

Co-Opting Truth: Explaining Quasi-Judicial Institutions in Authoritarian Regimes

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ABSTRACT

What accounts for the creation, design, and outputs 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 article, 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 rival-investigating commissions in response to threats to both symbolic authority and regime survival. We further argue that these two commission types take on different institutional forms and produce different outputs. Self-investigating commissions are afforded narrow mandates and produce reports that obscure basic facts. Meanwhile, rival-investigating commissions are granted wide mandates 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 support.

I. INTRODUCTION

What accounts for the emergence, inputs, and outputs of quasi-judicial institutions in autocratic regimes? Autocrats routinely use repression as a means of survival and resilience. However, they sometimes defy expectation and make concessions to opposition actors. 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. Surprisingly, however, 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.¹

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.² This perception is not without basis. In cases like Argentina and South Africa, new democratic elites used truth commissions to usher in acknowledgment and recognition.³ While scholarship has complicated these positive understandings of truth commissions in transitional contexts, these examples loom large as “positive” truth-commission cases among influential practitioners, for example, the International Center for Transitional Justice. Yet, in cases like Côte d’Ivoire, Sri Lanka, and Uganda, autocrats have used truth commissions to limit the truth and obscure responsibility for abuses.⁴

Like other quasi-judicial institutions, truth commissions are a means of investigating instances of noncompliance with domestic and international laws. 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. Thus, it is important for scholars to consider how the range of actors and interests that commissions may serve shape the uses and consequences of these quasi-judicial bodies.

While much scholarship describes political transformation as a prerequisite for commissions, this relationship is under-evidenced. Truth commissions have emerged in consolidated democracies, transitional democracies, and autocracies alike.⁵ Sometimes, they emerge as a result of negotiation during transitions to keep all actors at the negotiation table.⁶ And, while some commissions are guided by a genuine interest in “uncovering the truth,” others are not designed to serve accountability.⁷ Studies about “transitional injustice,” however, do not explain how and why autocrats use these mechanisms to accomplish regime goals of survival and resilience, nor why there may nevertheless be some markers of a normatively successful investigation in these repressive contexts. Although a large body of qualitative work on truth

commissions in both transitional and non-transitional contexts acknowledges how regimes use commissions to legitimate themselves and co-opt both their opponents and narratives about regime repression, the growing cross-national literature on transitional justice does not acknowledge the autocratic context of truth commissions as a systematic source of variation in truth commission design and outputs.⁸

In this article, we formalize the concept of autocratic truth commissions (“ATCs”)—truth commissions that autocratic regimes establish. While much of the normative research on transitional justice insists on a contradiction between the aims of autocratic regimes and truth commissions,⁹ an established body of scholarship nevertheless demonstrates that autocrats co-opt and manipulate erstwhile legitimate institutions like courts to buttress their power and secure the longevity of their rule.¹⁰ Truth commissions may be especially valuable for leaders who perceive threats to their rule and who are interested in strengthening their power while weakening their rivals through non-repressive means. Essentially, leaders can use commissions to give the appearance of operating within global accountability norms, in service of the resilience of their regimes.¹¹

In this article, we consider two general types of ATCs, self-investigating commissions and rival-investigating commissions, and theorize the types of threats to autocratic rule that motivate their creation. We propose that autocrats establish self-investigating commissions, which collect information about atrocities by regime members, in response to threats to their symbolic authority. Meanwhile, they install rival-investigating commissions in response to threats to both their symbolic authority and the material security of regime institutions, or survival.

We begin by introducing self-investigating and rival-investigating commissions and argue how they are potentially useful for advancing two regime goals in 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. Rival-investigating commissions can buttress the regime's symbolic authority and help leaders stem rivals' viability and secure regime survival by exposing abuses perpetrated by regime opponents.

Following this introduction to self-investigating commissions and rival-investigating commissions, we propose how they take on different institutional forms and produce different outputs to serve regime goals. We anticipate that regimes afford self-investigating commissions narrow mandates and these commissions produce concluding reports that obscure basic facts, like the extent of abuses and the parties responsible. In contrast, we anticipate that regimes grant rival-investigating commissions broad mandates and these commissions issue comprehensive and accurate accounts of abuses by rivals. These commissions are about *maintaining power*, not ambitious goals of justice or human rights. ATCs “construct facts” and issue master narratives of past events; the process is informational and political, not emotional and social.¹² Whatever truth emerges from these processes is primarily intended to serve the current regime and its interests.

In assessing broad and narrow commission mandates, 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 for political reasons to examine some, but not all, alleged violations are, by definition, deficient and in conflict with the truth.¹³ Likewise, commissions that are tasked with chronicling abuses without regard for the underlying causes engender a limited understanding of the past.¹⁴

Next, in terms of commissions' concluding reports, we focus on whether a report establishes basic facts 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 rival-investigating commissions are principally motivated by the desire or the will to account for the past and to fundamentally change governance. They are about *fulfilling leaders' objectives*.

To situate our analysis, we draw on the novel *Varieties of Truth Commissions* Project, which captures 28 ATCs (out of 84 total truth commissions). 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, the data covers: (1) the type of ATC: self-investigating, rival-investigating, or hybrid; and (2) its mandate, 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 confounding factors like geography, colonial history, and ethno-linguistic fractionalization. The Amin and Museveni commissions also respectively reflect our two types: a self-investigating commission and a rival-investigating commission.

When faced with international censure but lacking a viable domestic opposition in 1974, Amin installed a commission with a narrow material scope of inquiry and restricted it to studying a single abuse over a narrow window of time.¹⁵ The government also did not empower the commission to examine antecedents of these abuses.¹⁶ The commission's report avoided directly implicating Amin and members of his inner circle and was never officially published.¹⁷

Museveni's commission in 1986 differed from Amin's in its context, design, and outputs.¹⁸ A combination of reputational threats, credible anti-regime opponents, and concerns for his regime's survival informed the commission's creation.¹⁹ Museveni's government afforded

the commission a wide material scope of inquiry and empowered the body 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.²⁰ The commission was further mandated to trace political, economic, and social antecedents to the abuses, and its detailed report was published widely.²¹ The report named those responsible for grave abuses—including Museveni's strongest threat, his immediate predecessor, Milton Obote.²²

This study contributes conceptually, theoretically, and empirically to scholarship on autocratic politics and 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 doing so, 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. Thus, we can explain, for the first time, why some ATCs achieve some normative markers of successful truth-seeking—such as the publication of a comprehensive report on past violence—while others do not.

