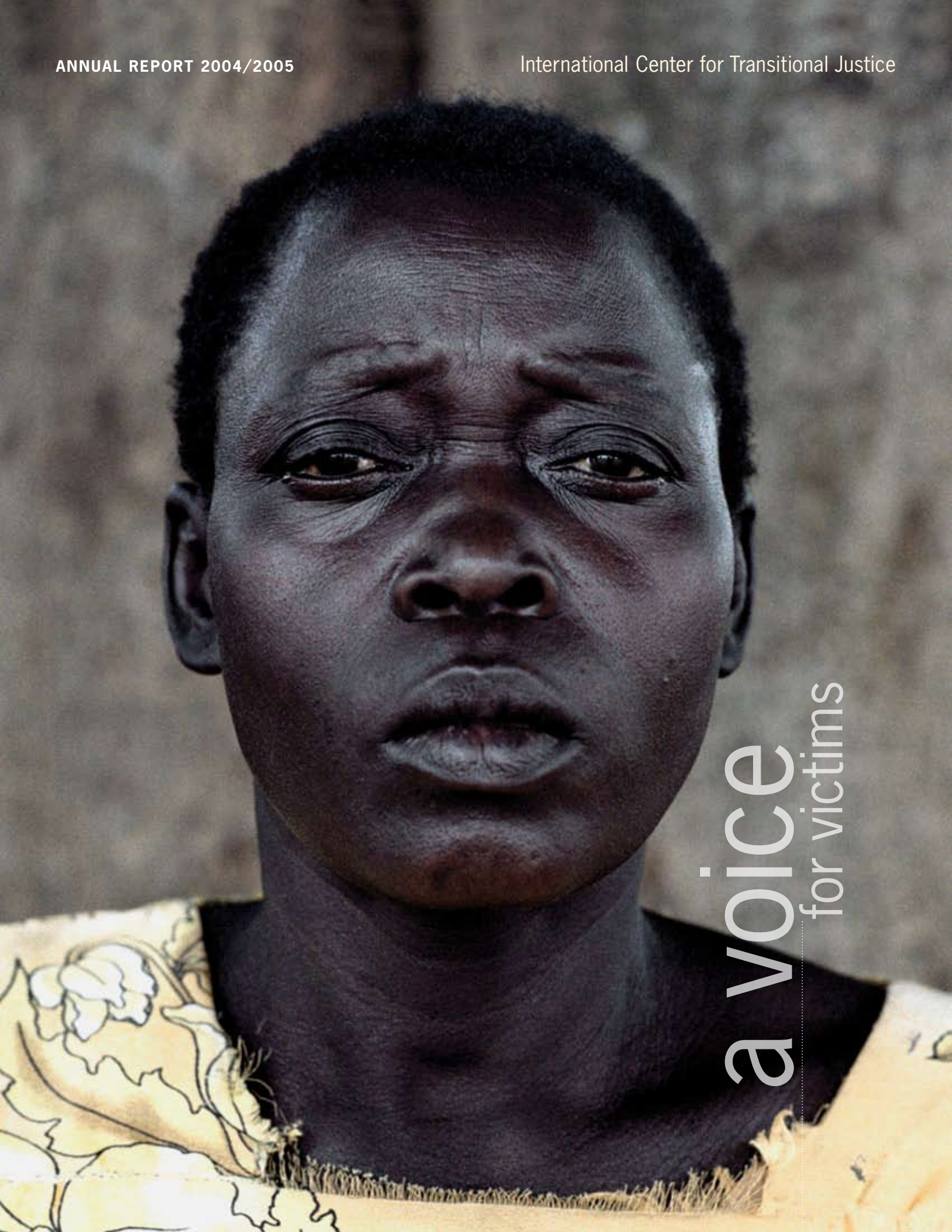


International Center for Transitional Justice  
**ANNUAL REPORT 2004 / 2005**

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a voice  
for victims



### ICTJ MISSION STATEMENT

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuses remain unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches, including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments, and others.

*Front and back cover: Kitgum, Northern Uganda, March 2005. A resident of the Amida camp for internally displaced persons. Thousands have sought refuge here after having their homes destroyed and possessions taken by the Lord's Resistance Army (LRA). Countless camp residents have also had loved ones murdered or children abducted by the LRA. Photo by Thomas W. Morley.*

## What is Transitional Justice?

**T**ransitional justice refers to a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuse as they move from a period of violent conflict or oppression toward peace, democracy, the rule of law, and respect for individual and collective rights.

In making such a transition, societies must confront the past in order to achieve a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile people and communities, and to prevent future abuses. A variety of transitional justice mechanisms can help wounded societies start anew.

These approaches are both judicial and nonjudicial, and they seek to encompass the various dimensions of justice that can heal wounds and contribute to social reconstruction. Transitional justice incorporates a realistic view of the challenges faced by societies emerging from conflict or repression and an appreciation of their unique cultural and historical contexts, without allowing these realities to serve as excuses for inaction. All stakeholders in the transition process must be consulted and participate in the design and implementation of transitional justice policies.

The approaches to transitional justice are based on a fundamental belief in universal human rights and rely on international human rights and humanitarian law in demanding that states halt, investigate, punish, repair, and prevent abuses. These initiatives focus on the needs of victims and their families.

The main approaches to transitional justice include the following:

- Domestic, hybrid, and international prosecutions of perpetrators of human rights abuse.
- Determining the full extent and nature of past abuses through truth-telling initiatives, including national and international commissions.
- Providing compensatory, restitutionary, rehabilitative, and symbolic reparations to victims.
- Institutional reform, including vetting of abusive, corrupt, or incompetent officials from the police and security services, the military, the judiciary, and other public institutions. (Vetting refers to the process of excluding from public employment those known to have committed human rights abuses or to have been involved in corrupt practices.)
- Promoting reconciliation within divided communities, including working with victims on traditional justice mechanisms and facilitating social reconstruction.
- Constructing memorials and museums to preserve the memory of the past.
- Taking into account gendered patterns of abuse to enhance justice for female victims.

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The 2004/2005 Annual Report covers the period from April 1, 2004, through December 31, 2005, with the exception of the Financials for Fiscal Year 2005 (see page 36), which cover the period from April 1, 2004, through March 31, 2005.

## From the President and Chairperson

As the ICTJ celebrates its fifth anniversary, we are proud of what we have accomplished and excited about our continuing transformation. After entering the human rights field in 2001 with a core staff of three based in New York, the Center has evolved into a thriving, globally diverse institution that employs more than 40 talented individuals. To meet the growth in demands for our assistance, over the past year we established offices in Brussels, Cape Town, Geneva, Kinshasa, and Monrovia; multiplied our pool of international consultants, experts, and partner organizations; and reached a growing number of people through trainings, fellowships, engagement with the press, translation of our materials, and a new website.

Expanding and deepening our operations has allowed the ICTJ to refine its distinctive, holistic approach to justice and apply it to a rapidly growing range of contexts. From Afghanistan to the Democratic Republic of the Congo to Colombia, our experiences have shown that transitional justice initiatives are vital to resolving issues around past abuses, as well as anticipating future opportunities for *peacebuilding* (pages 4–7). Because the Center

cooperates with a wide range of actors in the struggle against impunity, we are well positioned to develop innovative approaches to conflict resolution.

The ICTJ is also exploring new ways of representing victims' voices to ensure that their needs continue to inform our work. The Center's recent empirical *survey work* (pages 6–7) in Afghanistan, Colombia, and Uganda illustrates this growing emphasis on ensuring that victims' perspectives on justice and peace are taken into account. Findings like these are crucial to understanding the relationship between transitional justice and peacebuilding and breaking entrenched patterns of violence.

The ability to anticipate trends is crucial to laying the groundwork for justice, even before transitions begin. Nowhere has this been more visible during the past few years than across the *Middle East and North Africa* (pages 8–9), where the sudden succession of many of the region's most entrenched rulers has opened doors to dealing with past abuses and shaken the foundations of political institutions. The ICTJ's expanded presence in the region is enabling us to track and assess this trend, develop stronger



Peacebuilding and  
Transitional Justice  
pages 4–7



Transitional Justice  
in the Middle East  
and North Africa  
pages 8–9

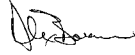


Legacies  
of Injustice in  
Established  
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pages 10–11



Transitional Justice  
and Gender  
page 40





Alex Boraine, *Chairperson*




Juan E. Méndez, *President*

regional ties, and share our resources with partners throughout the region to develop an active culture capable of anticipating these transitions as they unfold.

We are encouraged by signs that transitional justice mechanisms are becoming increasingly relevant to stable societies. Several *established democracies* (pages 10–11), including Canada and the United States, have worked with the ICTJ to open investigations into aspects of their own troubled pasts, challenging the notion that only “developing” countries must cope with legacies of abuse.

While maintaining our strong involvement with truth-seeking and prosecutions efforts—working with all ten truth commissions operating in the past five years and with various tribunals around the world—the Center has developed focused expertise in other *thematic areas* (pages 12–16, 17–19), including reparations, security sector reform, and disarmament, demobilization, and reintegration (DDR). The ICTJ has also become increasingly conscious of the need for more thorough reflection and analysis of the effects of conflict, abuse, and transitional justice efforts on *women* (page 40) and children to understand how best to address past violations.

