

Co-Opting Truth: Explaining Quasi-Judicial Institutions in Authoritarian Regimes^{*}

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Abstract

What accounts for the creation, design, and outcomes of quasi-judicial institutions in autocracies? Prior research demonstrates that autocrats co-opt electoral, legislative, and judicial institutions to curtail opponents' power and curry international patrons' favor. However, scholarship on co-optation neglects quasi-judicial mechanisms, such as truth commissions, that can be useful for arranging a political narrative that bolsters a leader's image while undermining his rivals. In this paper, we formalize the concept of autocratic truth commissions—which account for one-third of truth commissions globally—and develop and test a novel theory of their origins, inputs, and outputs. We theorize that autocrats establish self-investigating commissions in response to threats to their symbolic authority and install victor's commissions in response to threats to survival. We further argue that these two commission types take on different institutional forms and produce different outcomes. Self-investigating commissions are afforded weak investigative powers and produce reports that obscure basic facts, such as the extent of abuses and the parties responsible. Meanwhile, victor's commissions are granted strong investigative powers and culminate in accurate reports of rivals' responsibility for abuses. We evaluate these expectations through comparative case studies of two autocratic truth commissions in Uganda, and find strong support.

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I Introduction

Autocrats routinely use repression as a means of survival and resilience. However, they sometimes defy expectation and make concessions to opposition actors. Meaningful or nominal, concessions are intended to demobilize opponents and buttress regime power and authority. Research on nominal concessions, or co-optation, elucidates how autocrats capture electoral, legislative, and judicial institutions.¹ Essentially, leaders allow opponents to participate in a predictable process that they can control. For example, the Zimbabwean government allows opposition activists to contest elections, file petitions of redress before the Supreme Court, and participate in legislative politics.² However, oppositional political participation and inclusion occur within the limits of an effectively single-party state that is supported by a robust network of security institutions.³ Surprisingly, scholarship on co-optation has neglected *quasi*-judicial institutions, such as truth commissions, that can be useful for arranging a political narrative that bolsters a leader's image while undermining his rivals.

Conventional wisdom suggests that accountability mechanisms like truth commissions represent positive developments in domestic and international politics. This is due in large part to the perception that these mechanisms are victim-focused and reparative.⁴ Consequently, countries that implement them receive great praise for their efforts to “confront the past.” This perception is not without basis. In cases like Argentina, South Africa, and El Salvador, new democratic elites used truth commissions to usher in acknowledgment and recognition, and bring healing and closure to victims and their families.⁵ Yet, in cases like Côte d'Ivoire, Sri Lanka, and Uganda, autocrats have used these same bodies to limit the truth and obscure responsibility for abuses.⁶

Like other quasi-judicial institutions, truth commissions are a means of investigating instances of non-compliance with domestic and international laws. Typically, these processes involve scouring documents, deposing witnesses, and producing a report that synthesizes the commission's findings and rec-

¹Linz 2000, Gandhi and Przeworski 2007, Gandhi 2008, Frantz and Ezrow 2011.

²LeBas 2011.

³Bratton 2014.

⁴Minow 1998, Roht-Arriaza 1995.

⁵Brahm 2007, Hayner 2011, Ntsebeza 2000.

⁶Loken, Lake and Cronin-Furman 2018, Quinn 2011, Winston 2019.

ommends a range of remedies.⁷ Currently, there exists no unified international standard or requirement regarding which perpetrators or atrocities commissions must investigate, for how long, and for what political purposes. These decisions are up to each and every government that chooses to implement a commission. Thus, it is important for scholars to consider, in the first instance, commissions' contexts—namely, the range of actors and interests commissions may serve—and, in the second instance, to assess the uses and consequences of these quasi-judicial bodies.

While much scholarship describes political transformation as a prerequisite for commissions, the relationship is under-evidenced. Truth commissions have emerged in consolidated democracies, transitional democracies, and autocracies alike.⁸ And, while some commissions are guided by a genuine interest in “uncovering the truth,” others are not designed to serve accountability. Loyle and Davenport (2016) use the term, “transitional *injustice*” to describe a range of normatively undesirable outcomes—for example, atrocity denial and collective processes of forgetting—that might result from co-optation of accountability mechanisms. However, even their important work does not explain how and why autocrats skillfully use these mechanisms to accomplish regime goals, notably survival and resilience, and why we may nevertheless observe some markers of a normatively successful investigation.

In this paper, we formalize the concept of autocratic truth commissions (ATCs)—quasi-judicial institutions that have been under-appreciated and under-explored in the extant literatures on autocratic politics and transitional justice.⁹ While much of the normative research on transitional justice insists on a contradiction between the aims of autocratic regimes and truth commissions¹⁰, an established body of scholarship nevertheless demonstrates that autocrats co-opt and manipulate erstwhile legitimate institutions to buttress their power and secure their survival and the longevity of their rule.¹¹ Truth commissions, we propose, may be especially valuable for leaders who perceive threats to their rule and are interested in strengthening their power while weakening their rivals through non-repressive means. Of note, the process of co-opting the truth takes place under the illusion of compliance with global accountability

⁷Hayner 2011.

⁸Arenhövel 2008, Benomar 1993, Grodsky 2008, Kim 2012, Winston 2019, Zvobgo 2019.

⁹See also Grodsky 2008 and Winston 2019.

¹⁰Gutmann and Thompson 2000, Teitel 2003.

¹¹Gandhi and Przeworski 2007, Shen-Bayh 2018.

norms.¹²

We consider two general types of ATCs, self-investigating commissions and victor's commissions, and theorize the types of threats to autocratic rule that motivate their creation. We propose that autocrats establish self-investigating commissions in response to threats to their symbolic authority and install victor's commissions in response to threats to their survival. Threats to symbolic authority involve domestic or international debate about, and sometimes censure of, an autocrat's complicity or direct involvement in human rights abuses. Meanwhile, threats to survival relate to the political strength and perceived legitimacy of an autocrat's opponents.

Self-investigating and victor's commissions are useful for advancing two regime goals in two distinct ways. Self-investigating commissions can help leaders restore their symbolic authority by reshaping the narrative on past abuses and recasting leaders and their allies in a more favorable light. In turn, by exposing abuses perpetrated by regime opponents, victor's commissions can help leaders stem rivals' viability and secure regime survival. We also acknowledge hybrid commissions, which autocrats may inaugurate in response to threats to both authority and survival. However, we reserve theory and analysis of this third type of ATC to future work.

Further, we propose that self-investigating commissions and victor's commissions take on different institutional forms and produce different outcomes, all with a view to serve regime goals. We anticipate that self-investigating commissions are afforded limited investigative powers and produce inconsequential concluding reports that obscure basic facts. In contrast, we anticipate that victor's commissions are granted strong investigative powers and issue comprehensive and accurate accounts of abuses by rivals. We elaborate on each of these below.

In terms of investigative powers, we focus on whether a commission possesses the power to consider a range of abuses and the power to trace antecedents of abuse. Commissions that are restricted to examining some, but not all, alleged violations are, by definition, deficient and are, by design, in conflict with the truth. Likewise, commissions that are tasked with chronicling abuses without regard for the underlying causes engender a limited understanding of the past.¹³ Next, in terms of commissions' concluding

¹²Elster 2004, Nagy 2008, Teitel 2003.

¹³González 2013, González and Varney 2013, Zvobgo 2019.

reports, we focus on whether the report establishes basic facts, such as the nature and extent of abuses and the parties responsible, and the degree to which the report converges with external accounts, for example, by international human rights organizations. Reports that fail to establish key facts and diverge from external accounts by international monitors mark a normatively unsuccessful investigation. However, reports that do establish key facts and converge with external accounts are normatively successful, at least in relative terms. Nonetheless, neither self-investigating commissions nor victor's commissions are principally motivated by the desire or the will to account for the past and to fundamentally change governance. They are about *power* and *fulfilling leaders' objectives*, not justice or human rights. ATCs 'construct facts' and issue a master narrative; the process is informational and political, not emotional and social.¹⁴ Whatever truth emerges from these processes is primarily intended to serve the current regime and its interests.