II. QUASI-JUDICIAL MEANS OF AUTOCRATIC SURVIVAL AND RESILIENCE

The logic of survival pre-figures the design and decision-making of authoritarian regimes.²³ Leaders facing threats to their survival and the longevity of their rule choose between two broad strategies, repression and concession.²⁴ Through repression, autocrats attempt to stifle and undermine their political opposition, often through physical force.²⁵ Alternatively, through concessions, leaders strive to pacify opposition actors while otherwise maintaining their grip on

power.²⁶ 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.²⁷ In their formal model of co-optation, Bertocchi and Spagat describe a process during which “Group 1 co-opts some agents from Group 2 into a third group . . . that is given a sufficient stake in the status quo so that it does not support upheaval.”²⁸ Leaders engaged in co-optation provide opposition representatives a seat at a reconstituted decision-making table.²⁹ 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, these 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.³⁰ Second, including opposition representatives in regime-affiliated institutions underlines the regime’s legitimacy and authority to both domestic and international sources of support.³¹

While studies of electoral, legislative, and judicial patterns of co-optation make clear that autocrats may adopt formal pillars of competitive politics, 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 reference the “quasi-” category.³² However, the types, dynamics, and effects of these institutions and their variable designs are under-theorized.

Quasi-judicial institutions in international fora elaborate “procedural rules and principles” but “lack a formal capacity to make binding, final determinations on questions of international law.”³³ These include treaty bodies, trade tribunals, and other organized means of enforcing compliance with international law and facilitating dispute resolution, often via global governance

institutions like the United Nations.³⁴ In domestic contexts, quasi-judicial institutions include truth commissions, commissions of inquiry, lustration committees, and regulatory boards that provide temporary accountability but lack the formal constraints of more durable institutions.³⁵

Quasi-judicial institutions that adjudicate on legal evidence within strict jurisdictional constraints are a common feature of autocratic governance.³⁶ Like their more institutionalized counterparts, quasi-judicial bodies in autocratic systems co-opt demands for accountability and the rule of law from both domestic opposition groups and international actors.³⁷ Unlike judicial institutions, however, quasi-judicial mechanisms are a form of institutional innovation by which regimes create new organizations outside the strictures of constitutional rule.³⁸ Autocratic quasi-judicial institutions aim to co-opt public narratives about the regime.³⁹ These narratives—broad perceptions of how regimes govern and the interests they represent—inform both domestic contestation and international support for regimes.

What accounts for the emergence, inputs, and outputs of quasi-judicial institutions in autocratic regimes? In the following section, 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 outputs.⁴⁰

A. 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.⁴¹ 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.⁴² These

features make them a convincing means of legitimation for regimes in crisis.

In keeping with prior scholarship, we define truth commissions as any institution that meets the following five necessary conditions: (1) temporary and (2) created by a national government (3) to investigate abuses, (4) establish a pattern of harm over a period of time, and (5) engage with the affected population.⁴³ This is the most widely-used definition in the literature.⁴⁴ Some governments name their truth commissions “commissions of inquiry,” but not all commissions of inquiry qualify as truth commissions because they do not meet one of the five conditions listed above.⁴⁵ Some government-directed commissions are not empowered to engage with populations affected by violence during the fact-finding process or because they are tasked with examining specific episodes, rather than patterns, of harm.

Most cross-national studies of truth commissions presume that political transformations like democratization and conflict termination precede, and even cause, their implementation.⁴⁶ Yet, truth commissions need not operate in transformational settings or be themselves transformative.⁴⁷ Truth commissions have appeared under autocratic regimes like Abdelaziz Bouteflika’s Algeria, Idriss Déby’s Chad, and Joseph Kabila’s Democratic Republic of the Congo. In some cases, recommendations put forth by truth commissions are slowly implemented, partially implemented, or not implemented at all.⁴⁸

Some research finds that even transitional truth commissions do not support or enhance democracy—they have no measurable effect on institutions such as elections, checks on the power of the executive branch, or judicial independence. This makes them a tool that could be co-opted, including by autocrats for their own purposes of survival and resilience, rather than to strengthen democratic institutions.⁴⁹ In some cases, as we describe in this article, transitional justice measures like truth commissions and narrative framing are used by those in power to side-step accountability in contexts like Cambodia, Rwanda, and Uganda.⁵⁰ Others sometimes

use truth commissions to prevent international transitional justice interventions and to appease international critics.⁵¹

For our concept of autocratic/authoritarian/non-democratic governments, we rely on Boix, Miller and Rosato's minimalist concept: any country where either (1) an executive is not chosen in popular elections and is not responsible to either voters or a legislature; (2) a legislature is either not chosen in free and fair elections, or is chosen in unfree and unfair elections; or (3) the majority of adult men do not have the right to vote.⁵² As we demonstrate, the truthfulness of a commission report and the extent to which governments provide additional civil, political, and social protections because of truth commission findings is a *variable* outcome of truth commission processes, rather than a definitional constant.

As discussed above, an ATC is a truth commission that autocratic regimes establish. But why might an autocrat specifically invest in a truth commission? We presume 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. The truth commission process can leave a leader vulnerable to internal and external criticisms and threats, and build a precedent for further constraints on regime authority. However, commissions also provide leaders with a unique opportunity to co-opt the truth in a way that outweighs these potential costs.

Autocratic governance requires continuous negotiation between the interests of elite constituents and citizens, and the normative preferences of foreign governments and international organizations ("IO"s).⁵³ 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.⁵⁴ As we elaborate below, truth commissions can help autocrats cater to the interests of both of these important

constituencies.⁵⁵

Citizens' public criticism of human rights abuses conditions autocrats' perceptions of their regime's durability.⁵⁶ 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.⁵⁷ Likewise, 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.⁵⁸ Accountability for political violence has become a consequential norm over the past century; civil society activists, foreign governments, and IOs have come to demand it.⁵⁹

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.’”⁶⁰ Too much compliance with either domestic demands or international pressure creates untenable risks for leaders seeking to “stay alive.”⁶¹ However, too little compliance may incite further unrest at home and jeopardize relations abroad.

An autocrat may select an ATC over another transitional justice strategy—for example, criminal trials⁶² or memorial museums⁶³—because an ATC allows them to establish a broad, authoritative narrative about 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.”⁶⁴ In all regimes, they aim to establish a “master narrative” of the past by transforming multiple individual truths into inarguable facts of history.⁶⁵ In contrast to truth commissions in democratic contexts, commissions in autocratic contexts are directed from the top-down, rather than the bottom-up.⁶⁶ Thus, autocrats assume the role of

credible arbiter of the past and, by extension, the political present and future.

B. Two Threats, Two Institutional Designs, Two Types of Reports

Here, we generate expectations about (1) the threats that lead autocrats to create self- and rival-investigating ATCs, (2) these commissions' designs; and (3) these commissions' outputs. Later, in Section III, we outline our empirical strategy and, in Section IV, we present our comparative case studies.