The expansion of the transitional justice field and the broadening and deepening scope of the Center’s work underscore how widely applicable transitional justice approaches have become. As the ICTJ embarks on its sixth year, it is well equipped and strategically positioned to pursue its mission to promote universal accountability and help victims worldwide realize their fundamental rights. By listening carefully to victims’ voices, prioritizing their needs, and working collaboratively, we hope to contribute to solutions for achieving the justice, truth, and peace they deserve. Their courage to work toward these goals—often against tremendous odds—enhances their effectiveness and lends meaning to our efforts.

Finally, without the deeply appreciated financial assistance of donors and governments, we could not respond to the increasing number of requests that come from all parts of the globe. The guidance and wisdom of our Board of Directors have enriched our accomplishments. And without our dedicated staff, often working long hours and traveling to dangerous regions, we would never have experienced the remarkable growth of our efforts to strive for justice and peace.

The ICTJ launched its new website in March 2006 on the occasion of its fifth anniversary. The new user-friendly site was redesigned to maximize accessibility and provide a comprehensive overview of our activities, experiences, and reflections. The site showcases the expansion and deepening of the Center’s work to nearly 30 countries around the world, several new thematic areas, and various methodologies including capacity building, research, policymaker outreach, and victim-focused approaches. In addition to providing a rich portal to our work, the website is a useful resource for scholars, experts, and governments interested in the field of transitional justice.



Home

Where We Work

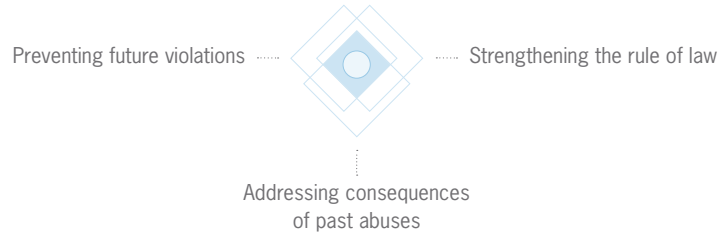
www.ictj.org



# justice in times of conflict

*Laliya, Uganda, August 2005. Young schoolchildren wait for their teacher at St. Martine Primary School in Northern Uganda, where many live in constant fear of being abducted by the Lord's Resistance Army (LRA). The LRA, which has terrorized the region and the Ugandan government for nearly 20 years, is notorious for abducting and brainwashing children to use them as sex slaves and child soldiers. Photo by Per-Anders Pettersson/Getty Images.*

## Peacebuilding and Transitional Justice



State institutions cannot earn public trust or operate with accountability where perpetrators continue to wield power; yet attempting to remove these individuals from office or bring them to justice may destroy a nation's fragile or intermittent peace. Despite two rounds of relatively peaceful and successful elections, the continued presence of government officials with blood on their hands poses a significant threat to the consolidation of peace and protection of human rights in Afghanistan.

Similar dilemmas in other countries have prompted the international community to pay increased attention to the theory and practice of "peacebuilding," which can include efforts to establish effective governance institutions, strengthen the rule of law, encourage sustainable development, and build trust between citizens and the state, as well as among citizens themselves. Although there has been no comprehensive effort to explore the intersection between peacebuilding and transitional justice initiatives, these otherwise distinct areas share the overlapping objectives of preventing future violations, strengthening the rule of law, and addressing consequences of past abuses.

As cycles of violence in the former Yugoslavia have illustrated, failure to acknowledge past abuses can perpetuate intractable conflicts. Sound peacebuilding strategies must be based on a rigorous examination of the underlying causes and effects of prior conflicts. With their focus on victim testimony, truth commissions are well positioned to recommend measures for dealing with these root causes and preventing future conflict because they focus on individual cases of abuse; social, structural, and institutional causes of conflict; and the roles of various protagonists. The ICTJ's engagement with the Sierra Leone Truth and Reconciliation Commission culminated in efforts to translate its findings into tangible governmental reforms. An omnibus bill, submitted to Parliament, deals with a range of Commission recommendations including military reform, the rights of individuals during states of emergency, and electoral reform.

The relationship between prosecutions and peacebuilding is complex and contested. Pursuing justice for mass atrocity is difficult under optimal conditions, but even thornier when trials

threaten to jeopardize peace, prolong conflict, or impede a democratic transition. Recent controversy around the arrest, transfer, and search for an appropriate trial venue for former Liberian president Charles Taylor has forced an international debate to emerge around the question of whether courts should consider and account for their impact on peace processes.

Similar debates have emerged around the International Criminal Court's (ICC) effect on the peace process in Northern Uganda. Because victims' voices are often ignored or silenced in these debates, the ICTJ has conducted surveys of attitudes toward peace and transitional justice in several countries. The Center's survey work has provided insights into the needs and perspectives of those most affected but least heard in countries including Afghanistan, Iraq, Sierra Leone, Timor-Leste, and Uganda. Our Uganda survey, for example, indicated that the majority of respondents want both peace and justice and do not see these as incompatible goals. The Center hopes that bringing these types of local perspectives to the foreground will help generate consensus where those responsible for delivering humanitarian assistance, negotiating peace, and pursuing accountability have been engaged in a somewhat divisive debate, and will also help each of these sectors deliver the most targeted and effective solutions possible.

By enhancing the legitimacy, capacity, and efficacy of state institutions in general and security forces in particular, vetting programs make a significant contribution to peacebuilding. In our work in the Democratic Republic of the Congo (DRC), Haiti, and Liberia, the ICTJ has emphasized security sector reform. Unless soldiers and police officers responsible for human rights abuse are removed from public office, these institutions are unlikely to

respond to civilian governance and oversight or regain the trust and cooperation of the local population, and thus risk the recurrence of violations.

The link between disarmament, demobilization, and reintegration (DDR) programs and transitional justice initiatives has direct relevance to post-conflict peacebuilding, even though they are generally conceived of as separate fields. DDR programs often provide former combatants—some of whom may be responsible for human rights abuse—with fairly generous reintegration packages comprising money, training, and other forms of assistance, whereas victims of the conflict often get nothing. Generally, reparations awards for survivors are less generous and are delivered years after DDR programs have been completed, thus risking victim resentment, grievance, and unwillingness to accept former combatants back into their communities and jeopardizing the peacebuilding process. The ICTJ has launched a research project exploring how transitional justice efforts and DDR programs should be integrated to maximize synergies and minimize their potential to undermine each other. Our findings will have signifi-

cant implications for the Center's work in Afghanistan, Burundi, Colombia, the DRC, Liberia, and elsewhere.

Through our in-country work, engagement with international justice institutions such as the ICC, analysis of relevant topics like amnesties, and work with peace negotiators, the ICTJ has gained experience and insights into the ways in which transitional justice issues arise before, during, and after peace negotiations. The Center plans to launch a major initiative to strengthen the conceptual and operational links between these two fields by conducting research and analysis efforts and incorporating the results into our country work, our engagement with policymakers, and our capacity-building programs. Specifically, the ICTJ will rigorously assess several country contexts to better understand how transitional justice issues have been dealt with during peace processes and how the inclusion or exclusion of these measures has facilitated or impeded their implementation. In parallel to these efforts, the Center will continue to advise countries on the extent to which transitional justice issues should be addressed during peace negotiations and related processes.

## Uganda's Forgotten Voices

For almost two decades, the people of Northern Uganda have suffered a brutal war between the Lord's Resistance Army (LRA) and government forces. LRA fighters have killed and mutilated countless civilians; abducted as many as 30,000 children to serve as soldiers and sex slaves; and internally displaced up to 1.6 million people.

The government has employed military action, mediation, and an amnesty to try to end the conflict, but has largely failed to provide sufficient incentives for LRA leaders to disarm. In December 2003, President Museveni referred the situation to the International Criminal Court (ICC), which has since issued several arrest warrants.

In mid-2005, the ICTJ collaborated with the Human Rights Center (HRC) at the University of California, Berkeley, on a survey of the perspectives of more than 2,500 Northern Ugandans

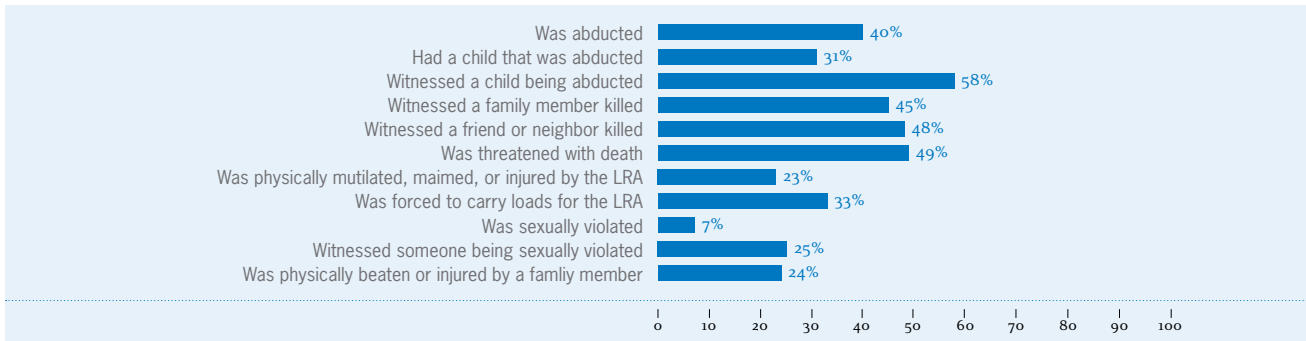


on the conflict and on how peace and justice should be achieved. In July 2005, the Center launched the report, "Forgotten Voices: A Population-Based Survey on Attitudes about Peace and Justice in Northern Uganda," in Kampala and conducted visits to the worst-hit districts in Northern Uganda to discuss its main findings with civil society actors. The study was also widely presented at international

conferences to NGOs and donors.

