context-specific exercise with no absolute solution.

In its role in the post-conflict environment, the ICRC must meet the challenge of striking the proper balance so that its actions do not undermine the objective of protecting victims. This challenge might be considered a minor one, for although bringing perpetrators to justice may be important for the victims and the communities, it can be argued that it is an indirect or secondary consideration compared to that of gaining access to persons in desperate need. However, this argument ignores the fact that impunity creates or at the very least contributes to the creation of those very dangerous situations where the powers wielded by those in authority or in control of a territory and that require ICRC intervention remain unchecked. If impunity is not combated, further abuses are likely to be perpetrated on a large scale, creating a vicious circle in which the ICRC will need access to ever more persons in need of assistance. The question is: what is the correct balance?

## Cooperation with quasi-judicial mechanisms

The *gacaca* process in Rwanda, an alternative system of transitional justice using participatory and proximity justice in which individuals from the local

8 *Prosecutor v. Simić et al.*, Case No. IT-95-9, Trial Chamber of the ICTY, Decision of 27 July 1999.

9 Rules of Procedure and Evidence of the International Criminal Court, ICC-ASP/1/3, adopted on 9 September 2002 [RPE ICC].

10 *Ibid.*, Rule 73(4)(a).

communities act as “peoples’ judges,” is a dramatic example of the ICRC being forced into a precarious balancing act. In Rwanda the ICRC did not pass on information about individual Rwandan detainees to the *gacaca* courts as it did not want to be associated with this “judicial” process. Nevertheless, transmitting such information might have facilitated the release of detainees from conditions that were clearly below minimum standards while helping to end already lengthy periods of detention for which there were no legal hearings in sight. In this situation, the ICRC had to balance its mandate to work for the release of prisoners in the aftermath of conflict against the possibility of losing some credibility by giving information about particular individuals to the *gacaca* courts.

## Cooperation with truth commissions

It could be argued that ICRC testimony would provide a much more objective picture of what happened during a war, particularly in view of the principles of neutrality and impartiality, which mean that the ICRC does not take sides but assists all victims of conflict who are in need of help. Furthermore, unlike criminal trials, truth commissions do not in themselves entail liability, whether civil or criminal. Arguments about preserving the trust of the parties to a conflict in order to maintain access, therefore, lose some force in this context. But is this really true? As is known, truth commissions sometimes hand over evidence they have collected to judicial authorities for subsequent prosecution. This may have significant ramifications for the possibility of ICRC involvement.

The ICRC’s relationship with the Peruvian Truth and Reconciliation Commission is another case in which the ICRC had to strike a balance between its rule on confidentiality and the criterion already mentioned, namely the interests of victims. When that commission began its work in 2001, the ICRC was confronted with the dilemma of deciding whether to provide information that only it possessed to the commission to enable it to solve cases of missing persons. Investigating the fate of missing persons is clearly part of the ICRC’s mandate, in order to respond to the immediate or direct needs of victims (including family members). If the ICRC has relevant information about a missing person but does not have the resources to properly investigate their fate, should it not assist others as far as possible? In this case, it did provide limited information.<sup>11</sup>

In purely operational terms, the issue of missing persons is probably the most important potential area of cooperation between a truth commission and the ICRC.<sup>12</sup> Certain conclusions can be drawn from past ICRC experience. If a

11 With the agreement of the families concerned, the ICRC gave the Truth and Reconciliation Commission basic information on more than 400 cases that did not appear in any database. Its aim was to compile a single list of people unaccounted for.

12 See Monique Crettol and Anne-Marie La Rosa, “The missing and transitional justice: the right to know and the fight against impunity”, *International Review of the Red Cross*, Vol. 88, No. 862, June 2006 (to be published).

commission chooses to seek to clarify the fate of individual missing persons, it should, in particular:

- describe its working methods to the families and witnesses testifying about disappearances, and inform them of its chances of success;
- inform families individually, and before the report is published, about its findings with regard to their relatives;
- whenever it clarifies the fate of a person, it should locate and inform the next of kin;
- if resources are insufficient, priority should be given to clarifying the fate of the persons concerned.