1. Two Threats

We argue that two threats to regime stability motivate ATC creation: threats to symbolic authority and threats to survival. The type of threat also shapes the *type* of ATC created. ATCs are not the only possible response to threat. Autocratic regimes deploy a diverse repertoire of strategies to respond to allegations of abuses and to confront viable rivals, for example, in court trials.⁶⁷ We do not 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 on both autocratic institutions and transitional justice.

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 prestige.⁶⁸ Self-investigating commissions can represent a non-trivial concession to domestic and international audiences⁶⁹ and can stem additional inquiries by

international actors.⁷⁰

Meanwhile, we argue that autocrats install rival-investigating commissions when both public criticism and strong opponents present a substantial threat to leaders' rule. These include large-scale public protests, the possibility of military revolt, and domestic or foreign support for opposition actors, as in the early years of Yoweri Museveni's rule in Uganda.⁷¹ In these contexts, autocrats place their rivals under scrutiny. Commission reports can undermine opponents, making it impossible for them to accede (or reaccede) to power. Additionally, we argue that the outputs of rival-investigating commissions can support the foundation for future legal cases against rivals.

Hypothesis 1a. Self-Investigating Commission Creation

Autocrats create self-investigating commissions when the main threat to regime stability is public criticism about abuses, but not the strength of their rivals.

Hypothesis 1b. Rival-Investigating Commission Creation

Autocrats create rival-investigating commissions when the main threats to regime stability are both public criticism about abuses and the strength of their rivals.

2. Two Institutional Designs

Next, self-investigating commissions and rival-investigating commissions take on different institutional forms to best meet regime objectives. The explicit mandate of quasi-judicial institutions has durable effects on that institution's activities, i.e., what the commission is tasked with investigating affects its research, findings, conclusions, and recommendations.⁷² We argue that leaders who 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 a narrow mandate. By contrast, we argue that leaders who

decide to create rival-investigating commissions in response to threats to both their symbolic authority and survival seek to broaden the scope and consequence of the inquiry and are thus more likely to afford these commissions a broad mandate. For clarity, our theory is agnostic to the *types of abuses committed*. Rather, our theory bears on the *range of abuses investigated*—deliberately narrow or broad.

Hypothesis 2a. Self-Investigating Commission Design

Self-investigating commissions are more likely to be granted a narrow material scope of inquiry.

Hypothesis 2b. Rival-Investigating Commission Design

Rival-investigating commissions are more likely to be granted a wide material scope of inquiry.

Self-investigating commissions are not always granted a narrow material scope of inquiry, just as rival-investigating commissions are not always granted a wide material scope of inquiry. As we show in the research design section, some self-investigating commissions enjoy a broad remit while some rival-investigating commissions possess a narrow remit. However, autocrats will generally curtail information about abuses during their rule, especially where they and their inner circle are implicated in violence. They will, by contrast, open up what can be found out about abuses by their rivals.

3. Two Types of Reports

Finally, self-investigating commissions and rival-investigating commissions produce different outputs, specifically different types of concluding reports. As Brancati argues, understanding the logic of co-optation requires differentiating between how autocrats design institutions and the

effects of those design decisions.⁷³ Self-investigating commissions issue reports that limit the extent of political blowback for the leader.⁷⁴ 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).⁷⁵ By contrast, we argue that rival-investigating 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). Rival-investigating commissions undercut regime opponents 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. Rival-Investigating Commission Reports

Rival-investigating 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 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.

III. RESEARCH DESIGN

We draw on the *Varieties of Truth Commissions Project*⁷⁶ to identify commissions created under

autocracy.⁷⁷ The Project documents eighty-four truth commissions, twenty-eight of which were created under autocratic rule.⁷⁸ The data spans the period, 1970 to 2018, the widest period to date. To be included in the dataset, each commission was evaluated against Hayner's five criteria: (1) temporary and (2) created by a national government (3) to investigate abuses, (4) establish a pattern of harm over a period of time, and (4) engage with the affected population. To be considered an autocratic commission, a commission had to have been installed under autocracy—a political system with low competition for office and low citizen participation, as specified by Boix, Miller, and Rosato.⁷⁹ Having identified the twenty-eight 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.

These two cases hold constant several potentially confounding structural variables such as geography, colonial history, and ethno-linguistic fractionalization, as well as the key antagonists, with comparable levels of regime-directed violence, among them Museveni, his predecessor Amin, and both Amin and Museveni's predecessor, Obote. Both regimes also orchestrated significant levels of political violence—Amin, against a range of political opponents, and Museveni, against civilians during the Ugandan military's counterinsurgency in the country's north.⁸⁰ Second, the Amin and Museveni commissions reflect the two ideal types we describe above. The Amin commission is a self-investigating commission, and the Museveni commission is a rival-investigating commission.

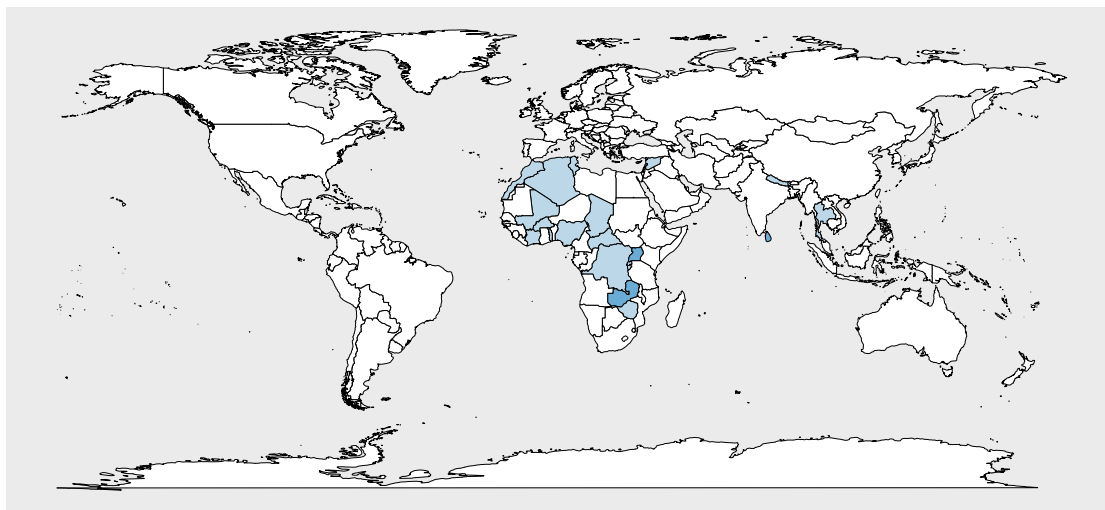
A. ATCs Around the World

The data allows 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.⁸¹

While ATCs have been deployed around the globe, they have been concentrated in Sub-Saharan Africa (SSA). As seen across Figures 1 and 2, we identify sixteen 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 SSA commissions since 1970 and all MENA commissions.⁸²