In late 2005, the ICTJ and HRC conducted several missions to assess the plight of children in Northern Uganda, advising donors on gaps in protections for youth and recommending projects that could advance the justice debate there. The Center continues to assist civil society, victim groups, and the ICC on issues regarding victims of the conflict in Northern Uganda.

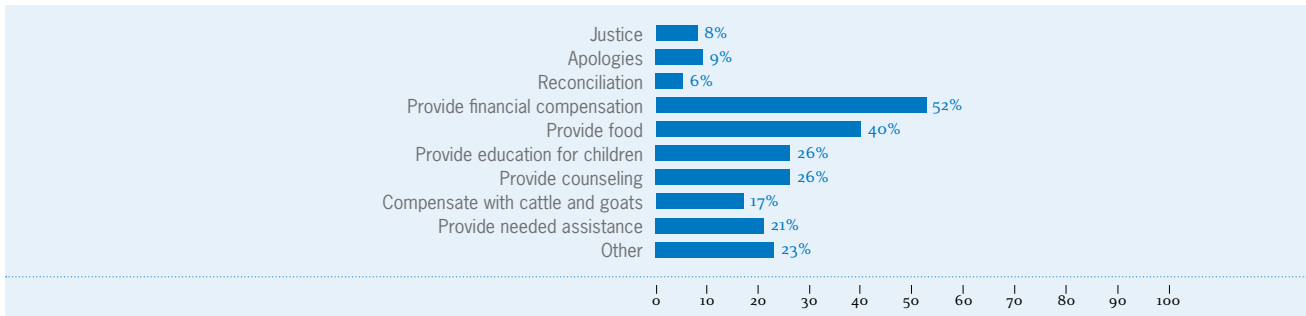
### Exposure to traumatic events



Among the report's findings are some of the highest levels of exposure to traumatic events, including killings, abductions, mutilations, and sexual violations, ever reported. Forty percent of the survey respondents said

they had been abducted by the rebel Lord's Resistance Army (LRA); 45 percent had witnessed the killing of a family member; and 23 percent had been physically mutilated during the conflict.

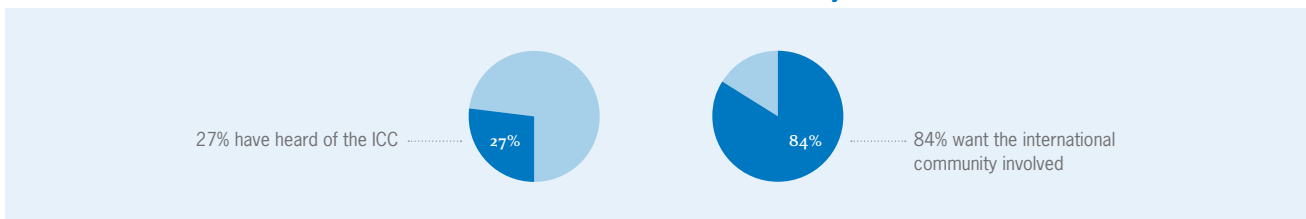
### What should be done for the victims of violence in Northern Uganda?



Most respondents said victims should be provided with some form of assistance, with 52 percent indicating financial compensation and 40 percent mentioning food. While justice appears to rank low on immediate needs in this poll, another series of questions showed that only 4 percent of the population would be willing to defer justice indefinitely in favor of these priorities and that most wanted both physical security and justice

simultaneously. Another interesting finding was that even in regions thought to prefer "traditional" justice measures, most respondents (66 percent) believed that LRA members should face punitive and/or formal legal processes and that community-oriented options for dealing with perpetrators would only be appropriate for low-level LRA members.

### The role of the international community



Although only 27 percent of respondents polled had heard of the ICC, of those, 94 percent supported its involvement in response to the atrocities in Northern Uganda; 91 percent said the Court would contribute to achieving peace in the region; and 89 percent believed the ICC would deliver justice for past abuses. These statistics—combined with the fact that

four out of five respondents (84 percent) felt that the international community should be involved in holding accountable those responsible for human rights violations—suggest that greater outreach and consultation about the ICC and other venues for justice are crucial to helping victims realistically assess the full range of their options.



searching  
for justice

Halabja, Iraq, 1991.  
A man points to a list  
of names that identi-  
fies his neighbors, an  
entire family killed on  
March 15, 1988. Photo  
by Chris Kutschera.

## Transitional Justice in the Middle East and North Africa



Up to the close of the twentieth century, most societies across the Middle East and North Africa (MENA) existed under repressive and immutable rulers whose longevity left little room for transition. From Morocco's Hassan II (1961–1999) to Jordan's Hussein (1952–1999), as long as the same hands gripped the reins of power, there were few opportunities for victims to seek justice or reparations for past suffering.

In less than a decade, more than half of the region's rulers have changed—mostly due to the death of elderly heads of state—creating opportunities for political transition. Transitional justice processes have been initiated by governments, human rights groups, and victim groups as far afield as Algeria, Bahrain, Iraq, Lebanon, and Morocco, while in other parts of the region, such as Sudan and Yemen, similar initiatives are under discussion among policymakers and in civil society. Even where change has been less overt, as in Syria and Saudi Arabia, early signs indicate some openness toward freedom of expression and association.

Morocco presents one of the most dramatic examples of transitional justice initiatives flowing from this shift. Working with Moroccan civil society, King Mohammed VI has taken steps to address a long legacy of past abuse. He established a reparations program that has already paid more than \$100 million in compensation directly to victims; launched a truth commission that conducted two years of investigations into enforced disappearances and arbitrary detentions; and televised public hearings for victims of past abuses—all impressive firsts for the region.

Even in Iraq, where “regime change” was initiated by external military force, efforts are under way to hold accountable perpetrators of crimes against humanity and genocide. With a parliamentary committee drafting laws for reparations to victims of the regime, the Iraqi Ministry of Human Rights undertaking a massive project to trace the more than 300,000 missing persons, and the start of trials against Saddam Hussein and his associates by an Iraqi tribunal, transitional justice is being pursued ambitiously in the face of monumental obstacles.

Despite encouraging signs from across the region, capacity for dealing with the massive legacies of abuse remains limited.

The ICTJ has sought to address this deficit through missions, workshops, and seminars aimed at strengthening opportunities for change. In countries where transitional processes are already under way, particularly Iraq and Morocco (see page 30), the Center has worked closely with policymakers, civil society actors, and victim groups to lay the groundwork for a comprehensive reckoning with the past. In July 2004, the ICTJ partnered with a Moroccan NGO to organize a workshop in Rabat on the issue of “the disappeared.” The meeting brought together human rights activists and victim groups from throughout the region and led to numerous requests for assistance.

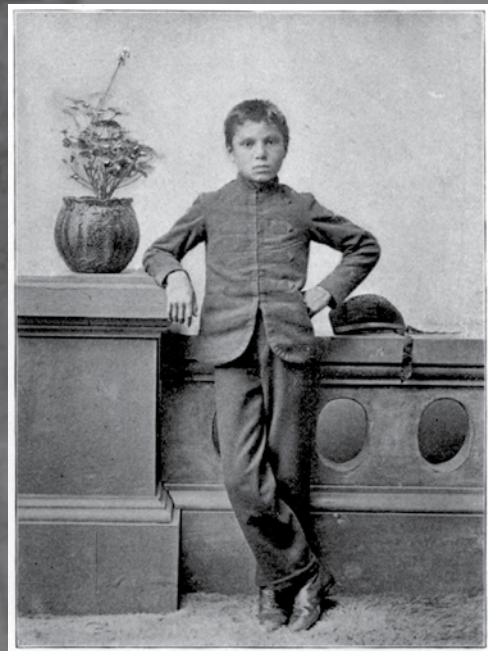
Where transitional justice processes are not as advanced, the ICTJ has identified needs and next steps, and worked on broadening regional knowledge and building capacity to develop a “transitional justice culture” from the ground up. This has included translating key documents into Arabic and disseminating them widely through the Center's Arabic website and electronic newsletter. In 2006, to multiply regional resources, the ICTJ is planning several “train-the-trainers” workshops and the establishment of an Arabic Fellowship Program.

Many in the region have welcomed the Center's expertise and experience in developing mechanisms to come to terms with the past and prevent future violations. In 2005, requests for the ICTJ's assistance increased throughout the region, including from Bahrain, Syria, Tunisia, and Yemen. To build on these opportunities, the Center seeks to broaden its regional scope and deepen its involvement in specific country contexts. Following decades of repression and abuse, and poised at the start of the twenty-first century, it is finally becoming possible to conceive of confronting the legacies of impunity in the Middle East and North Africa.