To situate our analysis, we draw on the novel *Varieties of Truth Commissions* Project, which captures 28 ATCs (out of 84 total TCs) in the period, 1970–2018. One of our core empirical contributions is describing, for the first time, the prevalence of ATCs around the world, as well as variation across geographic regions and over time. For each ATC, our data cover: (1) the type of ATC: self-investigating, victor's, or hybrid; and (2) its investigative powers, notably the power to consider a range of abuses and to trace their antecedents. For the analysis, we conduct comparative case studies of the first and second Ugandan ATCs created by Presidents Idi Amin and Yoweri Museveni, respectively. These cases represent most-similar systems, enabling us to hold constant a range of potentially confound factors, for example, geography, colonial history, and ethno-linguistic fractionalization. The Amin and Museveni commissions also respectively reflect our two ideal types: a self-investigating commission and a victor's commission.

We find that, when faced with international censure but lacking a viable domestic opposition, Amin installed in 1974 the Commission of Inquiry into the Disappearance of People in Uganda since 25th January, 1971. Consistent with expectation, the commission was afforded limited powers of investigation, with a view to constrain its political consequence. The commission was restricted to studying a single abuse over a narrow window of time, effectively neglecting the range of abuses for which Amin and his

¹⁴Quinn 2011.

allies and agents were accused. In addition, the commission was not empowered to examine antecedents of abuse, thereby limiting a full understanding of the past. In turn, the commission's report avoided directly implicating Amin and members of his inner circle. Its timorous nature notwithstanding, the commission's report was never officially published. In this way, Amin was able to contain and even evade a vaguely accurate narrative on his regime's violent beginnings. So, there was an investigation. The investigation did not find Amin and his allies responsible. End of story.

In contrast, we find that credible anti-regime opponents and concerns for his regime's survival triggered Museveni's 1986 Commission of Inquiry into Violations of Human Rights. Consistent with expectation, the commission was afforded strong powers of investigation and was intended to be politically consequential. The commission was broadly empowered to document human rights violations and other abuses of power by the government, state agencies, and public servants, from Uganda's independence in 1962 until, conveniently, Museveni's capture of the presidency. The commission was further mandated to trace political, economic, and social antecedents to the abuses, and its detailed report was published and circulated within and outside of the country. The report named those responsible for grave abuses—in particular Museveni's strongest threat, his immediate predecessor, Milton Obote—and pronounced Obote's knowledge, complicity, and direct involvement in violence. Thus, the commission strengthened Museveni's power—both indirectly, by undermining his opponents, and directly, as he embarked on a political project in which he characterized himself, however inaccurately, as a clean departure from the past.

This study contributes conceptually, theoretically, and empirically to both the scholarship on autocratic politics and on transitional justice. First, we formalize the concept of ATCs, which account for one-third of truth commissions globally and are implemented to secure autocrats' authority and survival. In so doing, we challenge the conventional wisdom that commissions are the cause and consequence of political transformation. Second, we theorize how different types of ATCs emerge in response to different types of threats to autocrats' rule. In turn, these different types of ATCs take on different institutional designs and produce different outcomes. Thus, we are able to explain, for the first time, why some ATCs achieve some normative markers of successful truth seeking—such as the publication of a comprehen-

sive report on past violence—while others do not. As truth commissions continue to be created across a variety of regimes around the world, scholars and practitioners must be vigilant about the interests of inaugurating actors—interests that may be at odds with the truth and justice that victims and their advocates seek, but that may nevertheless be constrained by human rights organizations, donor governments, and other interested groups.

2 Quasi-Judicial Means of Autocratic Survival and Resilience

The logic of survival pre-figures the design and decision-making of authoritarian regimes.¹⁵ Leaders facing threats to their survival and the longevity of their rule choose between two broad strategies, repression and concession.¹⁶ Through repression, autocrats attempt to stifle and undermine their political opposition, often through physical force.¹⁷ Alternatively, through concessions, leaders strive to pacify opposition actors while otherwise maintaining their grip on power. In some circumstances, autocrats use a combination of the two strategies.

While concessions sometimes usher in meaningful policy changes and provide opposition actors a voice in governance, autocrats also use nominal concessions to co-opt these actors.¹⁸ Essentially, leaders provide opposition representatives a seat at the decision-making table.¹⁹ Far from institutional reforms, however, these nominal concessions enable leaders to retain the proverbial table, arrange the chairs, and determine the place settings. By design, co-opted institutions pre-empt opposition efforts to steer political outcomes against regime preferences. Co-optation accomplishes multiple regime goals simultaneously. First, by offering the appearance of decision-making authority to opposition representatives, leaders momentarily demobilize their opponents and assuage elite anxieties about the possibility of large-scale social unrest.²⁰ Second, including opposition representatives in regime-affiliated institutions underlines leaders' fundamental legitimacy and authority.

¹⁵Wintrobe 1998, Bueno de Mesquita et al. 2005.

¹⁶Slater 2010, Svolik 2012.

¹⁷Escribà-Folch 2013.

¹⁸Wintrobe 1998, O'Donnell 1973.

¹⁹Linz 2000, Frantz and Kendall-Taylor 2014.

²⁰Magaloni and Kricheli 2010.

Over the past two decades, scholars have produced rich theoretical and empirical research on co-optation.²¹ Much of this work centers on electoral and legislative politics as central arenas of autocratic manipulation.²² Opposition participation grants regime-directed electoral and legislative institutions the illusion of competition and fairness. Other institutional characteristics of competitive systems, such as political parties, similarly allow autocrats to channel opposition activity through predictable governing bodies and diminish risks of uncertain public unrest.²³ More recent work also shows that judicial systems are a widespread source of autocratic control and regime legitimation.²⁴

While these studies make clear that formal pillars of competitive politics may be adapted in contexts of autocratic rule, little attention has been paid to quasi-judicial institutions as a means of autocratic survival and resilience. Some accounts of judicial processes in repressive contexts make reference to the “quasi-” category.²⁵ However, the types, dynamics, and effects of these institutions and their variable designs are under-theorized. The absence of a clear typological distinction between judicial and quasi-judicial bodies in comparative politics underscores the relative lack of theoretical and empirical attention to this subject. Scholarship on international relations provides a clearer picture: quasi-judicial institutions elaborate “procedural rules and principles” but “lack a formal capacity to make binding, final determinations on questions of international law.”²⁶ In international fora, quasi-judicial institutions include treaty bodies, trade tribunals, and other organized means of enforcing compliance with international law and facilitating dispute resolution. In domestic contexts, examples of quasi-judicial institutions include regulatory boards, commissions of inquiry, and lustration committees.

Quasi-judicial institutions that adjudicate legal evidence within strict jurisdictional constraints are a common feature of autocratic governance. This is especially true for, but by no means limited to, regimes whose systems of adjudication originate in British parliamentarism and its reliance on ad-hoc commissions of inquiry.²⁷ Like their more institutionalized counterparts, quasi-judicial bodies in autocratic sys-

²¹ See seminal works by Gandhi 2008, Gandhi and Przeworski 2007, Gandhi and Lust-Okar 2009.

²² Frantz and Ezrow 2011, Gerschewski 2013.

²³ Gandhi 2008, Magaloni and Kricheli 2010.

²⁴ Ginsburg and Moustafa 2008, Shen-Bayh 2018, Ríos-Figueroa and Aguilar 2018.

²⁵ Loyle 2017.

²⁶ Tignino 2016, 253.

²⁷ Gosnell 1934.

tems co-opt demands for accountability and the rule of law from both domestic opposition groups and international actors. Unlike judicial institutions, however, quasi-judicial mechanisms are a form of institutional *innovation*, by which the regime creates new organizations outside the strictures of constitutional rule. The relative novelty of quasi-judicial institutions grants autocratic regimes significant latitude to define their jurisdictional scope and, very importantly, the limits of inquiry.

But, what accounts for the emergence, inputs, and outputs of quasi-judicial institutions in autocratic regimes? We consider one type of quasi-judicial body, truth commissions, and theorize the contexts from which they emerge, their institutional design, and, very importantly, their outcomes.