Figure 1. Geographic Spread of Autocratic Truth Commissions, 1970-2018



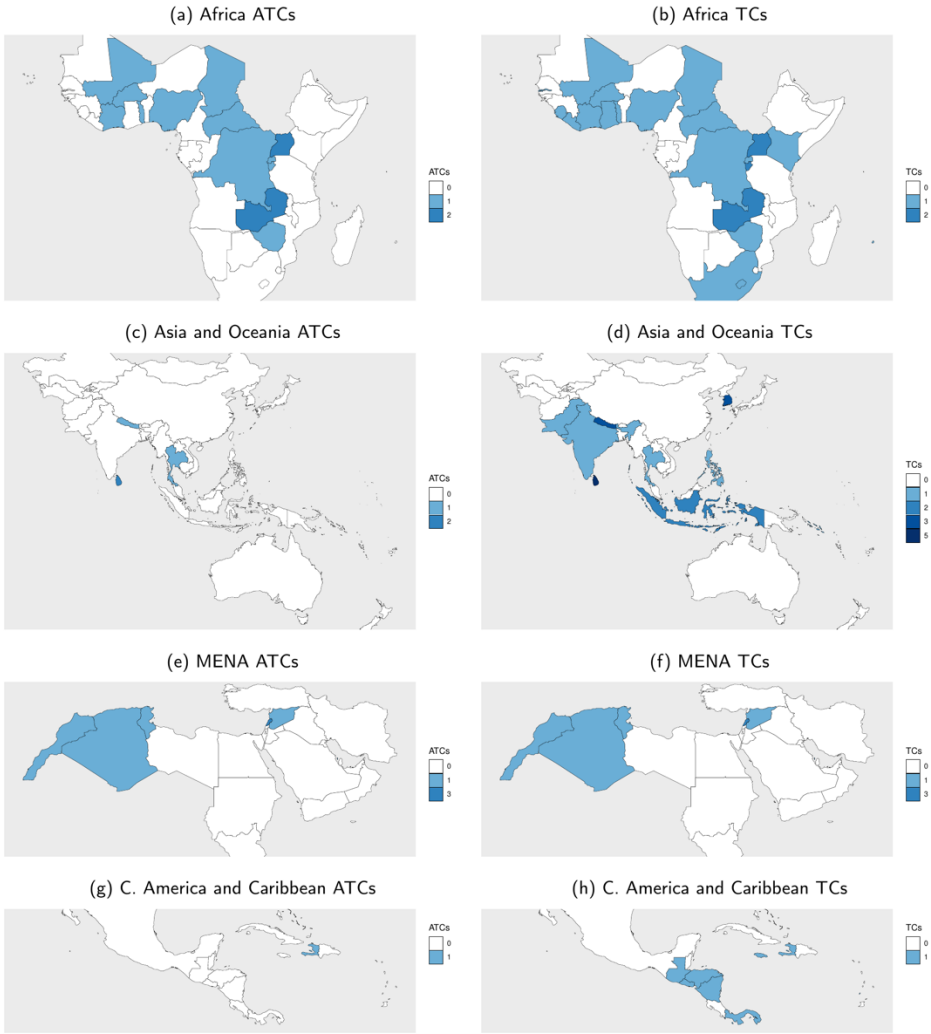
The proportion of ATCs has been relatively stable during the five-decade period we consider. We note, however, that the regions in which ATCs have been used have shifted. ATCs represented all truth commissions in the SSA region in the 1970s and 1980s and continued to represent a significant proportion of truth commissions in the 1990s and 2000s. This descriptive finding holds even under the shadow of the now-famous South African Truth and Reconciliation Commission. Meanwhile, the only truth commissions to emerge in the MENA region have been

ATCs. By considering commissions created outside of the context of political transformation, we have created an opening for further inquiry into these mechanisms beyond the countries (e.g., Argentina, Chile, and South Africa) from which most prominent theories of the relationship between transitional justice and human rights, democracy, and peace emerged.⁸³

B. ATC Mandates

We coded mandates across ATCs to establish general patterns. We focus on two key elements: 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.⁸⁴ 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, including, for instance, not only enforced disappearances but also unlawful detentions, rape, and racial, social or political discrimination.

Figure 2. Truth Commissions by Region



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, eighteen (of twenty-three, or 78 percent) had a mandate to investigate a broad range of abuses.⁸⁵ The remaining five did not.⁸⁶ One of these five is the Moroccan commission, which focused on enforced disappearances, similar to Amin’s commission.⁸⁷

Table 1. ATC Mandates

		Range of Abuses	
		Yes	No
Trace Antecedents	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: Rival-investigating commissions in italics.

Not all rival-investigating commissions had a broad mandate. The Algerian commission had the power to uncover a range of abuses and to trace antecedents.⁸⁸ So even those commissions that investigate a leader’s predecessors or opposition may be granted a limited scope of inquiry. Critically, the two Ugandan commissions find themselves in opposite quadrants in Table. Amin’s 1974 commission possessed neither of the two powers we identify, whereas Museveni’s 1986 commission possessed both.⁸⁹

C. 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 compare the ATC process in the most-similar Ugandan cases,⁹⁰ enabling us to 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. Combined confirmatory evidence gives confidence in our argument that variation in ATC types emerges from different threats to regimes' stability.⁹¹ In turn, different ATC types have different designs and, thus, outputs.

D. Observable Implications

First, we expect that self-investigating commissions will have a narrow material scope of inquiry: they will be less likely than other ATCs to consider a range of abuses or to trace antecedents of abuse. As a design feature, a narrow mandate constrains 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 rival-investigating commissions will have a wide material scope of inquiry. As a design feature, a broad mandate expands what can be known about past abuses. Consequently, a rival-investigating commission's concluding report can enlarge the 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. Self-investigating commissions are unlikely to state that the leader himself and those closest to him are responsible for abuses. By contrast, rival-investigating commissions should make a clear statement about who exactly is responsible for abuses. This expectation suggests that rival-investigating commissions will name names, especially of those individuals who pose the greatest threat.

Third, self-investigating commissions should not *attribute criminal responsibility to*

individuals, with a view to deflect, or even impede, subsequent accountability. Rival-investigating commissions, on the other hand, should attribute criminal responsibility to individuals—a decision that can build a foundation or precedent for further accountability, even a legal case, against rivals.