A truth commission that chooses to clarify only the general pattern of human rights abuses and violations of international humanitarian law, rather than individual cases, should:

- inform the families and witnesses testifying about disappearances that it will not try to clarify the fate of individual persons;
- if during its work it nevertheless learns of information that can assist in clarifying the fate of individual persons, it should provide that information to the families concerned or to another body that is willing and able to conduct the requisite enquiries;
- include in its report as many details as possible, thus enabling families of missing persons to understand the reasons for which a relative must be presumed dead or not, and/or the probable fate of each category of missing persons;
- include in its report, subject to the consent of the families concerned, the names of all persons reported missing.

If a multilateral ad hoc mechanism to clarify the fate of missing persons does not exist in a country or cannot be created there,<sup>13</sup> the ICRC stresses the importance of including that task in the terms of reference of a potential truth commission, with a case-by-case approach in order to provide families with answers. It also clearly states, however, that it only provides information to truth commissions under certain conditions. If the ICRC is the sole or primary holder of information on missing persons, it usually underscores the complementary but distinctive character of both mechanisms, that of the truth commission and of its own activities in this field.

The ICRC has an interest in supporting a truth commission where such collaboration has real potential to resolve cases of missing persons. It can give support in the following ways:

- by sharing legal expertise in the field of international humanitarian law;
- by sharing technical expertise on tracing;

13 For instance, the Tripartite Commission that sought to resolve cases of persons unaccounted for since the 1990–1991 Gulf War and in which the ICRC acted as a neutral intermediary between the parties, as well as the working groups established in the former Yugoslavia to address the legal and administrative needs of families of missing persons.

- by sharing expertise on the exhumation of human remains and identification processes;
- by sharing information on cases of people unaccounted for.

Even when confidentiality agreements between the truth commissions and the ICRC have been put in place, there is no absolute guarantee that information provided by the ICRC will not be transmitted to third parties once the material has left its hands. Such an agreement does not necessarily protect the truth commission from being required to turn over that information, as compliance with the agreement depends upon external factors and subsequent orders by the independent judiciary, new legislation or subsequent governments may reverse the commission's previous decision.

The ICRC has to bear in mind that previous truth commissions have passed on files to prosecuting authorities. The records established by truth commissions often serve as a source of evidence for many years to come, not only for domestic trials but also for international prosecutions. There can be no guarantee that testimonies or documents given to the truth commission will not be used later in other proceedings or perhaps made public because in the terms of reference the restriction on releasing this material may be quite vague. The obvious fact is that exposing the truth is the primary role of a truth commission. Moreover, even if a list of names is not made public, the truth commission may interpret its mandate as requiring it to support the judiciary and the prosecuting authorities.

The extent of the information and its sensitivity determine the degree of attention the ICRC will give to the following three main issues:

- the question of whether the truth commission itself will attribute responsibility to individuals;
- the truth commission's relationship with the judiciary/prosecuting authorities;
- its use/publication of information provided.

With respect to these three issues, before contemplating support for a truth commission the following points at least should be taken into consideration:

- whether the terms of reference of a truth commission clearly state that it can or cannot assume judicial functions that are an attribute of courts;
- whether the truth commission will grant or be involved in the process of granting amnesties;
- whether the truth commission will name suspected perpetrators — if so, it must at least apply fair standards of due process, including standards of evidence;
- whether the truth commission will pass on its files, and if so, to whom;
- whether, according to the terms of reference, a final report of the truth commission will be presented to state officials and whether it will be made public (the report's subject matter should also be known);
- what will happen to the remaining archives of the truth commission;
- whether the truth commission will grant or be involved in the process of granting reparations.