2.1 Autocratic Truth Commissions

As with transitional governments, autocratic regimes can adopt truth commissions to fill an institutional void, wherein courts lack the legal framework and even political will to investigate extraordinary abuses. In contrast to commissions of inquiry, which are typically narrower in scope and do not necessarily engage populations most affected by human rights abuses, truth commissions are theoretically expansive and both public and participatory by design. These features make them a convincing means of legitimation for regimes in crisis, including autocracies. For clarity, some truth commissions are called commissions of inquiry by their respective governments. In following with prior scholarship, we use the term truth commission to describe any institution that: (1) is a temporary body, (2) created by a national government, (3) to investigate abuses in the past and (4) establish a pattern of abuses, all while (5) engaging with the affected population.²⁸

Most studies of truth commissions presume that political transformations like democratization and conflict termination precede, and even cause, their implementation.²⁹ Yet, by definition and in practice, truth commissions need not operate in transformational settings or be themselves transformative.³⁰ Truth commissions have appeared under non-democratic regimes³¹ like Abdelaziz Bouteflika's Algeria,

²⁸Hayner 2011.

²⁹Arenhövel 2008, Benomar 1993, Kim 2012.

³⁰Hayner 2011.

³¹For our concept of autocracy, we rely on Boix, Miller and Rosato (2013) who define an autocracy as a regime that includes either (1) an executive that is not chosen in popular elections and is not responsible to either voters or a legislature; (2) a

Idriss Déby's Chad, and Joseph Kabila's Democratic Republic of the Congo, to name just a few.

An autocratic truth commission, or ATC, can investigate the current regime as in Côte d'Ivoire, where President Alassane Ouattara installed a commission to study the 2010–11 post-election violence. An ATC can also investigate the regime's opposition as in Zambia, where President Frederick Chiluba established a commission to investigate a coup attempt in 1997. An ATC can also investigate abuses by *both* the current regime and its predecessors as in Togo, where President Faure Gnassingbé installed a commission to investigate human rights violations under both his and his father, Gnassingbé Eyadéma's administrations.

But, why might an autocrat specifically invest in a truth commission? We build on the utilitarian premise that autocrats will avoid implementing any accountability mechanism, except in those exceptional circumstances when avoiding accountability altogether poses a greater threat to regime stability than implementing some modicum of accountability. To be sure, the truth commission process can leave a leader vulnerable to internal and external critics and threats, and build a foundation or precedent for further constraints on regime authority. However, commissions also provide him a unique opportunity to co-opt the truth.

Autocratic governance requires continuous negotiation between the interests of elite constituents and citizens, at one level, and the normative preferences of foreign governments and international organizations (IOs), at another.³² The most successful autocrats—those who retain their power longest—establish political institutions that mediate between the regime and the interests of their political opposition, as well as potential external sources of revenue and legitimacy.³³ As we elaborate below, truth commissions can help autocrats cater to the interests of both of these important constituencies.³⁴

Citizens' public criticism of human rights abuses conditions autocrats' perceptions of their regime's durability.³⁵ Where possible, leaders pre-empt or mitigate the possibility of popular protest—and, most critically, leader removal—through a range of conciliatory strategies like truth commissions.³⁶ Likewise,

legislature that is either not chosen in free and fair elections, or is chosen in unfree and unfair elections; or (3) a populace in which the majority of adult men do not have the right to vote.

³²Grodsky 2008.

³³Gandhi and Przeworski 2007.

³⁴Winston 2019.

³⁵Slater 2010, Svolik 2012.

³⁶Davenport 1995, Weiss 2013.

foreign governments and IOs—whose ongoing financial assistance may buttress the regime’s patronage networks—shape the range of options available to leaders accused of abuses.³⁷ Accountability for political violence has become a consequential norm over the past century; civil society activists, foreign governments, and IOs have come to not only expect it but to demand it.³⁸

For autocratic regimes, the interaction between domestic and international pressure lends itself to a strategy of *minimal* compliance with accountability norms and expectations. As O’Donnell and Schmitter observe, perpetrators of large-scale repression “will strive to obtain iron-clad guarantees that under no circumstances will ‘the past be unearthed’.”³⁹ Too much compliance with either domestic demands or international pressure creates untenable risks for leaders seeking to ‘stay alive.’ However, too little compliance may incite further unrest at home and jeopardize relations abroad.

The multiple truth commissions created by the Sri Lankan government during the country’s multi-decade civil war illustrate the strategic logic of accountability mechanisms for autocratic relations with domestic civil society movements and international donor governments. Soon after her election to the presidency in 1994, Chandrika Bandaranaike Kumaratunga created three regional commissions to investigate forced disappearances by the Sri Lankan military since 1988. And, in 2006, President Mahinda Rajapaksa established a commission to look into human rights violations perpetrated since 2005. Transitional justice scholars have treated these cases as evidence of the Sri Lankan government’s tentative, if partial, commitment to democratization and accountability.⁴⁰ However, the Kumuratunga commission contributed to only a small number of convictions, despite the indictments of several police and military officials for alleged involvement in hundreds of disappearance cases.⁴¹ In a 2009 report, Amnesty International condemned both Kumuratunga’s and Rajapaksa’s efforts as elaborate exercises in “buying time,” with few returns for the fight against impunity for human rights violations. Thus, trials and truth commissions in Sri Lanka have buttressed elite institutions while building a false sense of international confidence in the democratic quality of Sri Lanka’s post-conflict regime.⁴²

³⁷ Ahmed 2012, Bueno de Mesquita et al. 2005, Kono and Montinola 2009.

³⁸ Elster 2004, Nagy 2008, Teitel 2003, Zvobgo 2019.

³⁹ O’Donnell, Schmitter and Arnson 1986, 32.

⁴⁰ Hayner 2011, Sriram 2004.

⁴¹ International 2009.

⁴² Loken, Lake and Cronin-Furman 2018.

An autocrat may select an ATC over another co-optation strategy—for example, criminal trials⁴³ or memorial museums⁴⁴—because an ATC allows him to establish a broad, authoritative narrative on past political violence. Truth commissions are “self-consciously performed in that they are stage managed, loosely scripted, involve different actors and interlocutors and have targeted audiences.”⁴⁵ In all regimes, they aim to establish a “master narrative” of the past, by transforming multiple individual truths into inarguable facts of history.⁴⁶ In contrast to truth commissions in democratic contexts, however, truth commissions in autocratic contexts are directed from the top-down, rather than the bottom-up.⁴⁷ Leaders “stage-manage” the process, rather than allow it to proceed from victims. Thus, autocrats assume the role of credible arbiter of the past and, by extension, the political present and future.

2.2 Two Threats, Two Institutional Designs, Two Types of Reports

2.2.1 Two Threats

We first argue that two threats to regime stability motivate ATC creation—threats to symbolic authority and threats to survival—and that the type of threat shapes the type of ATC created. For clarity, we do not suggest that ATCs are the only possible response to these threats. Autocratic regimes deploy a repertoire of strategies to respond to allegations of abuses and to confront viable rivals, for example, court trials.⁴⁸ Nor do we make predictions about when autocrats will choose one strategy over another. Rather, we focus on ATCs because they have, until now, been neglected in scholarship. In this way, we focus on the “causes of effects” rather than the “effects of causes.”

We propose that autocrats create self-investigating commissions when public debate and criticism about their complicity or involvement in abuses constitute the primary threat to their rule. As an example, Idi Amin of Uganda established a self-investigating commission in response to allegations of disappearances and related torture and displacement—allegations that threatened his regime’s international

⁴³Chakravarty 2015.

⁴⁴Subotić 2019.

⁴⁵Lynch 2018, 20.

⁴⁶Andrews 2003.

⁴⁷Zvobgo 2019.

⁴⁸Shen-Bayh 2018.

prestige. Self-investigating commissions can represent a non-trivial concession to domestic and international audiences⁴⁹ and can stem additional inquiries.⁵⁰ ⁵¹ Meanwhile, we anticipate that autocrats install victor's commissions when opponents present a substantial threat to leaders' rule. These threats include large-scale public protests, the possibility of military revolt, and domestic or foreign support for opposition actors, as we saw in Uganda during the early years of Yoweri Museveni's rule. In these contexts, autocrats place their rivals under scrutiny. Commission reports can undermine opponents, making it impossible for them to accede (or re-accede) to power. In addition, victor's commissions' investigations can build the foundation for a future legal case against rivals.