# uncomfortable truths



*Left: Saskatchewan, Canada, 1874. Thomas Moore, as he appeared when admitted to the Regina Indian Industrial School. Library & Archives Canada / NL-022474. Courtesy of the Assembly of First Nations.*



*Right: Saskatchewan, Canada, 1874. Thomas Moore, after enrollment to the Regina Indian Industrial School. Library & Archives Canada / NL-022474. Courtesy of the Assembly of First Nations.*

## Legacies of Injustice in Established Democracies



*“I come from a family of seal hunters. We are used to sitting patiently on the ice for hours, at temperatures way below freezing, waiting for a seal....No matter how long it takes, we will wait for justice....”*  
*Peter Irniq, Inuit leader and survivor of Canada’s residential schools program, addressing a workshop co-hosted by the ICTJ at the University of Toronto*

Many victims of unresolved, unacknowledged abuses in established democracies endure a long wait for justice. The ICTJ works toward accountability in societies emerging from political repression, as well as in countries where historical injustices continue to cast their shadow, such as Canada and the United States.

Peter Irniq and tens of thousands of his compatriots are victims of the systemic violations the Canadian government committed against its aboriginal population. Like the “stolen generation” in Australia, aboriginal children in Canada were forcibly removed to church-run residential schools and denied their cultural identity as part of a government-funded assimilation policy. Many of these schools closed in the mid-1970s, but the policy had already affected successive generations of Canadian Inuit, First Nations, and Métis peoples. Some 87,000 survivors remain and, although many are aged, they have tenaciously continued to organize, litigate, and demand accountability and reparations.

Despite the fact that large sectors of Canadian society remain unaware of this part of their history, in late 2005 the Canadian government embarked on a series of substantial reparations and truth-seeking initiatives to acknowledge these past wrongs. In contrast, although thousands in Australia have marched in solidarity with victimized Aboriginals, their current government has failed to provide redress or apologize for these abuses.

The dynamics of long-term legacies of human rights violations are at play in many forms across the “developed” world. Nowhere is this more apparent than in the United States, where racism and the politics of exclusion have endured, in spite of the achievements of the civil rights movement.

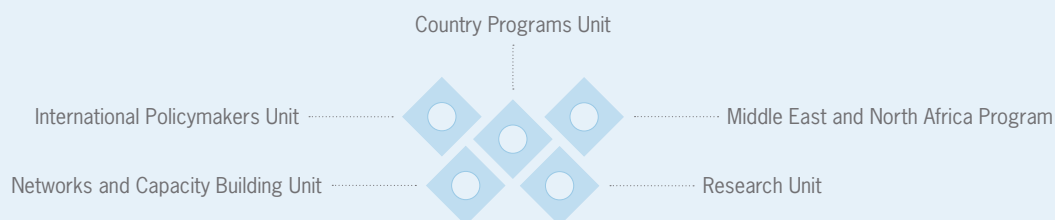
Despite government inertia and apathy, local engagement

with these legacies is evident in the “unofficial” Greensboro Truth and Reconciliation Commission (GTRC), currently entering the final phase of its work in Greensboro, North Carolina. For involved citizens, the GTRC—independent and accountable only to the community—is a lesson in democratic participation. The Commission’s focus on an incident of Ku Klux Klan and Nazi violence in the 1970s has revealed a failure of the police and courts to defend the rights of peaceful protesters, which aggravated racial and class divisions in Greensboro, still evident today. These tensions continue to sow discord, mistrust, and exclusion in Greensboro and other American communities, despite constitutionally enshrined protections and formal equality.

Although representing only a fraction of unacknowledged abuses, these cases are particularly important to the ICTJ. From legacies of slavery and colonialism, to complicity with systematic and massive abuses, many established democracies still have much to account for. Transitional justice approaches can help to illuminate the past and the ways in which unresolved legacies of abuse continue to play themselves out in patterns of exclusion or in the sustained role of unreformed state institutions and organizational cultures of violence.

The relationship between a deepening of democracy and a genuine accounting for past abuses is not neat or linear. Human rights violations are not the exclusive preserve of poor, “developing,” or transitioning societies. Global challenges demand that we engage the hidden histories of injustice in established democracies just as vigorously as we tackle the abuses in societies emerging from conflict or dictatorship. In so doing, we can only deepen the process of building democracy, a culture of human rights, and sustainable peace around the world.

## Program Overview



**COUNTRY PROGRAMS UNIT (CPU)** Headed by Director Graeme Simpson, the Country Programs Unit responds to requests from civil society groups, governments, and international organizations to provide comparative information, policy analysis, and legal and technical assistance to countries grappling with legacies of widespread human rights abuse. Through in-country missions and ongoing communication with local counterparts, the CPU provides advice and support to justice and truth-seeking institutions, reparations programs, and efforts to reform institutions responsible for human rights abuse.

In response to a high volume of requests in 2004–2005, the CPU continued to expand both the intensity and coverage of its work, running numerous active programs and laying the groundwork for future engagements in several countries. Working to integrate cross-cutting thematic approaches with in-country developments, the Unit has increased its capacity by bolstering its staff expertise in New York and Cape Town, and opening offices in Brussels, Geneva, Kinshasa, and Monrovia. (For a complete description of the CPU’s activities, see the Where We Work section on pages 20–31.)

### **MIDDLE EAST AND NORTH AFRICA PROGRAM (MENA)**

Under the direction of Hanny Megally, the ICTJ’s program in the Middle East and North Africa promotes efforts to end the culture of impunity and bring democratic change to the region. Launched in the fall of 2003, MENA provides legal and technical assistance, comparative analysis, and policy advice to governments and civil society actors. Working with local partners, MENA conducts training programs in the region that formulate transitional justice strategies in anticipation of further shifts toward democracy.

Over the past year, the Program has focused on three main initiatives: strengthening efforts of NGO leaders and partners throughout the region to tackle the legacy of past human rights violations; assisting active transitional justice efforts

in Iraq and Morocco; and laying the groundwork for programs in several other countries. MENA also translated into Arabic critical transitional justice materials—including an ICTJ training module—disseminated during visits to the region and used in seminars and workshops. (For a complete description of MENA’s activities, see the Where We Work, Middle East and North Africa section on pages 30–31.)

**RESEARCH UNIT** Led by Director Pablo de Greiff, the Research Unit works to develop a rich understanding of the field of transitional justice and to identify issues that merit more in-depth research and analysis. Collaborating with colleagues in transitional societies and often commissioning outside studies, the Unit researches the complex issues confronting policymakers and activists. Identifying and addressing the most important gaps in scholarship, it provides comparative analysis to ICTJ staff and practitioners worldwide. Over the past two years, the Research Unit has engaged in four major research projects:

**Reparations** In response to the paucity of information on reparations programs in various parts of the world, the ICTJ developed a large-scale comprehensive research project, the results of which will be published in a groundbreaking text by Oxford University Press in March 2006 as *The Handbook of Reparations*. This 1,000-page book is the result of more than three years of work by Pablo de Greiff and an international group of 27 authors from 14 countries.

**Gender and Reparations** Undertaking this global reparations study has helped to highlight the absence of information and understanding of the ways reparations programs can and should incorporate a gender perspective. In response, the ICTJ launched a research project that is exploring ways to introduce gender considerations into reparations programs to maximize potential redress for female victims and their families.

The first phase of the project began with a meeting of experts held in New York in December 2004. In June 2005, authors of the country reports chose to focus case studies on Guatemala, Peru, Rwanda, Sierra Leone, South Africa, and Timor-Leste. Executive summaries of the case studies will be published and disseminated in April 2006, with the project scheduled for completion in October 2006.

**Vetting** Launched in 2003, the ICTJ's vetting project aims to fill a void in the existing literature by providing comparative analysis, clarifying the concept of vetting and its relationship to other transitional justice mechanisms, and developing tools for vetting public institutions. Thus far, nine country case studies have been completed for publication, with eight thematic case studies to follow in 2006–2007. The Center has also played a central role in developing operational vetting guidelines that will be published by the Office of the UN High Commissioner

for Human Rights (OHCHR) and strategic vetting guidelines for the UN Development Programme (UNDP).

**DDR** While programs for the disarmament, demobilization, and reintegration (DDR) of ex-combatants have long existed, they have never been designed or implemented with an explicit awareness of their relationship to transitional justice measures, including prosecutions, truth-telling, reparations, and vetting or other forms of institutional reform. With resolution of conflict now widely seen as inextricably linked to efforts to promote justice, the ICTJ is examining the many ways in which DDR programs can contribute to or hinder the achievement of justice-related aims. Currently, no other study of DDR initiatives systematically examines these issues.

The Center's research on this topic aims to test the hypothesis that DDR and transitional justice initiatives can reinforce one another and break cycles of violence by reestablishing



Monrovia, Liberia, October 5, 2005. A former Liberian government soldier displays a card given to him and thousands of other combatants as part of a disarmament, demobilization, and reintegration program instituted when Liberia's 15-year civil war ended in 2005. The former combatant, who started his military career at the age of 14, is currently unemployed but says he has "no desire to return to battle." Photo by Chris Hondros/Getty Images.

trust and promoting reconciliation between different groups. The first meeting of experts was held in October 2005. This two-year project will collect, analyze, and compare information about current and past DDR programs, paying particular attention to reintegration efforts. This information will become the basis for the development of a conceptual and normative framework for designing DDR programs that are both more effective and advance transitional justice goals.