IV. CO-OPTING TRUTH IN UGANDA

In 1974, Idi Amin Dada installed the Commission of Inquiry into the Disappearance of People in Uganda since January 25, 1971.⁹² The commission was tasked with investigating allegations of disappearances by the military during the regime's early years.⁹³ In 1986, Yoweri Museveni established the Commission of Inquiry into Violations of Human Rights.⁹⁴ This second commission's mandate was to investigate state-led abuses, from Independence up to the beginning of the Museveni government.⁹⁵ Thus, the timeframe of the first commission fell under the timeframe of the second. And, while Amin's commission solely investigated enforced disappearances, Museveni's considered an array of human rights violations and other abuses of power.⁹⁶ Thus, abuses in the first commission's mandate were encompassed in the mandate of the second.

To foreground the findings, the Amin and Museveni commissions represent two ideal-typical ATCs: a self-investigating commission designed to recast the knowledge, involvement, and responsibility of a leader for abuses, and a rival-investigating 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 rival-investigating commission was precipitated by more imminent threats to his survival.⁹⁷ To limit the commission's scope and consequence, the Amin commission was not empowered to investigate a range of abuses or to

trace antecedents.⁹⁸ In contrast, the Museveni commission was empowered to investigate a range of abuses and to trace their political, economic, and social antecedents.⁹⁹ All of this was done with a view to broaden the commission's scope and consequence, and thoroughly undermine Museveni's persistently viable rivals, namely Milton Obote.

A. Idi Amin's Self-Investigating Commission

Infamously known as the "Butcher of Uganda," Idi Amin acceded to the presidency after orchestrating a coup in 1971 against Milton Obote, the first post-Independence president of Uganda.¹⁰⁰ 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.¹⁰¹ Obote and a small unit of forces, including future-President Museveni, staged an invasion in September 1972 that Amin's forces swiftly repelled.¹⁰² Amin's military government installed several agencies to surveil and suppress dissent.¹⁰³ These included the State Research Bureau and the Public Safety Unit, which were central to disappearances, torture, and executions.¹⁰⁴ Amin was ultimately overthrown seven years later, in 1979, and Obote returned to power in 1980, following three short interim governments.¹⁰⁵

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. If this hypothesis holds, we expect to see that Amin and regime elites were concerned with the reputational costs of significant domestic and/or international condemnation of regime-led abuses in the run-up to the

commission's establishment, but not with potential threats from regime rivals.

By the commission's creation in 1974, Amin's regime had consolidated its de facto monopoly over the use of force and successfully undermined all major political opponents through a persistent campaign of violence and repression.¹⁰⁶ Aside from their military failures, expatriate rebel forces gave Amin a useful pretext for violent campaigns against Obote's domestic supporters, whether real or alleged.¹⁰⁷

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.¹⁰⁸ Despite significant resource constraints, 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.¹⁰⁹

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."¹¹⁰ 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 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.¹¹¹

During the same period, Amin faced growing censure for his regime's abuses, erratic foreign policy, and maltreatment of foreign nationals in Uganda.¹¹² The United Kingdom and United States had publicly acquiesced to Amin's 1971 coup, initially viewing the new leader as a credible rebuke to Obote's rule.¹¹³ Although Tanzania's president, Julius Nyerere, offered sanctuary to the de-throned Obote, other actors in the region, including Ethiopia, supported the

U.K. and U.S. position.¹¹⁴ 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 1972.¹¹⁵ The U.K. Commonwealth's immigration policies required that the British government facilitate the resettlement of Ugandan Asians at significant financial and domestic political costs to London.¹¹⁶ The prospect of resettling tens of thousands of Ugandan Asians prompted a campaign of public anti-Amin criticism and quiet regional diplomacy by the U.K. Foreign and Commonwealth Office. The public criticism of Amin's domestic and foreign policy struck a blow to his credibility with international partners.¹¹⁷ 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 1972 were the combined context for the creation of his self-investigating commission.¹¹⁸

2. Self-Investigating Commission Design

Per the Self-Investigating Commission Design hypothesis (H2a), we expect that self-investigating commissions will possess a narrow material scope of inquiry. Consistent with our expectations, and as displayed in Table 1, Amin's 1974 commission had neither the power to uncover a range of abuses nor the power to trace causes of abuse.¹¹⁹ Together with the 1983 Zimbabwean commission—also a self-investigating commission—the Amin commission is among the most restricted commissions in our sample of ATCs. The median ATC at least considered a range of abuses, in contrast with the abilities of the Amin commission, which was consequently 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.¹²⁰

3. Self-Investigating Commission Report

The Self-Investigating Commission Reports hypothesis (H3a) proposes that self-investigating commissions' reports 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.¹²¹ State media promoted a “distorted form” of the report and used its publication to justify its recent abuses to the domestic and international public.¹²² Since the report was not made available to the public, the commission allowed Amin the appearance of doing *something* about abuses. In this way, he contained and even possibly evaded a vaguely accurate narrative of 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.¹²³ While these agencies were established and directed by Amin, the commission did not find that he and his allies were directly involved.¹²⁴ 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.¹²⁵ 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.¹²⁶ Rather, the report suggested that the body “succeeded in pin-pointing”—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.”¹²⁷

B. Yoweri Museveni’s Rival-Investigating Commission

Yoweri Kaguta Museveni ascended to the Ugandan presidency in 1986 after seven years of political tumult in the country.¹²⁸ 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.¹²⁹ The subsequent civil war lasted five years, until Museveni and the NRA seized the capital.¹³⁰

The NRM initially lacked both the financial resources to provide patronage guarantees to would-be elite allies¹³¹ and civilian supporters outside its original western constituency.¹³² 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.¹³³ In addition, the NRM instituted a doctrine of mass politics that Museveni variously described as “no-party democracy” or “Movement democracy.”¹³⁴ 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.¹³⁵

Among the new institutions Museveni created was a rival-investigating commission.¹³⁶ 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.¹³⁷ And, like other NRM government institutions, the truth commission did much to attract support for the new

regime among Western donors.¹³⁸

1. Threats to Symbolic Authority and Regime Survival

The Rival-Investigating Commission Creation hypothesis (H1b) predicts that both public criticism of the regime and threats to regime survival by viable domestic opponents precede the creation of rival-investigating commissions. If this hypothesis holds, we expect to see that Museveni and regime elites perceived public criticism and anti-regime mobilization as a threat to their survival in the period preceding the commission.