Hypothesis 1a Self-Investigating Commission Creation

Autocrats create self-investigating commissions when the primary threat to regime stability is public criticism about abuses.

Hypothesis 1b Victor's Commission Creation

Autocrats create victor's commissions when the primary threat to regime stability is the strength of their rivals.

2.2.2 Two Institutional Designs

Next, we suggest that self-investigating commissions and victor's commissions take on different institutional forms in order to best meet regime objectives—restoring symbolic authority and securing leader survival, respectively. Leaders that decide to create self-investigating commissions in response to threats to their symbolic authority seek to limit the scope and consequence of the inquiry, and are thus more likely to afford these commissions weak investigative powers. By contrast, leaders that decide to create victor's commissions in response to threats to their survival seek to broaden the scope and consequence of the inquiry, and are thus more likely to afford these commissions strong investigative powers.

⁴⁹Winston 2019.

⁵⁰Grodsky 2008.

⁵¹The cost-benefit calculation can shift, of course. In Mugabe's Zimbabwe, for example, the report of a commission established to investigate the mass killing of "dissidents" in the Matabeleland region was never published. Zimbabwean officials argued that the report's release would trigger ethnic violence. Absent the full text of the report, a more credible conclusion is that the regime considered the commission's findings too damning to release.

Hypothesis 2a Self-Investigating Commission Design

Self-investigating commissions are more likely to be granted weak investigative powers.

Hypothesis 2b Victor's Commission Design

Victor's commissions are more likely to be granted strong investigative powers.

2.2.3 Two Types of Reports

Finally, we submit that self-investigating commissions and victor's commissions produce different outcomes, specifically different types of concluding reports. Self-investigating commissions issue reports that limit the extent of political blowback for the leader. This can involve missing basic facts about the nature and totality of abuses, as well as the parties responsible (i.e., the leader and his inner circle). Self-investigating commissions reshape the narrative on regime-led abuse, minimizing wherever possible a leader and his allies' individual responsibility for abuses. By contrast, victor's commissions present reports that maximize possible blowback for opponents. This can include establishing key facts about political violence and the individuals and groups responsible (i.e., political rivals). Victor's commissions undercut rivals and stem a possible power grab. They also underline the legitimacy of the standing leader's rule.

Hypothesis 3a Self-Investigating Commission Reports

Self-investigating commissions' findings are less likely to establish key facts and converge with external accounts of abuses.

Hypothesis 3b Victor's Commission Reports

Victor's commissions' findings are more likely to establish key facts and converge with external accounts of abuses.

If these hypotheses hold, the findings would indicate that the mere establishment of a truth commission is not the only factor that contributes to truth or justice outcomes. Instead, the hypotheses predict that truth—that is, a historically consistent account of past violence—results from specific technical characteristics of commissions that emerge from specific political contexts. Where these characteristics and contexts are present, ATCs may provide an accurate account of past violence; where they are not, ATCs will misrepresent or obfuscate the truth.

3 Research Design

We draw on the *Varieties of Truth Commissions* Project⁵² to identify commissions created under autocracy.⁵³ The VTC Project documents 84 truth commissions established in the period, 1970–2018, 28 of which were created under autocratic rule.⁵⁴ Having identified the 28 ATCs, we exploit a most-similar systems design for case selection, choosing for the first probe of our new theory the first and second Ugandan ATCs created by Idi Amin and Yoweri Museveni, respectively.

There are several advantages to a structured comparison of the two Ugandan cases. First, focusing on two cases in a single country holds constant several potentially confounding factors, such as geography, colonial history, ethno-linguistic fractionalization, and even some key antagonists, among them Museveni, his predecessor, Amin, and both Amin and Museveni’s predecessor, Obote. Of course, no social science research can identify and control for all potentially confounding variables. However, a most-similar systems design limits the range of possible confounding factors. Second, the two commissions’ mandates overlap, with the second considering abuses before, during, and after those investigated by the first. Lastly, the Amin and Museveni commissions reflect the two ideal-types we describe above. Specifically, the Amin commission is a self-investigating commission and the Museveni commission is a victor’s commission. We elaborate on the empirical strategy later in this section.

3.1 ATCs Around the World

Our data allow us to describe, for the first time, the prevalence of ATCs around the world. As previously discussed, most studies of truth commissions presume that large-scale political transformation is a prerequisite for the implementation of truth commissions and transitional justice more generally. However, one-third of commissions have emerged under autocratic regimes.⁵⁵ Our data also allow us to explore variation across geographic regions and over time.

⁵²Zvobgo 2019.

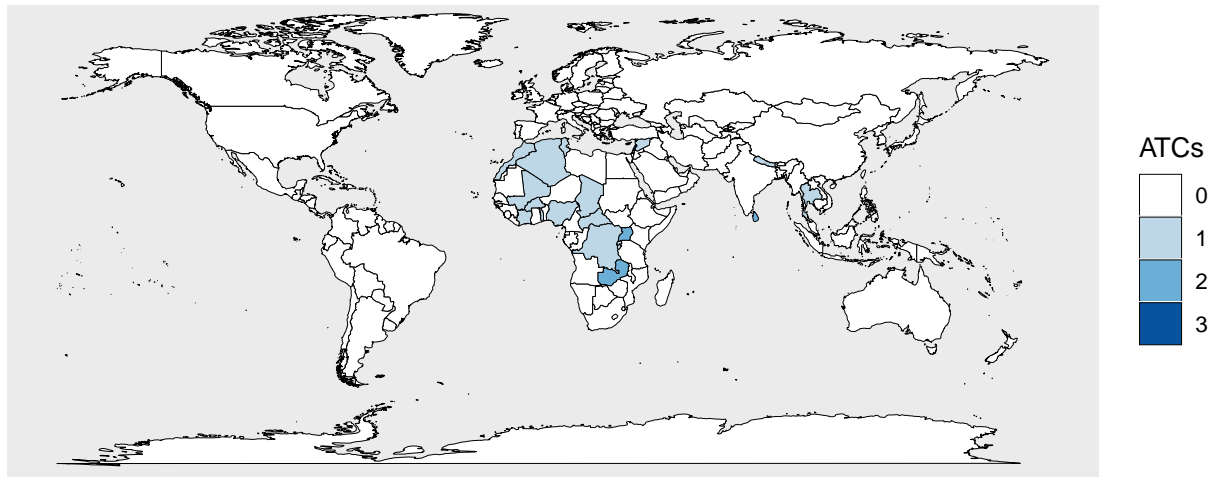
⁵³Boix, Miller and Rosato 2013.

⁵⁴We were unable to locate mandate documents for five commissions, namely the three Lebanese commissions from the early 2000s, which were tasked with researching disappearances from 1975 to 1990, and the two Zambian commissions. So, we only have data on commission powers for 23 of the 28 cases.

⁵⁵We do not consider autocratic succession—the abdication or ouster of one leader, and the ascension of another—as a form of political transformation.

While ATCs have been deployed around the globe, they have been concentrated in Sub-Saharan Africa (SSA). As seen in Figures 1 and 2, we identify 16 ATCs in SSA, relative to South and Southeast Asia (4), the Middle East and North Africa (MENA) (7), and the Caribbean (1). Of note, ATCs represent two-thirds of commissions in the SSA region since 1970 and all commissions in the MENA region.⁵⁶

Figure 1: Geographic Spread of Non-Democratic Truth Commissions, 1970-2018



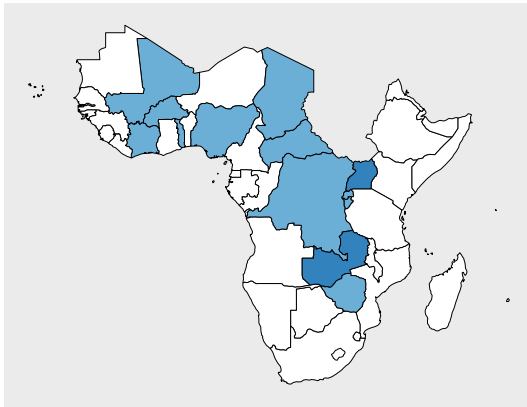
The proportion of ATCs, relative to all TCs, has been relatively stable during the five-decade period we consider, although the regions in which ATCs have been used have shifted. ATCs represented all TCs in the SSA region in the 1970s and 1980s, and continued to represent a significant proportion of TCs in the 1990s and 2000s, even under the shadow of the now-famous South African truth and reconciliation commission. Meanwhile, the only TCs to emerge in the MENA region have been ATCs. Of note, none of the ATCs in our data were in South American countries. By considering commissions created outside of the context of political transformation, we have created an opening for further inquiry into these mechanisms beyond South America—the region from which most prominent theories of the relationship between transitional justice and human rights, democracy, and peace emerged.⁵⁷

⁵⁶The Tunisian truth commission was created by the non-democratically elected interim government, known as the National Constituent Assembly (NCA). While the commission has since been mingled with a process of democratization, it was not created by a democratic Tunisian state.