## The question of amnesties for truth: the ICRC's perspective

As the guardian of international humanitarian law,<sup>14</sup> the ICRC obviously supports the principle that those who commit atrocities in war should be prosecuted and punished. At the same time, it is a pragmatic and operational organization, sensitive to the complexities of each armed conflict and to the sometimes conflicting needs of individuals and societies in the aftermath of extreme violence. Some governments have chosen to facilitate the peace process or transitional period by passing amnesty laws that preclude the prosecution of persons involved in offences committed during the period of violence.

The granting of amnesties to suspected perpetrators of serious crimes under international law violates the duty of states, under both treaty-based and customary law, to bring to justice and punish offenders.<sup>15</sup> In particular, the obligation of states to repress grave breaches of the 1949 Conventions and Additional Protocol I thereto is undisputed. Protocol II additional to the Geneva Conventions and relative to non-international armed conflicts provides in Article 6.5 that the authorities in power should grant the broadest possible amnesty to persons who have participated in an (internal) armed conflict. It does not, however, suggest impunity for war criminals, and the ICRC has interpreted the provision as simply providing for “combatant immunity” in non-international armed conflicts; the article was not intended to cover persons accused of war crimes.<sup>16</sup> International humanitarian law does not absolutely exclude any amnesty for persons who have committed violations of that law, but the principle that perpetrators of grave breaches thereof must be either prosecuted or extradited should not be voided of its substance.

The ICRC is unlikely to make a pronouncement as to the legality or legitimacy of amnesty measures, but it would certainly not favour a position incompatible with international humanitarian law obligations. It may of course remind a state of its obligations in this regard under IHL or international law. If, for instance, a state's decision makers choose to deal with alleged perpetrators of war crimes (or gross violations of human rights) by means of an amnesty law, they should be made fully aware that failure to prosecute or extradite would be a violation of the state's international legal obligations<sup>17</sup> and possibly also of national laws. The state must also be aware that persons granted amnesty would not be

14 See Yves Sandoz, *The ICRC as guardian of international humanitarian law*, ICRC, Geneva, 1998, available at <<http://www.gva.icrc.priv/web/eng/siteeng0.nsf/htmlall/about-the-icrc-311298?opendocument>> (visited 1 July 2006).

15 See Jelena Pejić, “Accountability for international crimes: From conjuncture to reality”, *International Review of the Red Cross*, Vol. 84, No. 845, March 2002, pp. 28–31.

16 Letter from the ICRC Legal Division to the ICTY Prosecutor of 24 November 1995 and to the Department of Law at the University of California of 15 April 1997. See also the *Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, Geneva, 1974–1977*, Vol. 9, Berne, 1978, p. 319, to which these letters refer.

17 At least for those war crimes for which there is an absolute obligation to prosecute (rather than mandatory universal jurisdiction for non-international armed conflicts).

immune from prosecution in other states or before international courts.<sup>18</sup> When making this choice the state must consider whether its objective in granting amnesty (i.e., securing peace) is not ultimately undermined by acting contrary to the rule of law. Such considerations raise the following questions: what purpose does prosecution or punishment serve? What is the role of penal repression (criminal prosecution) in the search for justice, peace and reconciliation?

The question of amnesty helps to illustrate the need for the ICRC to balance competing interests. For example, should the ICRC not promote grants of amnesty conditional on the provision of information on missing persons? This could certainly help end the anguish of family members awaiting news of a loved one and, in that regard, the ICRC would be fulfilling its mission. However, it must be recalled that the decision to grant amnesties is an extremely political one. Promotion of conditional amnesties in a specific context could risk undermining the perception of the ICRC worldwide, and particularly its neutrality and impartiality. Moreover, it is likely that advocating amnesty for serious crimes would be constrictive and short-sighted: constrictive because in the same context other persons in need, who have no missing relatives, might receive less assistance because of the resulting loss of credibility for the ICRC; short-sighted in that it focuses on elucidating the fate of missing persons at the expense of their families' needs, such as bringing perpetrators to account. Nonetheless, as the South African amnesty for truth shows, some societies are prepared to forgo a retributive response to severe human rights violations in return for official acknowledgment of wrongdoing, an accurate historical record from which lessons may be learned in order to prevent future violence, public dialogue between different societal groups, and to give the victims and society the power to forgive, not merely provide evidence in a criminal case. For the perpetrators of serious crimes, participation in a truth commission can have a redemptive quality in a way that a criminal trial cannot. The ICRC is not blind to these considerations and is therefore careful in its approach to supporting truth commissions, guided by the issues identified above.