In 1986, Museveni's government faced more credible threats to its political future than Amin's confronted in 1974.¹³⁹ These threats to regime survival emerged from the Ugandan civil war.¹⁴⁰ 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.¹⁴¹ These insurgent claims threatened Museveni's new role and his monopoly over the use of force.¹⁴² The combination of these rebel threats and both diplomatic and material 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 Museveni's domestic and foreign policy.¹⁴³

The viability of anti-regime opposition actors explains why the new regime found its rival-investigating commission advantageous. The commission presented, to both Ugandan society and the international community, that the regime represented a clean break from both Amin's violent rule and the civil conflict of the second Obote era. This 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, nearly forty years later, Museveni

still holds the presidency.¹⁴⁴

2. Rival-Investigating Commission Design

Per the Rival-Investigating Commission Design hypothesis (H2b), we expect that rival-investigating commissions will possess a wide material scope of inquiry. As displayed in Table 1, Museveni's 1986 commission had both the power to investigate a broad range of abuses and trace antecedents, facilitating a strong investigation. The Ugandan law authorizing the commission gave it the power to investigate a range of abuses, including "[v]iolations 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."¹⁴⁵ 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. 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."¹⁴⁶

3. Rival-Investigating Commission Report

Finally, the Rival-Investigating Commission Reports hypothesis (H3b) suggests that rival-investigating 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 rival-investigating commission published its report shortly following the conclusion of its research.¹⁴⁷ In contrast to self-investigating commissions, we expect that rival-investigating 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 the lesser-known and short-lived governments led by Godfrey Binaisa, Tito Okello, and the military.¹⁴⁸ The final report even portrays grave violations of human rights as a leading cause of Obote's ultimate removal from power.¹⁴⁹ The report's account is consistent with external reports of violence under the multiple Obote and Amin regimes, during which regime forces killed civilians at a large scale in long-running episodes of repression and internal armed conflict.¹⁵⁰ A 1989 Amnesty International report places responsibility for this violence with senior officials in both the Obote and Amin regimes.¹⁵¹

As Quinn 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.¹⁵² The commission's detailed account of past violence illustrates how rival-investigating 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.

C. Summary of Findings

These two case studies provide preliminary support for our comparative expectations. In 1974, Idi Amin did not face credible threats to his survival but rather to his symbolic authority.¹⁵³ Obsessed with international recognition and prestige, he created a self-investigating commission to minimize his responsibility for abuses and rehabilitate his image.¹⁵⁴ This pattern differed from the political context for Yoweri Museveni's truth commission, where the leader faced both symbolic and strategic threats that resulted in the creation of a rival-investigating commission.¹⁵⁵

Under Amin's regime, the self-investigating commission's work focused on a single type

of abuse, enforced disappearances, and did not trace antecedents of this violence.¹⁵⁶ The mandate of Museveni's commission, by contrast, encompassed a range of abuses and traced their antecedents.¹⁵⁷ The Amin commission report, which was never officially published, did not name Amin or his allies as criminally or otherwise responsible for abuse—a determination that defied third-party accounts from foreign governments and the international press. Museveni's commission named names and assigned criminal—and even moral—responsibility for abuses to his rivals.¹⁵⁸ These findings cohered with external accounts. However, they also overlooked ongoing abuses by Museveni's regime.

D. Additional Evidence of Truth Co-Optation

Additional strategies of truth co-optation beyond the scope of our initial expectations further illustrate how autocrats manipulate truth-seeking processes to buttress their standing. 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.¹⁵⁹ Thus, it explains away disappearances under the regime, even while attributing some responsibility to lower-level military and police officials. The report regularly links individuals who were disappeared with unspecified threats to the nation, and explains away the abuses of the Amin government as the excesses of otherwise-legitimate instruments of repression.¹⁶⁰ 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"¹⁶¹; "he was associating with bad elements"¹⁶²; "the man was mentally deranged."¹⁶³ For his part, Museveni rewarded handsomely his co-partisans and fellow bush fighters with appointments to the truth commission.¹⁶⁴ In this way, he used the institution to further galvanize elite support. Other commissioners were chosen

from among the groups that had been most persecuted during the Amin and especially Obote administrations.¹⁶⁵

V. 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 encompasses forms of institutional innovation like quasi-judicial bodies. While truth commissions, among a range of quasi-judicial institutions, can provide opportunities to confront the past, they are first and foremost political institutions. It is, therefore, vital that we consider commissions' contexts, including the range of actors and interests they may serve, and assess the uses and consequences of these mechanisms. In the context of memory and transitional justice politics, 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, truth and accountability may nevertheless emerge. For example, while Amin's self-investigating commission had little impact on state human rights policy and practice, its work stemmed revisions to the historical record.¹⁶⁶ In a similar vein, while Museveni's rival-investigating 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.¹⁶⁷ In addition, the commission's report *was* published and disseminated.¹⁶⁸ Thus, even in autocracies, quasi-judicial bodies like truth commissions can achieve some normative markers of success.

VI. CONCLUSION

This article aimed to explain the creation, design, and outputs of quasi-judicial institutions in autocracies. We proposed that commissions represent an ideal setting for leaders to co-opt the 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. Meanwhile, autocrats create rival-investigating commissions when they face threats to their symbolic authority and more imminent threats to their survival.

We offered a comparative analysis of two examples in Uganda to provide evidence for these arguments. We demonstrated that threats to Idi Amin's symbolic authority precipitated a self-investigating commission, while reputational threats and threats to Yoweri Museveni's survival triggered a rival-investigating 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.¹⁶⁹ Museveni's rival-investigating commission, in contrast, examined a range of abuses of power, among them human rights violations, and did not hesitate to name names.¹⁷⁰ Amin's commission helped him evade responsibility and accountability, while Museveni's commission helped him distinguish himself and his supporters from viable rivals.

Our research motivates continued investigation into ATCs and the different forms they

may take. While we focused on self- and rival-investigating commissions, there also exist hybrid commissions that investigate both current and previous regimes. Such commissions highlight the difficult balancing act of drawing attention to the abuses of predecessors and rivals, while allowing scrutiny of a country's current leadership and its policies. The scope conditions of this article's findings stop short of democracies. Beyond truth commissions, however, other autocratic institutions such as elections mirror the logics and processes of their democratic counterparts.¹⁷¹ Whether the processes that explain the emergence, design, and outputs of truth commissions in autocracies also account for similar processes in democracies is an open empirical question that merits additional research.

ENDNOTES

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⁵¹ Wiebelhaus-Brahm, *supra* note 8.