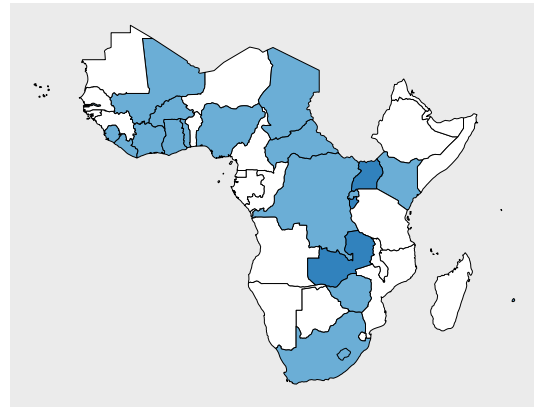
⁵⁷Lutz and Sikkink 2001.

Figure 2: Truth Commissions by Region

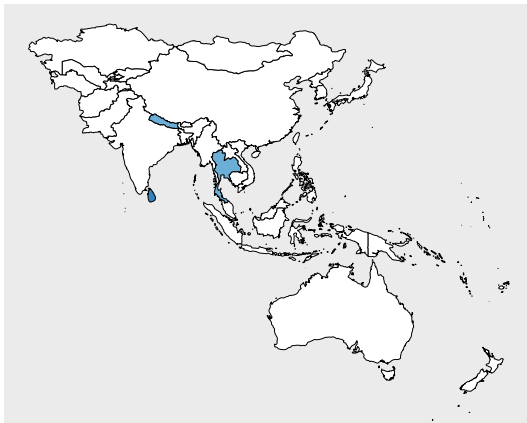
(a) Africa ATCs



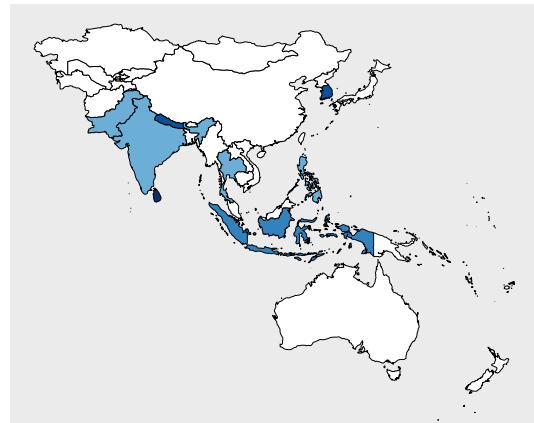
(b) Africa TCs



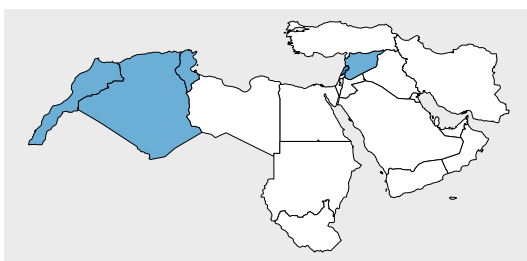
(c) Asia and Oceania ATCs



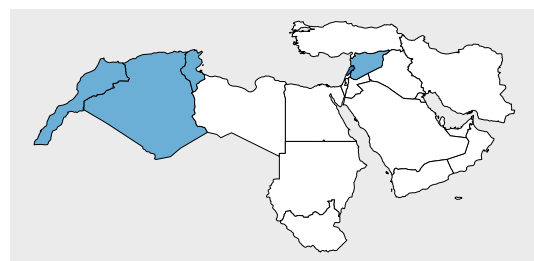
(d) Asia and Oceania TCs



(e) MENA ATCs



(f) MENA TCs



(g) C. America and Caribbean ATCs



(h) C. America and Caribbean TCs



3.2 ATC Investigative Powers

In order to establish general patterns across ATCs, we coded investigative powers across our universe of cases. We focus on two key investigative powers: whether a commission was empowered to (1) study a range of abuses and (2) trace causes of abuse—two of the most critical inputs of successful truth commissions.⁵⁸ The variable *range of abuses* is a binary indicator that is coded as 1 if a commission had the power to investigate several types of abuses, for example, to investigate not only forced disappearances but also unlawful detentions, rape, and racial, social or political discrimination. The variable *trace antecedents* is a binary indicator that is coded as 1 if a commission was empowered not only to investigate incidents of violence but also to study political, economic, and/or social factors contributing to violence. As seen in Table 1, among the ATCs for which we have mandate data, 18 (of 23, or 78%) had a mandate to investigate a broad range of abuses. The remaining five did not. For example, the Moroccan commission was focused on enforced disappearances, as was Idi Amin’s commission.

⁵⁸González 2013, González and Varney 2013, Zvobgo 2019.

Table 1: ATC Mandates

| | | <i>Range of Abuses</i> | |
|--------------------------|-----|---|---|
| | | Yes | No |
| <i>Trace Antecedents</i> | Yes | CAR 2003, <i>Côte d'Ivoire 2011</i> DR Congo 2004, <i>Mali 2015</i> <i>Nepal 1990, Nigeria 1999</i> Rwanda 1999, Thailand 2010, Togo 2009, Tunisia 2014 <i>Uganda 1986</i> | |
| | No | Bahrain 2011 Burkina Faso 1999 <i>Chad 1991, Haiti 1995</i> Lesotho 2000, Sri Lanka 2010 Sri Lanka 2013 | <i>Algeria 2003, Burundi 1995</i> Morocco 2004, Uganda 1974 Zimbabwe 1983 |

Note: Victor's commissions in italics.

More than half of ATCs in our sample (57%) were not tasked with tracing antecedents of abuse, suggesting, as we would expect, a shallow commitment to constructing a “whole truth.” Indeed, commissions that examine instances of abuses, but not the causes of abuses, can render but a partial account. Contrary to expectation, not all victor’s commissions (*in italics*) had strong investigative powers. Neither the Algerian nor Burundian victor’s commissions had the power to uncover a range of abuses or to trace antecedents. As we mentioned briefly already, commissions can establish a foundation or precedent for further constraints on regime authority. So even those commissions that investigate a leader’s predecessors or opposition may be granted limited powers. Critically, the two Ugandan commissions, to which we now turn the rest of our attention, find themselves in opposite quadrants. Amin’s 1974 commission possessed neither of the two investigative powers we identify, whereas Museveni’s 1986 commission possessed both.

3.3 Cross-Case Comparison

The descriptive comparison of all ATC cases clarifies common tendencies. Building on this, we produce a structured comparison of the Amin and Museveni commissions. For this analysis, we rely on comparative process tracing.⁵⁹ Through this method, we determine the presence and absence of several observable implications within the causal chain we propose. Tracing two similar cases enables a deeper understanding of the process through which the political context of autocratic regimes affects the design and outputs of their commissions. Parallel implications of our theory allow rigorous comparison across the two cases. Combined confirmatory evidence gives confidence in our argument that variation in ATC types emerges from different threats to regimes stability. In turn, different ATC types have different designs and different outcomes.⁶⁰

⁵⁹George and Bennett 2005.

⁶⁰Bennett and Checkel 2015.