**ICTJ ANALYSIS** The Center produces a range of analytical publications targeted at practitioners, policymakers, academics, and others engaged in transitional justice initiatives. In early 2004, the ICTJ launched a [Case Study Series](#) in several languages. Papers in the series are available at [www.ictj.org](http://www.ictj.org), as well as in hard copy. Since then, case studies have been published on the Sierra Leone Truth and Reconciliation Commission; the Special Court for Sierra Leone; and transitional justice developments in Argentina, Bosnia and Herzegovina, and Serbia and Montenegro. A forthcoming case study will cover the Ghana National Reconciliation Commission.

The ICTJ's [Occasional Paper Series](#) provides in-depth analysis of specific transitional justice initiatives. This series includes publications on the Democratic Republic of the Congo, the Special Prosecutor's Office in Mexico, the Ad Hoc Human Rights Court in Indonesia, a survey of transitional justice initiatives throughout Indonesia, and justice and reconciliation in Timor-Leste. Since 2004, the Center's contributions to groundbreaking surveys in Afghanistan, Iraq, and Uganda have provided invaluable insights into perceptions of justice among victims in countries where transitional justice initiatives are in their early stages. (See pages 6–7, featuring ICTJ Occasional Paper "Forgotten Voices: A Population-Based Survey on Attitudes about Peace and Justice in Northern Uganda").

In early 2006, the Center will launch its [Prosecutions Case Studies Series](#). The first three analyses will focus on hybrid tribunals and closely examine their operations in Kosovo, Sierra Leone, and Timor-Leste. Another set of case studies, to be released in June 2006, will investigate the role of gender in six transitional justice contexts, offering in-depth analysis as well as recommendations for future efforts.



Guatemala City, Guatemala, 2005. Networks and Capacity Building Unit Director Louis Bickford examines documents at the Guatemalan Police Archives. Photo by Daniel Hernández-Salazar.

**NETWORKS AND CAPACITY BUILDING UNIT (NCBU)** Headed by Director Louis Bickford, the Networks and Capacity Building Unit aims to strengthen and empower organizations, institutions, and activists involved in transitional justice efforts by building global information-sharing networks dedicated to confronting the legacy of past human rights abuse. The NCBU organizes and participates in Affinity Groups, manages several Transitional Justice Fellowship Programs, and conducts training sessions and seminars for those designing and implementing transitional justice programs.

#### *Global Networks*

**Affinity Groups** are small working groups that meet for reciprocal exchange and collaboration on specific transitional justice themes. The first—the **Managing Truth Commissions (MTC) Affinity Group**—was started in 2002 to promote an exchange of ideas among senior managers of truth commissions. Since then, the group has been instrumental in advising the formation of new truth-seeking mechanisms. In November 2005, MTC Affinity Group members joined ICTJ staff and colleagues in Beirut, Lebanon, to share experiences with activists searching for appropriate truth-seeking options for Lebanon.

The **Documents and Confronting the Past Affinity Group** focuses on documents, archives, and strategies for dealing with the legacies of past human rights violations. Its members include NGOs from Burma, Cambodia, Iraq, and Serbia and Montenegro. With support from the Canadian International Development Agency and the Boell Foundation (Germany), the Affinity Group has held meetings in Belgrade, Berlin, and Phnom Penh on topics including ownership and custodianship of documents, evidentiary issues concerning documents that will be used in future criminal trials, information management systems, preservation and dissemination, and strategic and technical questions about document collection.

The **West African Network for Transitional Justice (WANT Justice)** developed out of the African NGOs Affinity Group (ANGO) and focuses on the rapidly changing transitional justice landscape in West Africa. In December 2005, WANT Justice organized a “Teaching Transitional Justice” seminar in Accra, Ghana, an intensive course aimed at enhancing the research agendas and teaching methodologies of university professors and other higher education professionals.

The **Prosecutions Network** brings together experienced prosecutors and members of NGOs and other institutions that support domestic and international prosecutions to discuss effective strategies and develop a strong coalition committed to domestic prosecutions and interested in exchanging ideas, strategies, and lessons learned.

To advance the discussion on comparative prosecutions strategies, the Center held the “Domestic Prosecutions and Transitional Justice” conference in Magaliesburg, South Africa, in May 2005. The meeting assembled domestic experts and prosecutors from Bosnia and Herzegovina, Peru, and South Africa, as well as representatives of the International Criminal Court, the International Criminal Tribunals for the former Yugoslavia and Rwanda, and hybrid tribunals such as the Special Court for Sierra Leone and the Extraordinary Chambers of the Court of Cambodia.

The **Gender Network** examines the wide range of cross-cutting challenges that women face in transitional justice processes.

The ICTJ also collaborates with the **International Transitional Justice Research Network**, which helps build research capacity and strengthens international communication and collaboration among academics and organizations conducting studies on the ways transitional justice mechanisms impact societies.

#### *Fellowship Programs*

The ICTJ launched the first **Transitional Justice Fellowship Program in Cape Town, South Africa**, in January–July 2002, bringing together 21 participants from African countries and seven participants from Southeast Asia for six months of intensive study. Subsequent programs have included fellows from the Middle East and the former Yugoslavia. Demand for this program led to its establishment as a biannual course that has graduated more than 90 fellows.

The success of the Cape Town Fellowship Program led the ICTJ to establish the **Latin American Transitional Justice Fellowship Program in Santiago, Chile**, in 2004 in partnership with the Center for Human Rights at the Law School of the University of Chile. Now in its third year, this intensive course, which has approximately 25 participants annually, comprises both on-site and distance learning.

In response to demand for transitional justice fellowship pro-

grams for activists from the former Yugoslavia, in January 2005 the ICTJ and the University of Ottawa Faculty of Law established an ad hoc [Transitional Justice Fellowship Program at the University of Ottawa, Canada](#). In May 2005, a follow-up program was conducted in partnership with the Munk Center at the University of Toronto.

#### *Workshops and Courses*

Concurrent with the opening of the Brussels office in late 2005, the ICTJ established a series of educational training sessions. Starting in February 2006, in association with the University of Leuven, Mark Freeman will be teaching a Brussels-based ICTJ Essentials Course, offering three to five days of training several times a year, in English and in French. Aimed at European NGOs, universities, diplomatic staff, and graduate/law students, the course will cover the essential themes, mechanisms, and case studies in the field of transitional justice with the goal of imparting the knowledge required to develop and implement transitional justice policies based on international best practices.

The ICTJ also holds university seminars for professors employed at universities in the countries and regions in which the Center works. In conjunction with partners at the Ghana Center for Democratic Development (CDD-Ghana) and the West African Network on Transitional Justice (WANT Justice), the ICTJ hosted an intensive four-day seminar in Accra, Ghana, in December 2005 for professors, advanced graduate students, and researchers from think tanks throughout West Africa.

The Center conducts occasional ad hoc courses, such as the course on Transitional Justice and Peace, planned for February 2006 in Cape Town, South Africa, which will bring together peace negotiators, UN officials, NGO leaders, academics, and other professionals involved in peacemaking activities, negotiations, and issues related to accountability for past abuse.

**INTERNATIONAL POLICYMAKERS UNIT (IPU)** Under the leadership of Priscilla Hayner, the International Policymakers Unit engages and informs senior policymakers in inter-governmental institutions and in national governments on a wide range of transitional justice issues, seeking to inform policy developments based on international best practices.

The IPU works in conjunction with interested governments and international institutions to offer briefings, seminars, and intensive, high-level retreats or conferences. It

also provides strategic guidance and input on specific policy developments, generally on request, including on the establishment of guidelines, principles, and other foundational transitional justice documents.

The program has organized a number of events:

**The UN Guidelines Meeting (June 2005)** A two-day meeting attended by peace negotiators, senior UN officials, independent experts, and NGO representatives to review the UN guidelines for addressing the past in peacemaking or peacekeeping contexts, and to discuss significant developments since the guidelines were released in 1999.

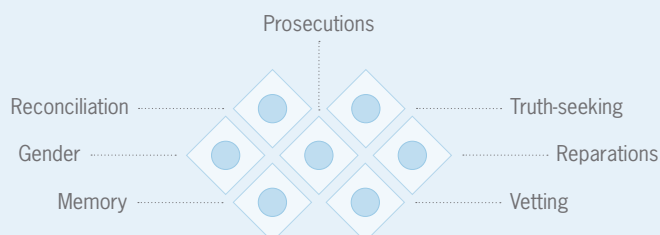
**The Wilton Park Conference (January 2005)** A high-level gathering, the “Transitional Justice and the Rule of Law in Post-Conflict Societies: The Role of International Actors,” conference brought together participants from the diplomatic, political, NGO, and academic sectors to consider lessons learned and strategies to strengthen the role of international actors.

**The UN Security Council Retreat (December 2004)** This retreat brought together current and incoming members of the UN Security Council, senior representatives from the UN Secretariat, and representatives from international NGOs to discuss challenges in the field of transitional justice, the contribution of transitional justice to post-conflict peacebuilding, and lessons learned from previous UN engagements.

**ICTJ Presentations to the UN Security Council (2004)** The ICTJ addressed the Security Council on transitional justice issues four times in 2004—twice in formal sessions and twice at the less formal, closed-door Arria Formula meetings. These were among the few occasions that an NGO has been invited to speak in formal session to the full Council.

**Review of Impunity Principles (2004)** In 2004, the UN Commission on Human Rights appointed Professor Diane Orentlicher to review the Joinet Principles on combating impunity. The ICTJ hosted Orentlicher, in conjunction with the Open Society Initiative, in New York for a briefing with NGOs. The Center and the Office of the UN High Commissioner for Human Rights co-hosted an event for Orentlicher to present her report on best practices to interested UN Member States in New York.