⁵² There is an active debate in the regime-types literature about the conceptual divisions between democratic and non-democratic or autocratic regimes. See David Collier & Robert Adcock, *Democracy and Dichotomies: A Pragmatic Approach to Choices About Concepts*, 2 ANN. REV. OF POL. SCI. 537 (1999) for a survey of these conceptual debates. In a study like ours, a minimalist concept—high political contestation and high political participation as with Boix, Miller & Rosato, *supra* note 27—is preferable. Its parsimony and clarity offers many empirical advantages, namely “not bundling in additional elements of democratic practice, such as civil liberties” or accountability in order to allow “researchers to empirically relate these elements to regime type” (*Id.* at 1527). Since we are interested in pressure on regimes for some semblance of accountability, it is better to define the universe of cases using a measure that clearly distinguishes between regimes than a continuous measure where the difference between a 5, 6, and 7 can be caused by a range of factors with different weights.

⁵³ Grodsky, *supra* note 5.

⁵⁴ Acemoglu & Robinson, *supra* note 26; Gandhi & Przeworski, *supra* note 1.

⁵⁵ Winston, *supra* note 4.

⁵⁶ Slater, *supra* note 24; Svoblik, *supra* note 24.

⁵⁷ Christian Davenport, *Multi-Dimensional Threat Perception and State Repression: An Inquiry into Why States Apply Negative Sanctions*, 39 AM. J. OF POL. SCI. 683 (1995); Jessica Chen Weiss, *Authoritarian Signaling, Mass Audiences, and Nationalist Protest in China*, 67 INT'L

ORG. 1 (2013).

⁵⁸ Faisal Z. Ahmed, *The Perils of Unearned Foreign Income: Aid, Remittances, and Government Survival*, 106 AM. POL. SCI. REV. 146 (2012); Bueno de Mesquita et. al., *supra* note 23; Daniel Yuichi Kono & Gabriella R. Montinola, *Does Foreign Aid Support Autocrats, Democrats, or Both?*, 71 J. OF POL. 704 (2009).

⁵⁹ Elster, *supra* note 11; Nagy, *supra* note 11; Teitel, *supra* note 9; Zvobgo, *supra* note 4.

⁶⁰ GUILLERMO O'DONNELL, ET AL., TRANSITIONS FROM AUTHORITARIAN RULE: TENTATIVE CONCLUSIONS ABOUT UNCERTAIN DEMOCRACIES (1986).

⁶¹ *Id.* at 44.

⁶² ANURADHA CHAK CHAKRAVARTY, INVESTING IN AUTHORITARIAN RULE: PUNISHMENT AND PATRONAGE IN RWANDA'S GACACA COURTS FOR GENOCIDE CRIMES (2015).

⁶³ JELENA SUBOTIĆ, YELLOW STAR, RED STAR: HOLOCAUST REMEMBRANCE AFTER COMMUNISM (2019).

⁶⁴ Lynch, *supra* note 8, at 20.

⁶⁵ Molly Andrews, *Grand National Narratives and the Project of Truth Commissions: a Comparative Analysis*, 25 MEDIA, CULTURE & SOC'Y 45 (2003).

⁶⁶ Zvobgo, *supra* note 4.

⁶⁷ Shen-Bayh, *supra* note 10.

⁶⁸ Winston, *supra* note 4.

⁶⁹ *Id.*

⁷⁰ Grodsky, *supra* note 5. The 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.

⁷¹ Quinn, *supra* note 4.

⁷² Kochanski, *supra* note 40.

⁷³ Dawn Brancati, *Democratic Authoritarianism: Origins and Effects*, 17 ANN. REV. OF POL. SCI. 313, 322 (2014).

⁷⁴ Winston, *supra* note 4.

⁷⁵ *Id.*

⁷⁶ Zvobgo, *supra* note 4.

⁷⁷ Boix, et al., *supra* note 27.

⁷⁸ We 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 mandates for 23 of the 28 cases.

⁷⁹ Boix, et al., *supra* note 27.

⁸⁰ REBECCA TAPSCOTT, *ARBITRARY STATES: SOCIAL CONTROL AND MODERN AUTHORITARIANISM IN MUSEVENI'S UGANDA* (2021).

⁸¹ We do not consider autocratic succession—the abdication or ouster of one autocratic leader, and the ascension of another—as a form of political transformation.

⁸² The 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.

⁸³ Ellen Lutz & Kathryn Sikkink, *The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America*, 2 *CHI. J. OF INT'L L.* 1 (2001).

⁸⁴ González, *supra* note 13; González & Varney, *supra* note 13; Zvobgo, *supra* note 4.

⁸⁵ Kelebogile Zvobgo, *Replication Data for: Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions*, V1 HARVARD DATAVERSE doi:10.7910/DVN/QCWXD8 (2021).

⁸⁶ *Id.*

⁸⁷ KINGDOM OF MOROCCO, DAHIR NO 1.04.42 OF THE 19TH OF SAFAR 1425 (10 APRIL 2004): APPROVING STATUTES OF THE EQUITY AND RECONCILIATION COMMISSION (2004). Available via usip.org/publications/2004/12/truth-commission-morocco.

⁸⁸ ABDELAZIZ BOUTEFLIKA, DÉCRET PRÉSIDENTIEL N°03-299 DU 14 RAJAB 1424 CORRESPONDANT AU 11 SEPTEMBRE 2003 COMPLÉTANT LE DÉCRET PRÉSIDENTIEL N°01-71 DU 30 DHOU EL HIDJA 1421 CORRESPONDANT AU 25 MARS 2001 PORTANT CRÉATION DE LA COMMISSION NATIONALE CONSULTATIVE DE

PROMOTION ET DE PROTECTION DES DROITS DE L'HOMME (CNCPPDH) (2003). Available via usip.org/sites/default/files/file/resources/collections/commissions/Algeria-Charter_Decree03_299.pdf.

⁸⁹ Zvobgo, *supra* note 85.

⁹⁰ ALEXANDER L. GEORGE & ANDREW BENNETT, *CASE STUDIES AND THEORY DEVELOPMENT IN THE SOCIAL SCIENCES* (2005).

⁹¹ ANDREW BENNETT, & JEFFREY T. CHECKEL, *PROCESS TRACING: FROM METAPHOR TO ANALYTIC TOOL* (2015).

⁹² Hayner, *supra* note 3, at 51.

⁹³ Quinn, *supra* note 4, at 40.

⁹⁴ *Id.*, at 53 – 4.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ DAVID GWYN, *IDI AMIN: DEATH-LIGHT OF AFRICA* (1st ed. 1977).

¹⁰¹ A.B.K. KASOZI, *THE SOCIAL ORIGINS OF VIOLENCE IN UGANDA, 1964 – 1985* (1994), at 122.

¹⁰² *Id.*, at 123..