3.4 Observable Implications

In this section, we lay out more explicitly the observable implications of our theory of the context, inputs, and outputs of self-investigating and victor's commissions, which we will then trace in our paired case study of the Amin and Museveni commissions. First, we expect that self-investigating commissions will have weak investigative powers: they will be less likely than other ATCs to consider a range of abuses or to trace antecedents of abuse. As a design feature, weak powers constrain what can be uncovered about past human rights abuses. Accordingly, a self-investigating commission's concluding report can minimize the current leader's complicity or direct involvement in abuses. Inversely, we expect that victor's commissions will have strong investigative powers. Strong powers expand what can be known about past abuses. Consequently, a victor's commissions' concluding report can enlarge understanding of rivals' responsibility for abuses.

Second, self-investigating commissions should not make a clear statement about *who is responsible for abuses*, if the report is even published. We recall for the reader our utilitarian logic of *minimal* compliance as well as our initial premise that threats to symbolic authority inspire self-investigating commissions. In expectation, self-investigating commissions are unlikely to state that the leader himself and those closest to him are responsible for abuses. Inversely, victor's commissions should make a clear statement about who exactly is responsible for abuses. We recall again for the reader our premise that victor's commissions are created when the primary threat to survival is the abiding strength of autocrats' rivals. Autocrats capitalize on the opportunity to scrutinize opponents and diminish their credibility, with a view to prevent their accession or return to power. In expectation, victor's commissions will name names, especially the names of individuals who pose the greatest threat.

Third, self-investigating commissions should not *attribute criminal responsibility* to individuals, with a view to deflect, even impede, subsequent accountability. Victor's commissions, by contrast, should attribute criminal responsibility to individuals—a decision that can build a foundation or precedent for further accountability, even a legal case, against rivals.

4 Co-Opting Truth in Uganda

In 1974, Idi Amin Dada installed the Commission of Inquiry into the Disappearance of People in Uganda since 25th January, 1971. The commission was tasked with investigating allegations of disappearances by the military forces during the regime's early years. Later, in 1986, Yoweri Museveni established the Commission of Inquiry into Violations of Human Rights. This second commission's mandate was to investigate state-led abuses, from Independence up to the beginning of the Museveni government. Thus, the timeframe of the first commission fell under the timeframe of the second. And, while Amin's commission solely investigated forced disappearances, Museveni's considered an array of human rights violations and other abuses of power. Thus, abuses in the first commission mandate were encompassed in the mandate of the second.

We begin the analysis of each case by describing the political contexts in which each leader created his commission. We explain how and why the costs of no accountability exceeded the costs of some accountability for each leader. We additionally discuss how these costs led each leader to create a truth commission as a means of co-opting domestic and international perceptions of both past and present abuses. We document how different threats to Amin's and Museveni's regimes led them to create different types of ATCs. We then illustrate how each ATC type influenced key commission inputs (investigative powers) and outputs (the final report).

To foreground the findings, the Amin and Museveni commissions respectively represent two ideal typical ATCs: a self-investigating commission designed to recast the knowledge, involvement, and responsibility of a leader for abuses, and a victor's commission designed to spotlight abuses perpetrated by one's rivals. Amin's self-investigating commission arose from threats to his symbolic authority, whereas Museveni's victor's commission was precipitated by more imminent threats to his survival. To limit the commission's scope and consequence, the Amin commission was not empowered to investigate a range of abuses or to trace antecedents. In contrast, the Museveni commission was empowered to investigate a range of abuses and to trace their political, economic, and social antecedents. All of this was done with a view to to broaden the commission's scope and consequence, and thoroughly undermine persistently viable rivals, namely Milton Obote, whose first administration preceded Amin's and whose second ad-

ministration preceded Museveni's.

4.1 Idi Amin's Self-Investigating Commission

Idi Amin, infamously known as the “Butcher of Uganda,” acceded to the presidency after orchestrating a coup in 1971 against Milton Obote, the first post-Independence president of Uganda. In the regime's early years, the main military challenge to Amin's rule came from expatriate rebel forces in Tanzania, where Obote had established a base after the coup against his government. Obote and a small unit of forces, including future-President Museveni, staged an invasion in September 1972 that Amin's forces swiftly repelled. Amin was ultimately overthrown seven years later, in 1979, and Obote returned to power in 1980, following three short interim governments.

Amin's military government installed several agencies to surveil and suppress dissent. These included the State Research Bureau and the Public Safety Unit, which were central to disappearances, torture, and executions. Other anti-Amin insurgencies emerged during this period, but none had the military capacity nor international support that Obote had previously commanded. As a result, “these sometimes disparate groups never posed a serious threat to Amin.”⁶¹

4.1.1 Threats to Symbolic Authority

The Self-Investigating Commission Creation hypothesis (H1a) suggests that threats to a regime's *symbolic authority* precipitate self-investigating commissions' creation. If this hypothesis holds, we expect to see that, in the run-up to the commission's establishment, Amin and regime elites were concerned with the reputational costs of significant domestic and/or international condemnation of regime-led abuses.

By the commission's creation in 1974, Amin's regime had consolidated its monopoly over the use of force and successfully undermined all major political opponents through a persistent campaign of violence and repression. Aside from their military failures, expatriate rebel forces gave Amin a useful pretext for violent campaigns against Obote's domestic supporters.⁶² In the words of Iain Grahame, a former British major who served as Amin's commanding officer in the colonial King's African Rifles and

⁶¹Ocitti 2000, 226.

⁶²Gwyn 1977.

an occasional UK envoy to the Amin government, “[b]y the end of 1972 Idi Amin had seen to it that the fangs of the most dangerous of his own tigers had been extracted.”⁶³

Despite his success in repressing opponents, Amin displayed an obsessive concern with legitimating his regime, especially through the approval and regard of his international counterparts. Amin directed extensive investments in large public works, commercial development projects, and military training exercises and weapons programs to convey the regime’s strength and authority. In his account of Amin’s rule, UN envoy George Ivan Smith describes the leader’s commitment to completing the Nile Hotel and Conference Centre in Kampala ahead of the annual summit of the Organization of African Unity in 1975: “That year the Nile Hotel was Amin’s great pride. Hosting the OAU provided prestige.”⁶⁴ Amin’s fixation on legitimizing projects also extended to more routine matters of governance: in 1973, Amin mobilized an urban beautification campaign, Keep Uganda Clean, which tasked government officials, security forces, and regular citizens with tidying Uganda’s “dirt.” The Keep Uganda Clean campaign was both a means of legitimating the regime to internal and external audiences, and a pretext for urban repression and displacement. As Decker (2010) documents, Amin’s direct inspiration for the beautification campaign was a set of forced “community service” efforts by two autocratic counterparts, Zaïre’s Mobutu Sese Seko and the Central African Republic’s Jean Bédél Bokassa.

During the same period, Amin faced growing censure for his regime’s abuses, erratic foreign policy, and maltreatment of foreign nationals in Uganda. The United States and United Kingdom had publicly acquiesced to Amin’s 1971 coup, viewing the new leader as a credible rebuke to Obote’s rule.⁶⁵ Although Tanzanian president, Julius Nyerere, offered sanctuary to the de-throned Obote, other actors in the region, including Ethiopia, supported the UK position.⁶⁶ A brief year of goodwill gave way to international resentment, however, as Amin solicited military assistance from Muammar Qaddafi’s regime in Libya and issued executive decrees expelling and expropriating the property of foreign nationals—in particular, Ugandan Asians holding UK passports—in 1972. The UK Commonwealth’s immigration policies required that the British government facilitate the resettlement of Ugandan Asians at significant financial

⁶³Grahame 1980, 140.

⁶⁴Smith 1980, II.

⁶⁵Adyanga 2011.