## Transitional Justice Approaches



As a political transition unfolds after a period of violence or repression, a society is often confronted with a difficult legacy of human rights abuse. In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider both judicial and nonjudicial responses to human rights crimes. Increasingly, the following approaches are used together to achieve a more comprehensive and far-reaching sense of justice. As the field expands, so too does our understanding of these approaches and the contexts in which they are most useful.

**PROSECUTIONS** Criminal justice is an essential part of an integrated response to massive human rights violations and should be pursued whenever possible. While prosecutions must necessarily focus on the accused, these efforts should also aim to restore victims' dignity and public confidence in the rule of law.

To this end, the ICTJ has worked to expand its relationships with various judicial bodies and instruments by, for example, offering detailed analyses of domestic prosecutions efforts in Indonesia and Mexico; conducting assessments of hybrid tribunals in Cambodia, Kosovo, Sierra Leone, and Timor-Leste, among others; collaborating with the International Criminal Court and several of its expert groups to help assess its role in various contexts and identify challenges; and working to bring together practitioners involved in major prosecutorial efforts around the globe.

**TRUTH-SEEKING** In an increasing number of countries, local actors have begun to emphasize nonjudicial truth-seeking measures. These have often taken the form of truth commissions—official inquiries into patterns of past abuse that seek to establish an accurate historical record of events.

The Center supports initiatives that develop robust investigative bodies to reveal the full truth about state or non-state abuses that are denied, hidden, or misunderstood. Truth

commissions are challenging to establish and operate, but can be critical to learning from the past, making changes to prevent future violations, and recognizing victims. However, commissions should be created only after broad national consultation, the formulation of an appropriate mandate, and a clear political commitment to allow an independent and thorough inquiry. When advancing accountability for past human rights abuses, truth-seeking initiatives should be pursued along with judicial efforts—including strengthening local court systems—and measures to prevent future abuses.

**REPARATIONS** How does a nation seek to repair harm, restore rights, and build trust when victims number in the thousands over a period of many years? Differences in country contexts, institutional frameworks, and resources require a nuanced approach and varied policy options for reparations programs. Yet, the challenges are similar: defining concepts and objectives clearly; addressing financial questions; responding fairly to massive numbers of victims and a range of violations; overcoming disparities in isolated judicial remedies; and reinforcing victims' dignity by relating reparations to truth-seeking, accountability, and reform.

The ICTJ's cutting-edge research and groundbreaking studies on reparations programs, coupled with in-depth country work, have filled a major gap in the transitional justice field. The Center is now in a unique position to engage even more deeply with the subject of reparations and to apply the lessons learned from its research and practice to many other comparative contexts.

**VETTING** The Center defines "vetting" as the assessment of individuals' integrity in order to determine their suitability for public employment. Countries undergoing a transition to democracy frequently create processes to remove abusive, corrupt, or incompetent public employees from office. The vetting of individuals, particularly in the security and justice

sectors, is widely recognized as a key measure of governance reform essential to overcoming legacies of past conflict or authoritarian rule, preventing the recurrence of abuses, and building fair and efficient public institutions. Until recently, vetting received little systematic attention, resulting in poorly and unfairly handled processes.

With its broad expertise in assisting countries in transition, the Center is uniquely positioned to provide sound advice on vetting processes that form part of an integrated package of governance reform and transitional justice. The ICTJ has expanded its vetting program to include a comprehensive research project and the development of operational guidelines, in addition to providing advice on the design and implementation of vetting mechanisms around the world.

**MEMORY** Memorials for past atrocities and human rights abuses are places of mourning and, in some cases, healing for victims and survivors. But the designers of these memorials also aim to communicate to broader audiences in order to educate people about the past and proclaim “never again.” These goals are not always perfectly compatible, resulting in periodic tensions between them. Outreach and promotion of dialogue have become increasingly important priorities for activists who see memorialization as a form of transitional justice, educating citizens about the past in an effort to build a more humane future.

The ICTJ’s work on memory focuses on this second set of goals, while being cognizant of the first. Drawing on lessons from recent efforts, the Center examines how memorials can be valuable components of a comprehensive transitional justice approach in helping to create a healthy and democratic dialogue about the past, promote healing and reconciliation, and strengthen historical memory about past atrocities. The ICTJ engages in discussions with human rights organizations, victim groups, artists and designers, and government agencies, providing advice on memorial design, consultation, and commissioning processes.

**GENDER** Women’s experience of political violence is often neglected in transitional justice approaches. Too often, truth commission mandates, judicial opinions, and proposals for reparations and reform are written, interpreted, and implemented with little regard to the distinct and complex injuries women have suffered. A lack of understanding and neglect of gendered patterns of abuse have affected both women and

men in their access to justice by limiting the reach of reparations programs, entrenching impunity, distorting the historical record, and undermining the legitimacy of transitional justice initiatives.

Political transitions can provide an extraordinary window of opportunity for enhancing women’s access to justice, reclaiming public space, and building momentum for fundamental reform. The ICTJ seeks to take advantage of this opportunity for social transformation by contributing to women’s struggles for justice, a voice, and historical memory. The Gender Program develops resource materials for local organizations and works in conjunction with the Country Programs Unit to integrate a gender component into technical assistance.

**RECONCILIATION** The word “reconciliation” continues to figure prominently in both the literature and the practice of transitional justice, despite a lack of consensus about what the term means or what achieving reconciliation might require in a given context.

The ICTJ holds that:

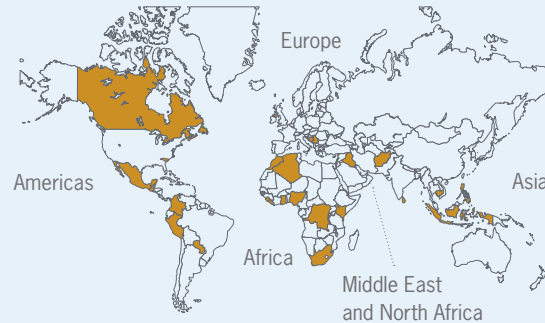
- Legitimate reconciliation must be distinguished from efforts to use reconciliation as a substitute for justice.
- There cannot be significant inequities in the distribution of the burdens of reconciliation. It cannot involve transferring responsibilities for dealing with past injustice from the perpetrators to the victims.
- Reconciliation efforts should not be achieved by methods that amount to forced amnesia, but rather through processes that openly confront the past.
- Reconciliation should not be reduced to a state of mind. It requires social, political, and economic transformation and not just interpersonal forgiveness.
- Reconciliation must be articulated in terms that do not depend entirely on a particular set of religious beliefs.

The civic trust model of reconciliation best incorporates these criteria. Through a process of confronting the past, citizens can agree on a fundamental set of values that should govern their societies and are thereby able to establish or renew trust in each other and in their governments.



Cambodia, March 25, 2005. The government erected this memorial—a traditional Buddhist “stupa” containing the remains of victims of the Khmer Rouge regime—in a small village outside of Phnom Penh. Several hundred of these memorials are scattered throughout the Cambodian countryside. In 2005, the ICTJ’s Louis Bickford and Rebecca Lichtenfeld traveled to Cambodia for the annual Documents and Confronting the Past Affinity Group meeting, held in Phnom Penh. Photo by Rebecca Lichtenfeld.

## Where We Work



### africa

**BURUNDI** Since 1962, military dictatorships and violent conflict between Burundi's Hutu and Tutsi ethnic groups have left more than 150,000 dead and displaced thousands. The August 2000 Arusha Accords called for the establishment of a truth commission and an international judicial commission of inquiry. The UN's March 2005 "Kalomah" report elaborated on the Arusha proposal by recommending the establishment of a truth commission and a special chamber to try those bearing the greatest responsibility for acts of genocide, war crimes, or crimes against humanity.

In August 2005, the ICTJ conducted a mission to assess government and civil society stakeholders' perspectives on the UN proposal. Those interviewed noted the need for comparative information about truth commissions and hybrid tribunals and requested broader consultation regarding the implementation of transitional justice approaches.

In November 2005, the Center met with the new Minister of Justice, Clotilde Niragira, to discuss next steps. In December 2005, the ICTJ gathered experts from former truth commissions to meet in Burundi to share expertise and lay the groundwork for managing the complex relationship between truth-seeking and prosecutions processes.

**THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC)** The ICTJ has been active in the war-ravaged DRC since 2003, when it held workshops and consultations with civil society groups and provided commentary on draft legislation for a Truth and Reconciliation Commission (TRC), established in March of that year. Since then, the Center has promoted measures to strengthen the truth-seeking process, including the appointment of independent and credible commissioners and prosecutions.

In October 2004, the ICTJ published "A First Few Steps: The Long Road to a Just Peace in the Democratic Republic of

the Congo," which analyzes steps taken toward peace and justice since the 2002 Peace Accords. Following the paper's release, 10 human rights organizations formed the Congolese Coalition for Transitional Justice to advance priorities identified through discussions around the report, including domestic prosecutions, restructuring the TRC, and vetting public officials. The Center collaborated with the UN Mission in the DRC (MONUC) to support this coalition and conducted seminars in Bukavu and Kinshasa in April and June 2005, where one topic of discussion was the establishment of the specialized chambers in the domestic court system.