¹⁰³ Edward Kannyo, *State Terrorism and Death Squads in Uganda (1971 – 1979)* in BRUCE B. CAMPBELL & ARTHUR D. BRENNER, *DEATH SQUADS IN GLOBAL PERSPECTIVE* (2000), at 156.

¹⁰⁴ *Id.*, at 166 - 168.

¹⁰⁵ Stefan Lindemann, *Just Another Change of Guard? Broad-Based Politics and Civil War in Museveni's Uganda* 110 *AFR. AFF.* (2011).

¹⁰⁶ Kasozi, *supra* note 102, at 112.

¹⁰⁷ Balam Nyeko, *Exile Politics and Resistance to Dictatorship: The Ugandan Anti-Amin Organization in Zambia, 1972 - 1979*, 96 AFR. AFF. 382 (1997), at 105.

¹⁰⁸ Winston, *supra* note 4, at 260.

¹⁰⁹ Derek R. Peterson & Edgar C. Taylor, *Rethinking the State in Idi Amin's Uganda: The Politics of Exhortation*, 7 J. E. AFR. STUD. 1 (2013), at 63 – 64.

¹¹⁰ Alicia Decker, *Idi Amin's Dirty War: Subversion, Sabotage, and the Battle to Keep Uganda Clean, 1971-1979*, 43 INT'L J. AFR. HIST. STUD. 489, 491 (2010).

¹¹¹ *Id.*, at 494.

¹¹² Winston, *supra* note 4, at 258 – 259.

¹¹³ ONEK ADYANGA, *MODES OF BRITISH IMPERIAL CONTROL OF AFRICA: A CASE STUDY OF UGANDA, C.1890-1990* 184-85 (2011).

¹¹⁴ Holger Bernt & Hansen, *Uganda in the 1970s: a Decade of Paradoxes and Ambiguities*, 7 J. OF E. AFR. STUD. 83, 92 (2013).

¹¹⁵ Chibuike Uche, *The British Government, Idi Amin and the Expulsion of British Asians from Uganda*, 19 INTERVENTIONS 818, 820 (2017).

¹¹⁶ *Id.* at 821.

¹¹⁷ *Id.* at 835.

¹¹⁸ Richard Carver, *Called to Account: How African Governments Investigate Human Rights Violations*, 89 AFR. AFF. 391 (1990).

¹¹⁹ *Id.*

¹²⁰ Winston, *supra* note 4.

¹²¹ Carver, *supra* note 119, at 399.

¹²² *Id.*

¹²³ *Id.*, at 398.

¹²⁴ *Report of the Commission of Inquiry into the Disappearances of People in Uganda since the 25th January, 1971*, COMMISSION OF INQUIRY INTO DISAPPEARANCES, 781 (1974), at 709..

¹²⁵ Alicia C. Decker, "Sometimes You May Leave Your Husband In Karuma Falls Or In The Forest There": *A Gendered History Of Disappearance In Idi Amin's Uganda, 1971–79*, 7 J. OF

E. AFR. STUD. 125 (2013).

¹²⁶ COMMISSION OF INQUIRY, *supra* note 121, at 715.

¹²⁷ *Id.* at 783.

¹²⁸ AILI MARI TRIPP, MUSEVENI'S UGANDA: PARADOXES OF POWER IN A HYBRID REGIME (2010).

¹²⁹ *Id.* at 52.

¹³⁰ *Id.* at 29.

¹³¹ *Id.*

¹³² JOSHUA RUBONGOYA, REGIME HEGEMONY IN MUSEVENI'S UGANDA: PAX MUSEVENICA, 43 (2007).

¹³³ *Id.* at 111.

¹³⁴ GIOVANNI CARBONE, NO-PARTY DEMOCRACY? UGANDAN POLITICS IN COMPARATIVE PERSPECTIVE (2008).

¹³⁵ Nelson Kasfir, *Movement, Democracy, Legitimacy and Power in Uganda*, in NO-PARTY DEMOCRACY IN UGANDA: MYTHS AND REALITIES 60 (Justus Mugaju & J. Oloka-Onyango eds. 2000).

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ When 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. These contributions allowed the commission to finish its work (Quinn, *supra* note 4), but foreign donors appeared oblivious to the commission's central goal: political survival, not truth.

¹³⁹ Lindemann, *supra* note 106, at 408 – 409.

¹⁴⁰ *Id.*

¹⁴¹ Rubongoya, *supra* note 133, at 81.

¹⁴² *Id.*

¹⁴³ René Lemarchand, *Foreign Policy Making in the Great Lakes Region*, in AFRICAN FOREIGN

POLICIES: POWER AND PROCESS 87 (Khadiagala & Lyons eds. 2001).

¹⁴⁴ *Id.* at 92-3.

¹⁴⁵ Republic of Uganda, *supra* note 22.

¹⁴⁶ *Id.* at 3.

¹⁴⁷ COMMISSION OF INQUIRY INTO VIOLATIONS OF HUMAN RIGHTS, CHR89/87: RE: THE REPORT OF THE COMMISSION OF INQUIRY INTO VIOLATIONS OF HUMAN RIGHTS (1994). LETTER FROM CHAIRMAN JUSTICE A. H. O. ODER, J.S.C.

¹⁴⁸ Republic of Uganda, *supra* note 22 at Chapters 3-12.

¹⁴⁹ *Id.* at 35.

¹⁵⁰ *Id.* at Chapters 3-12.

¹⁵¹ AMNESTY INTERNATIONAL, *UGANDA: THE HUMAN RIGHTS RECORD, 1986–1989* 12 (1989).

¹⁵² Quinn, *supra* note 4.

¹⁵³ Kasozi, *supra* note 102.

¹⁵⁴ Winston, *supra* note 4.

¹⁵⁵ Quinn, *supra* note 4.

¹⁵⁶ Carver, *supra* note 119.

¹⁵⁷ Quinn, *supra* note 4.

¹⁵⁸ Republic of Uganda, *supra* note 22.

¹⁵⁹ COMMISSION OF INQUIRY, *supra* note 125, at 714.

¹⁶⁰ *Id.* at 733 – 734.

¹⁶¹ *Id.* at 11.

¹⁶² *Id.* at 19.

¹⁶³ *Id.* at 25.

¹⁶⁴ Quinn, *supra* note 4.

¹⁶⁵ *Id.*

¹⁶⁶ Carver, *supra* note 119, at 397.

¹⁶⁷ *Id.* at 399.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Quinn, *supra* note 4.

¹⁷¹ Jennifer Gandhi & Ellen Lust-Okar, *Elections Under Authoritarianism*, 22 ANN. REV. OF POL. SCI. 403, 414 (2009).