⁶⁶Hansen 2013.

and domestic political cost to London. The prospect of resettling tens of thousands of Ugandan Asians prompted a campaign of public anti-Amin criticism and quiet regional diplomacy by the UK Foreign and Commonwealth Office (FCO). Although the FCO's tentative attempts to seek redress via multiple UN human rights bodies and the International Court of Justice all failed, the public criticism of Amin's domestic and foreign policy struck a blow against his credibility with erstwhile international partners.⁶⁷

The lack of viable political opposition, Amin's compulsive need to project the symbolic authority of his government, and growing international censure following his expulsion of foreign nationals in 1973 were the combined context for the creation of his self-investigating commission.⁶⁸

4.1.2 Self-Investigating Commission Design

Per the Self-Investigating Commission Design hypothesis (H2a), we expect that self-investigating commissions will possess weak investigative powers. Consistent with our expectations, and as displayed in Table 1, Amin's 1974 commission had neither the power to uncover a range of abuses or to trace causes of abuse. Together with the 1983 Zimbabwean commission—also a self-investigating commission—the Amin commission is among the weakest commissions in our sample of ATCs. The median ATC at least considered a range of abuses. Amin's commission was, thus, ill-equipped to uncover the truth. Moreover, through its limited focus on enforced disappearances in a very narrow window of time—just three years—the commission was designed to neglect the many other abuses for which Amin and his agents were accused.⁶⁹

4.1.3 Self-Investigating Commission Report

The Self-Investigating Commission Reports hypothesis (H3a) proposes that self-investigating commissions' findings will be less likely to establish key facts and converge with external accounts of abuses. Unsurprising to many, the Amin commission report was never published. Only a confidential copy was given to Amin himself. Since the report was not made available to the public, the commission allowed

⁶⁷Uche 2017.

⁶⁸Carver 1990.

⁶⁹Winston 2019.

Amin the appearance of doing *something* about abuses, though these efforts were not at all robust. In this way, he contained, even evaded, a vaguely accurate narrative on the past.

Next, we evaluate the commission's account of past violence and the extent to which it was consistent or inconsistent with external accounts. As discussed, there are two main ways that self-investigating commission findings may diverge from external accounts. First, we expect that self-investigating commissions *will not attribute blame* to the leader and his inner circle. Consistent with this expectation, the Amin commission determined that the Public Security Unit and the National Investigation Bureau were principally responsible for enforced disappearances.⁷⁰ While these agencies were established and directed by Amin, the commission did not find that he or his allies were directly involved. This account diverges from diplomatic and press reporting from the period, which attributed both the organization and enactment of the disappearances to senior Ugandan officials.⁷¹ Second, we expect that self-investigating commissions *will not attribute criminal responsibility* for violence. Consistent with this expectation, the Amin commission's report disavowed the possibility of criminal responsibility for enforced disappearances.⁷² Rather, the report suggests that the body succeeded in pin-pointing—albeit, without clear legal or social consequences—“individuals or government establishments whose involvement in the disappearances or deaths of the subjects was manifested in the evidence which we heard.”⁷³

4.1.4 Summary of Findings

We thus find support for our first set of expectations. In 1974, Idi Amin did not face credible threats to his survival but rather to his symbolic authority. Obsessed with international recognition and prestige, he created a self-investigating commission to minimize his responsibility for abuses and rehabilitate his image. Per our expectations, this self-investigating commission was restricted to a single type of abuse, enforced disappearances, and did not trace antecedents. For its part, the commission's report, which was never officially published, did not name Amin or his allies as criminally or otherwise responsible for abuses—a determination that defied third-party accounts, for example, from representatives of foreign

⁷⁰Carver 1990.

⁷¹Decker 2013.

⁷²Commission of Inquiry into Disappearances 1974, 781.

⁷³Commission of Inquiry into Disappearances 1974, 783.

governments and the international press. In the following section, we analyze the second Ugandan commission, which contrasts the first in crucial ways—from antecedent threats to institutional design to the concluding report.

4.2 Yoweri Museveni's Victor's Commission

Yoweri Kaguta Museveni ascended to the Ugandan presidency in 1986 after seven years of political tumult in the country. A veteran of the coup that overthrew Amin, Museveni organized in 1981 an insurgency against the second Obote government, enlisting the National Resistance Army/Movement (NRA/M) and a coalition of smaller anti-Obote groups. The subsequent civil war lasted five years, until Museveni and the NRA seized the capital.

The NRM initially lacked both the financial resources to provide patronage guarantees to would-be elite allies⁷⁴ and civilian support in areas outside its original western constituency.⁷⁵ To raise financial support and shore up its power, the NRM adopted a range of institutional reforms under the guise of national unity and anti-sectarianism. In addition, the NRM instituted a doctrine of mass politics that Museveni variously described as “no-party” or “Movement democracy.”⁷⁶ Although Museveni and his allies advertised the doctrine as a means of preventing a return to conflict, it was intended to delegitimize alternative forms of political contestation outside the NRM.⁷⁷

Among the new institutions Museveni created was a victor's commission. The following excerpt from Museveni's inauguration speech illustrates the rhetoric of reform that the new president embraced:

During the four months that the NRM Government has been in power, the Ugandan has regained his human dignity [...] We are proud to have a leadership that truly recognizes and genuinely proclaims the right to life, liberty, security of the person and to the protection of the law, are the basis of the very existence of a nation [...] Any Government which is incapable of providing the appropriate political environment for the enjoyment of these rights by its people, has no justification for its continued existence in power. It is because of this principle that the sons and daughters of this nation with unusual determination and courage joined the [...] struggle that culminated in the overthrow of repressive and fascist

⁷⁴Tripp 2010.

⁷⁵Rubongoya 2007.

⁷⁶Carbone 2008.

⁷⁷Kasfir 2000.

regimes of the resent [*sic*] past in order to restore those rights.⁷⁸

Museveni's reform efforts did more to expand the new ruling party's control over state bodies than to lessen the political divisions that resulted from the civil war, however. And, like other NRM government institutions, the truth commission did much to attract support for the new regime among Western donors.⁷⁹

4.2.1 Threats to Survival

The Victor's Commission Creation hypothesis (H1b) predicts that threats to *regime survival* by viable domestic opponents precede victor's commissions' creation. If this hypothesis holds, we expect to see that Museveni and regime elites perceived anti-regime mobilization as a threat to their survival in the period preceding the commission's installation.

In 1986, the Museveni regime faced more credible threats to its political future than the Amin government confronted in 1974. These threats to regime survival emerged from the circumstances of the Ugandan civil war's conclusion. Multiple rebel groups in the northern part of the country, including some comprised of former supporters of interim leaders, organized to oppose the new NRM-led government. These insurgent claims threatened Museveni's new role and his monopoly over the use of force.⁸⁰ The combination of these rebel threats and support for Obote and his allies in the Horn of Africa meant that the continuous possibility of a military challenge by both internal and external forces was a central focus of both Museveni's domestic and foreign policy.⁸¹

The viability of anti-regime opposition explains why the new Museveni regime found its victor's commission advantageous. The commission established, for both Ugandan society and the international community, that the regime represented a clean break from both Amin's violent rule and the civil conflict

⁷⁸As cited in Quinn 2011, 73.

⁷⁹When the Museveni commission broke down partway through its mandate due to insufficient funds, several Western NGOs and aid agencies stepped in, among them the Ford Foundation, the Swedish International Development Agency (SIDA), and the Danish International Development Agency (DANIDA). Together, these groups donated \$546,000 to prop up the commission. It appears these actors did not view their support for the commission as a fruitless exercise, although, from the perspective of truth and justice, it most certainly was. These contributions allowed the commission to finish its work (Quinn 2011), but foreign donors appeared oblivious to the commission's central goal: political survival, not truth.

⁸⁰Rubongoya 2007.

⁸¹Lemarchand 2001.

of the second Obote era. And, the guise of political transformation allowed Museveni and the NRM to consolidate control over Ugandan politics and undermined the political claims of opponents, so much so that, 33 years later, Museveni still holds the presidency, and with no signs of a forthcoming departure.