Given the significance of the conflict—and thanks to the Swedish government's investment in local transitional justice efforts—in October 2005, the ICTJ established a permanent presence in the DRC by hiring two staff members who will be based in Kinshasa and the Cape Town office by early 2006. In November, an ICTJ delegation, headed by Chairperson Alex Boraine, met with a range of actors for extensive discussions around options for integrated approaches to transitional justice in the DRC, including vetting and security sector reform. With its new in-country capacity, the Center is poised to substantially expand its involvement in 2006.

**GHANA** In January 2002, a National Reconciliation Commission (NRC) was established to inquire into past human rights abuses, recommend reparations and reform, and foster reconciliation. From its inception, ICTJ staff worked closely with the NRC and civil society by organizing capacity building workshops on gender, reparations, and advocacy strategies; undertaking intensive research on victims' needs; and conducting training sessions on institutional reform initiatives.

In April 2005, after the NRC publicly released its final report, ICTJ staff discussed post-Commission strategies with

a coalition of civil society groups. Since then, the Center has focused on implementing the Commission's final recommendations by working with government, civil society, and NRC members. Responding to a request from the Ghanaian Attorney General, the ICTJ recently produced a study flagging important issues for policymakers to consider in implementing the NRC's recommendations and is advising on the development of a reparations policy and fund.

In 2006, the Center plans to continue to provide technical assistance on reparations and to assess and facilitate the implementation of the Commission's final recommendations.

**KENYA** After more than two decades of rule by Daniel arap Moi, democratic elections in 2002 ushered in a new era for Kenya. Following President Mwai Kibaki's expressed support for a truth commission, ICTJ staff visited Kenya to discuss various truth-seeking options, which was followed by the creation of a government-appointed task force to work on establishing a

Truth, Justice, and Reconciliation Commission. In 2004, the Center continued to advise on the proposed Commission's terms of reference.

Significant challenges have slowed this initiative but the ICTJ continues to monitor developments in Kenya to assess options for future engagement.

**LIBERIA** In 2003, Liberia entered its first period of relative calm in 14 years when former president Charles Taylor fled the country. Later that year, a Comprehensive Peace Agreement was reached mandating the creation of a national Truth and Reconciliation Commission (TRC), which was passed into law by the National Transitional Legislative Assembly in June 2005. In November 2005, Ellen Johnson-Sirleaf was elected president, ending two years of transitional governance.

Since early 2004, the ICTJ has worked with the UN and local NGOs to establish the foundations for the TRC, providing extensive advice on its creation and functions. Working with



*Kaynabayonga, The Democratic Republic of the Congo, 2006. Children gather on a street in the village of Kaynabayonga, which has absorbed thousands of displaced people due to fighting in surrounding towns. This volatile eastern portion of the country has been the epicenter of extreme violence since war broke out in 1998, causing an estimated 1,400 deaths per day. Photo by Spencer Platt/Getty Images.*

the UN Department for Peacekeeping Operations (DPKO), the Center also worked to design a sound civilian security sector vetting program. The ICTJ's report outlining a vision for the reforms, formed the basis of the registration and vetting program subsequently created by DPKO.

In August 2005, at the invitation of the Economic Community of West African States (ECOWAS), ICTJ staff led a two-day training for the TRC Selection Panel, advocating for broad public engagement and transparency in the nomination of commissioners. The nine new Commission members were announced in October 2005.

Following the November 2005 elections, the Center returned to Monrovia to work with the commissioners on developing a workplan for the TRC and to conduct a thorough assessment of various vetting processes. In early 2006, the ICTJ will open a two-person office in Monrovia and co-host a workshop for civil society on proposed legislation to establish a Law Enforcement Services Commission to provide civilian oversight of the security sector.

**SIERRA LEONE** In July 1999, after a decade of brutal civil war, the government of Sierra Leone and the leadership of the main rebel group, the Revolutionary United Front (RUF), signed a peace agreement in Lomé, Togo, that included a decision to establish a Truth and Reconciliation Commission (TRC).

The Commission became operational in late 2002 and submitted its final report in October 2004. Since its inception, the ICTJ has provided the TRC with a range of technical assistance, including specialized trainings on public hearings, guidance on the community-based reconciliation program sponsored by the UN Development Programme (UNDP), and a meeting in Freetown to exchange experiences with senior staff from other truth commissions.

The Center was directly involved in efforts to advance the implementation of the recommendations set forth in the TRC's final report, particularly on reparations. In 2005, the ICTJ assisted local lawyers with drafting a TRC Implementation Bill, which has received support from the UN Mission in Sierra Leone (UNAMSIL) and the Parliamentary Human Rights Committee.

In addition to providing trainings for judges, advice on the complex relationship between the TRC and the Special Court for Sierra Leone, and assistance on determining the Court's legacy to the Sierra Leonean legal system, the Center established and coordinated a Court Monitoring Programme

run entirely by local activists in an effort to stimulate civil society participation.

The ICTJ also worked to enrich international understanding by providing advice—later adopted by the UN Group of Experts—and producing papers reflecting the TRC's relationship with the Special Court and Sierra Leone's unique experience with these simultaneously functioning institutions.

**SOUTH AFRICA** In 1994, the presidential election of Nelson Mandela signaled South Africa's emergence from more than four decades of apartheid, an era characterized by political violence and severe human rights violations.

In 1995, the South African Parliament passed the Promotion of National Unity and Reconciliation Act, mandating the establishment of the Truth and Reconciliation Commission (TRC), which finished its work in October 1998 with the completion and release of a five-volume final report. Two of the ICTJ's founding members served on the TRC; one as Deputy Chairperson and the other as Secretary of the Commission.

The Center remains committed to consolidating the TRC's progress and supporting victims in their ongoing struggle for justice and reparations by providing technical assistance and publicly advocating that perpetrators be held accountable and victims be compensated. The ICTJ is also working with local partners to record the history of victim organizations and initiatives and continues to conduct its annual Cape Town Transitional Justice Fellowship Program.

In 2004, the ICTJ established an office in Cape Town to help strengthen local partnerships and to build a base for deepening our work on the African continent. The office strategically positions its staff to continue examining the South African model to analyze the potentials and limits of truth commissions and apply the lessons learned to other contexts.

In spring 2005, the Center co-hosted two major international conferences in South Africa. The first, "Transitional Justice and Human Security," made possible by the Japan International Cooperation Agency, brought together more than 100 experts from across the globe in Cape Town. The second—co-hosted by the Foundation for Human Rights—focused on building domestic capacities to conduct prosecutions and assembled prosecutors from a variety of countries in Magaliesburg. Conference participants established the Prosecutions Network which plans to assemble in 2006.

**UGANDA** See Feature on pages 6–7.



Comalapa, Guatemala, 2005. Rosalina Tuyuc, founder of the National Association of Guatemalan Widows, speaks during a ceremony honoring victims killed by the Guatemalan Army. Photo by Daniel Hernández-Salazar.

**CANADA** In May 2005, Canada began developing a truth-seeking process and compensation package for survivors of the Indian Residential Schools (IRS). For more than a century, the IRS forcibly removed thousands of Aboriginal children from their homes to assimilate them into Canadian culture, subjecting them to physical, psychological, and sexual abuse. Previous attempts to address this devastating legacy had generally failed, leaving questions of reparations and healing unresolved.

In September 2005, the Center began its engagement by organizing a colloquium with the University of Toronto on “Facing the Legacy of Indian and Inuit Residential Schools in Canada: International Lessons in Truth, Reparation, and Reconciliation.” The event brought together academics and Aboriginal leaders to discuss options for addressing the past. Several experts and senior staff shared their experiences with truth commissions and reparations processes, ranging from Peru to South Africa.

The ICTJ has offered its comparative expertise, analysis, and advice to those negotiating the terms for a comprehen-

sive government resolution of the residential schools legacy. A reparations package, including provisions for a truth-seeking process, was announced in early 2006.

**COLOMBIA** Colombia has suffered the longest-running armed conflict in the Americas. The devastation and shifting boundaries between perpetrators and victims have created ongoing tensions between security and human rights imperatives.

In 2003, paramilitary forces pledged to disarm in exchange for the passage of “alternative sentencing” laws, reducing long prison sentences for even the most serious human rights violations. Civil society actors approached the ICTJ for assistance in challenging these laws for their failure to advance truth-seeking, accountability, and reparations objectives. In 2005, the Center presented an amicus brief to the Inter-American Court of Human Rights on minimizing the deleterious effects of demobilization policies and emphasizing the importance of investigations.

Since then, the ICTJ has encouraged a national dialogue

on transitional justice by participating in seminars, training sessions, and private meetings between key actors. Several civil society leaders completed the Transitional Justice Fellowship Program in Chile (see page 35). In September 2005, the Center sponsored presentations by Colombian victim organizations before UN agencies in New York. The ICTJ is currently engaged in a major research project on disarmament, demobilization, and reintegration (DDR) and on gender and reparations in the Colombian context.

**GUATEMALA** In 1999, the UN-sponsored Commission for Historical Clarification estimated that 200,000 people had been killed or disappeared during Guatemala's 36-year internal armed conflict. To prevent recurrence and establish respect for human rights, the Commission recommended bringing to justice those responsible for abuses and implementing a reparations policy to compensate victims.