## Conclusion

Achieving national reconciliation while continuing to combat impunity is a topic the ICRC addressed briefly as early as 1996 at its first workshop on international

18 It would not be contrary to Article 14.7 of the International Covenant on Civil and Political Rights to bring a defendant who has benefited from an amnesty in his own state to justice in another state on the basis of universal jurisdiction. Procedures for awarding amnesties do not amount to “acquittal” within the meaning of Article 14.7. The prohibition of *ne bis in idem* contained in that provision therefore does not apply. Even if it were assumed that the procedures of some truth and reconciliation commissions are sufficiently judicial in character to meet this standard, the Human Rights Committee has held that Article 14.7 does not prohibit trial for the same offence in another state. *A.P. v. Italy*, Comm. No. 204/1986, 2 November 1987, U.N. Doc. A/43/40, at 242; Menno T. Kamminga, “Lessons learned from the exercise of universal jurisdiction in respect of gross human rights offenses”, *Human Rights Quarterly*, No. 23, 2001, pp. 940, 958 & n.81.

humanitarian law and protection.<sup>19</sup> The workshop concluded that “the so-called dilemma arising from the dual ambition to prosecute violators whilst also fostering national reconciliation was in fact a false dilemma — if the cycle of impunity was never properly addressed, true reconciliation would never occur.”<sup>20</sup> While that apparent irreconcilability of objectives may prove to be false, dilemmas clearly remain for the ICRC in responding to such issues, requiring it to balance the duty it has towards the victims of armed conflict with efforts on the part of society to reveal the truth and prevent future violence. Truth and reconciliation commissions face similar dilemmas. Many people associate them with eventual pardoning and forgetting; others conversely see them as a first step towards criminal persecution. It remains indisputable, however, that no single universal model for such commissions exists. This is due not only to the varying contexts but also to the divergent understandings of the term “reconciliation”.<sup>21</sup> The corresponding mechanisms are contextual, and the ICRC must respond accordingly. Its mandate for the victims of armed conflicts in the specific context concerned, but also consideration of its overall and future activities in other countries, restrict its cooperation with truth commissions – like its cooperation in criminal proceedings against war crimes suspects – in order to maintain its access to war zones and enable a meaningful dialogue with all parties to armed conflicts. From another perspective, its role as guardian of international humanitarian law may conflict with amnesty provisions favoured by the protagonists of truth commissions, which preclude the prosecution of persons involved in serious international crimes. Within those parameters, the ICRC can cooperate and indeed has cooperated with truth commissions, especially as they share similar goals, namely to restore a sense of dignity to victims of violence and other forms of abuse.

19 See “Protection — toward professional standards: Report of workshop” (17–19 March 1998), Carlo Van Elüe & Pascal Daudin (eds.), available from the ICRC’s Publication Department (ISBN 2-88145-096-2).

20 *Ibid.*, p. 74. For additional conclusions, see pages 74–75.

21 The *Oxford English Dictionary* defines “reconcile” as “to bring (a person) again into friendly relations ... after an estrangement ... To bring back into concord, to reunite (persons or things) in harmony.” *Oxford English Dictionary*, 2nd ed., Vol. 13, Clarendon Press, Oxford, 1989, pp. 352–353. In the context of political conflict or violence, reconciliation has been described as “developing a mutual conciliatory accommodation between antagonistic or formerly antagonistic persons or groups.” Louis Kriesberg, “Paths to varieties of inter-communal reconciliation”, paper presented at the Seventeenth General Conference of the International Peace Research Association, Durban, South Africa, 22–26 June 1998.