4.2.2 Victor's Commission Design

Per the Victor's Commission Design hypothesis (H2b), we expect that victor's commissions will possess strong investigative powers. As displayed in Table 1, Museveni's 1986 commission had both investigative powers to facilitate a strong investigation. The Ugandan law authorizing the commission gave it the power to investigate a range of abuses, including "Violations of human rights, breaches of the rule of law and excessive abuses of power, committed against persons in Uganda by the regimes in government, their servants, agents or agencies."⁸² In this way, the commission was *ex ante* positioned to produce a more exhaustive narrative on historical political violence than if it had probed a single practice. Not only was the Museveni commission empowered to investigate a range of abuses, it was also tasked with studying their root causes. Indeed, it was "deemed expedient that the causes of the circumstances surrounding and possible ways of preventing the recurrence of the matters aforesaid, be inquired into."⁸³

4.2.3 Victor's Commission Report

Finally, the Victor's Commission Reports hypothesis (H3b) suggests that victor's commissions' findings will be more likely to establish key facts and converge with external accounts of abuses. Unlike Amin's self-investigating commission, Museveni's victor's commission did publish its report. In contrast to self-investigating commissions, we expect that victor's commissions will attribute blame to the leader's opponents and that they will pin criminal responsibility for violence on those individuals. Museveni's commission explicitly named Obote—Museveni's most credible rival—as well as Amin and even the lesser-known and short-lived governments led by Binaisa, Okello, and the military. The final report even portrays grave violations of human rights as a leading cause of Obote's ultimate removal from power. The report's account is consistent with external reports of violence under the multiple Obote and Amin regimes, dur-

⁸²Republic of Uganda 1994, 1.

⁸³Republic of Uganda 1994, 3.

ing which regime forces killed civilians at a large scale in long-running episodes of repression and internal armed conflict. A 1989 Amnesty International report places responsibility for this violence with senior officials in both the Amin and Obote regimes. On Obote abuses, Amnesty reported:

[T]here is no doubt that the army was deliberately deployed in situations where it was sure to abuse civilians and that the government made no serious attempt to curb its abuses. In fact, some of the worst abuses were committed by the better disciplined elite units, such as the Special Brigade and the paramilitary police Special Force. Many arbitrary arrests of alleged opponents were made by the National Security Agency (NASA), which was directly answerable to the President's Office.⁸⁴

As Quinn (2011) observes, however, the Museveni commission's report said little about the regime's own atrocities in northern Uganda, despite ample evidence from international human rights organizations of summary attacks on civilian populations. The commission's detailed account of past violence illustrates how victor's commissions can both strengthen current leaders' power *indirectly*, by undermining their predecessors, and *directly*, by obfuscating their own responsibility and even justifying their political projects.

4.2.4 Summary of Findings

We again find support for our expectations. In 1986, Museveni's regime faced existential threats. Deeply concerned with maintaining his rule in a country that had been in turmoil for nearly a decade, he created a victor's commission to put his rivals under scrutiny and make it impossible for them to accede to power. Per our expectations, the victor's commission's mandate encompassed a range of abuses and traced antecedents. For its part, the commission's report, which was officially published, named names and assigned criminal, and even moral, responsibility for abuses to Museveni's rivals, most notably Obote. The report cohered with external accounts yet, by design and by choice, neglected ongoing abuses by the new regime.

⁸⁴Amnesty International 1989, 7.

4.3 Additional Evidence of Truth Co-Optation

We would be remiss if we did not discuss additional strategies of truth co-optation that were deployed by Amin and Museveni in their respective commissions. These are strategies that we did not originally anticipate but that emerged in the course of our research. They further illustrate how autocrats manipulate truth-seeking processes to buttress their standing among both elites and the public.

The Amin commission's report describes regime-led violence as a legitimate response to threats to the country's security, social order, and cultural values. Thus, it explains away disappearances under the regime, even while attributing some responsibility to lower-level military and police officials and the institutions in which they served. Many of the profiles of the disappeared implicitly justify their fates. Time and again, the report links individuals who were disappeared with unspecified threats to the nation. A few illustrative descriptions capture the alleged security threats and social deviancy of the disappeared: "he was suspected of being a guerrilla working against the interests of the country as a whole."⁸⁵; "he was associating with bad elements"⁸⁶; "the man was mentally deranged."⁸⁷

For his part, Museveni rewarded handsomely his co-partisans and fellow bush fighters with appointments to the truth commission. In this way, he used the institution to further galvanize *elite support*. Other commissioners were chosen from among the groups which had been most persecuted during the Amin and especially Obote administrations.⁸⁸ In this way, Museveni additionally buttressed *public support*.

5 Implications

Our research offers two main implications. First, autocratic strategies of co-optation are not confined to conventional institutions like legislatures, elections, political parties, or even judiciaries. Co-optation additionally encompasses forms of institutional innovation like quasi-judicial bodies. These institutions allow leaders to use both domestic and international demands for truth and accountability to strengthen

⁸⁵Commission of Inquiry into Disappearances 1974, 11.

⁸⁶Commission of Inquiry into Disappearances 1974, 19.

⁸⁷Commission of Inquiry into Disappearances 1974, 25.

⁸⁸Quinn 2011.

their power and discredit opponents. While truth commissions, among a range of quasi-judicial institutions, can provide opportunities to confront the past, they are first and foremost political institutions. In the context of the politics of memory and of transitional justice, our research motivates continued inquiry into governments that create commissions, the political contexts in which commissions are created, and the content of commission mandates and concluding reports. Only when we take seriously the political dimensions of these bodies' origins, inputs, and outputs can we suggest, and even then with circumspection, whether and to what extent they can serve truth and justice, and be transformative.

Second, while the truth is not the central objective of quasi-judicial institutions in autocracies, this outcome may nevertheless emerge. For example, while Amin's self-investigating commission had little impact on state human rights policy and practice, its work, once released, stemmed additional revisions to the historical record—a minimalist yet appreciable outcome.⁸⁹ In a similar vein, while Museveni's victor's commission neglected to investigate the current leader, as a new set of conflicts developed in the country's northern regions, the commission conducted a comprehensive, detailed investigation of abuses under *previous* leaders. In addition, the commission's report *was* published and disseminated. Thus, even in autocracies, quasi-judicial bodies like truth commissions can achieve some normative markers of success.

6 Conclusion

This paper aimed to explain the creation, design, and outcomes of quasi-judicial institutions in autocracies. We drew on the literature on autocratic survival and resilience to argue that autocrats use these mechanisms, in particular truth commissions, to strengthen their power and weaken their rivals. We proposed that commissions represent an ideal setting for leaders to co-opt truth and render an authoritative narrative on political violence that paints them in the best possible light and their rivals in the worst possible light.

More precisely, we argued that autocrats create self-investigating commissions when they face threats to their symbolic authority. These commissions are afforded weak powers of investigation and issue reports that help, rather than hurt, the leader. Meanwhile, autocrats create victor's commissions when they

⁸⁹Hayner 2011, 239–240.

face more imminent threats to their survival. These commissions are granted strong powers and subsequently furnish findings that devastate opponents.

We offered comparative cases of two autocratic truth commissions in Uganda to provide evidence for these arguments. We found broad and consistent support for the theory: threats to Idi Amin's symbolic authority precipitated a self-investigating commission, while threats to Yoweri Museveni's survival triggered a victor's commission. Amin's self-investigating commission on enforced disappearances neglected the full range of abuses for which his regime was accused, and avoided directly implicating him and his inner circle. Museveni's victor's commission, in contrast, examined a range of abuses of power, among them human rights violations, and did not hesitate to name names. Amin's commission helped him evade responsibility and accountability, while Museveni's commission helped him distinguish himself and his supporters from erstwhile viable rivals. Each commission assured the resilience of its founder's power, for Museveni even more than for Amin.

Much remains to be accomplished in this research area. Our work motivates continued investigation of autocratic truth commissions, in particular hybrid commissions—those commissions that investigate both current and previous regimes—and the difficult balancing act of opening up an investigation that shines some light on the current leadership yet shines more light on predecessors and rivals. We also suggest inquiry into autocratic truth commissions created not simply by regime successors but hereditary successors, for example, in Morocco where King Mohammed VI established a truth commission to examine enforced disappearances during his father, Hassan II's rule, or in Togo where Faure Gnassingbé installed a commission to investigate human rights violations under both his and his father, Gnassingbé Eyadéma's regimes. Intuition suggests the difficulty of investigating one's own family and simultaneously distinguishing oneself from them. Yet, some leaders have found it useful to do so. When we consider the potential of truth commissions to construct and shape knowledge of the past, however myopic or distorted in some cases, it is clear that they merit continued study.

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