Since 2003, the ICTJ has worked closely with the Attorney General's Office to build the technical capacity of those investigating past abuses, which has included intensive workshops for prosecutors and the judiciary, as well as sending a war crimes expert to the Special Prosecutor's Office for several weeks. In 2004, the Center guided the establishment of the National Reparations Program (PNR) and provided technical expertise, critical feedback, and training sessions to civil society and government officials involved in developing and implementing the program. The ICTJ has continued to offer technical assistance workshops to the PNR and issued a series of written recommendations to guide future work on reparations and prosecutions.

**MEXICO** Modern Mexico has long been haunted by a strong presidency unconstrained by the rule of law. When President Vicente Fox took office in 2000, he promised a commitment to human rights and called for the creation of a Special Prosecutor's Office (SPO) to investigate crimes that federal agents committed against social and political groups. The SPO was established in 2002 to promote accountability and seek truth. The government considered, but decided against, creating a truth commission.

Since 2001, the ICTJ has worked closely with local NGO partners to conduct capacity-building seminars and formulate strategies on truth-telling, prosecutions, reparations, and institutional reform. In June 2004, the ICTJ published "A Promise Unfulfilled?," a detailed assessment of the SPO's

prosecutions capacity that set forth recommendations designed to achieve a more effective prosecutorial structure and strategy.

**PARAGUAY** Paraguay is struggling to overcome a legacy of torture, exile, and enforced disappearances committed by its long-ruling police state. In May 2003, the president of the Senate Committee on Human Rights and a local network of NGOs formally requested the ICTJ's assistance in establishing a Truth and Justice Commission (CVJ). The Center brought together government officials and civil society organizations to discuss the country's broad transitional justice challenges and the draft law establishing the CVJ.

In September 2003, Parliament passed a law establishing the CVJ. Since the start of the Commission's mandate in 2004, the ICTJ has helped to address operational start-up issues by providing recommendations and conducting extensive consultations with victim groups. The Center also convened in Paraguay the Managing Truth Commissions (MTC) Affinity Group—comprising current and former truth commission professionals (see page 15)—and continues to facilitate seminars, workshops, and formal visits to help guide the Commission's work.

**PERU** In mid-2003, Peru's Truth and Reconciliation Commission (CVR) issued its final report, concluding that insurgent violence and counterinsurgency tactics had caused an estimated 69,000 deaths and disappearances between 1980 and 2000. The report, based on two years of in-depth investigations and countless witness testimonies, recommended a comprehensive reparations plan, prosecutions, institutional reforms, and other measures.

The Center's involvement with Peru's truth-seeking process began when staff started working with local actors on transitional justice issues in February 2001. After providing initial comments on the draft terms of reference that ultimately became the Commission's mandate, the ICTJ provided substantive support and technical assistance to the CVR by conducting regular missions and facilitating contacts between commissioners and other truth commission professionals around the world.

After the CVR completed its mandate, in 2004 and 2005 the Center participated in efforts to draft and pass legislation creating the "absence by reason of disappearance" civil law status, a national reparations program, and a victims' regis-



Greensboro, United States, July 16, 2005. Greensboro Truth and Reconciliation Commissioners at an informal press conference at the conclusion of the first public hearing. Photo by Lewis A. Brandon, III. Courtesy of The Beloved Community Center.

try. The Peruvian Congress passed reparations legislation in 2005, and the ICTJ continues to advise the implementation planning process currently under way. In parallel with its truth commission and reparations work, the Center also provided expertise and advice to prosecutors and NGOs on the domestic prosecution of international crimes and massive crime investigation techniques and strategies.

In 2005, senior staff continued to analyze Peru's truth-seeking process and the Commission's impact. Staff members are also working on a collection of essays about the TRC and criminal justice in Peru and writing a book on Peru's reparations plan—both of which are expected to be published in 2006.

**UNITED STATES (GREENSBORO, NORTH CAROLINA)** In June 2004, the Greensboro Truth and Reconciliation Commission (GTRC) was established to look into the shooting deaths of five protestors and the wounding of ten others by the Ku Klux Klan and the American Nazi Party on November 3, 1979.

The ICTJ has advised the GTRC's initiating project and con-

tinues to provide the Commission with technical advice, comparative information, and contacts with experts and practitioners around the world. Center staff has worked with the Commission and local community members by organizing preparatory workshops and start-up training sessions; offering comparative analysis on other truth-seeking experiences, including statement-taking, public hearings, report-writing, and victim issues; and monitoring proceedings by attending hearings.

In 2005, the GTRC collected statements and reviewed evidence; held three two-day public hearings in July, August, and September; and organized a public dialogue in November. After the Commission publicly presents its final report to the City of Greensboro in the first half of 2006, the Center will continue to monitor and analyze this unique endeavor. The ICTJ hopes that the GTRC's experience will encourage other communities in established democracies to consider similar mechanisms. In 2006, the Center is planning an assessment of the domestic and international transitional justice issues that confront the United States.

**AFGHANISTAN** Since the fall of the Taliban regime and the establishment of a transitional government in late 2001, the ICTJ has partnered with organizations like the Afghan Independent Human Rights Commission (AIHRC) to help address

Afghanistan's brutal history of conflict and human rights violations. The Center has focused on strengthening Afghan voices through consultations with victims and encouraged strategic approaches to accountability despite the enormous

challenges that the current security situation poses.

In 2003, ICTJ staff provided training and advice to the AIHRC in its survey of more than 6,000 Afghan citizens on their views on transitional justice processes. By October 2004, more than 4,000 Afghans had completed the survey, and 2,000 had participated in focus group discussions. In November 2004, Center staff assisted the AIHRC in producing the resulting report, “A Call for Justice.”

The report was presented to President Karzai at a widely publicized meeting in January 2005. Karzai drew on its recommendations to establish a Task Force on Transitional Justice, which included AIHRC and UN representatives, as well as his own advisor on transitional justice. In June 2005, the Task Force presented its Action Plan for Peace, Reconciliation and Justice in Afghanistan to foreign governments at a meeting in The Hague, which the ICTJ attended.

Despite the government’s adoption of the plan, a great deal of work remains before a comprehensive transitional justice program for Afghanistan can be implemented. The Center has advised the UN Assistance Mission to Afghanistan on vetting issues and continues to focus on strengthening civil society’s capacity to engage with transitional justice issues.

**CAMBODIA** The Khmer Rouge regime terrorized Cambodia from 1975 to 1979, killing between 1.2 and 1.7 million people by execution, starvation, and forced labor. In 1997, a Khmer Rouge Tribunal Task Force was established to create a framework for bringing the remaining leaders to trial for crimes against humanity, war crimes, and genocide. After lengthy negotiations, the UN and the Cambodian government agreed to establish the Khmer Rouge Tribunal (KRT) in May 2005. This body will be renamed the Extraordinary Chambers of the Court of Cambodia (ECCC) in early 2006, when it becomes operational.

In early 2005, the ICTJ conducted a mission to Cambodia, convening a meeting of its Documents and Confronting the Past Affinity Group—co-hosted by the Documentation Center-Cambodia (DC-Cam)—and holding a truth-seeking workshop. It also conducted an initial assessment of transitional justice developments in the country, particularly those related to the tribunal, and found that most actors were receptive to discussion on issues relating to reparations, truth-seeking, memorialization, and institutional reform.

In mid-2005, Center staff undertook a more expansive assessment that confirmed deep concerns about the tribunal, including the impartiality of domestic judges, widespread cor-

ruption, lack of capacity and training, political interference, and a narrowly defined mandate focused on a select group of alleged ringleaders—many of whom had already died—at the expense of a more comprehensive examination of widespread complicity. The ICTJ has met with legal and human rights NGOs, the KRT Task Force, and several international NGOs, donors, and agencies involved in legal reform in an effort to assist the tribunal in leaving behind a positive legacy for the domestic judicial system. The Center will continue to support and monitor the early work of the ECCC in 2006 and is using its active engagement with the Chambers to deepen its analysis of hybrid tribunals around the world.

**INDONESIA** Indonesia continues to grapple with a long legacy of authoritarian abuse, state-organized violence, and conflict over natural resources and self-determination. Some of the central transitional justice issues facing Indonesia include crimes against humanity committed in East Timor, the resolution of regional conflicts that confront the state and separatist insurgencies, and the clarification of violations committed under the Soeharto regime, particularly the massive persecution of dissidents.

Since its early involvement in Indonesia, the ICTJ has worked with local and international NGOs to urge the UN to develop an appropriate response to the failure of the Ad Hoc Human Rights Court in Jakarta to hold accountable perpetrators of the violence around East Timor’s 1999 vote for independence. The Center helped catalyze cooperation among Timorese, Indonesian, and international organizations to pursue the creation of an independent Commission of Experts to advise the UN on how to proceed in the face of impunity.

The ICTJ has also monitored parliamentary efforts to establish a Truth and Reconciliation Commission (TRC) and coordinated with local partners to ensure that the proposed Commission respects victims’ rights and promotes accountability. The Center released a comprehensive study of the TRC legislation in December 2004, and in February 2005 co-sponsored with local partners a conference in Jakarta for civil society leaders and activists to develop a strategy for achieving accountability and justice. In September 2005, staff participated in a seminar organized by the Institute for Policy Research and Advocacy, to explore ways to remedy the weaknesses of the TRC mandate. The ICTJ supports local organizations in studying and challenging the Commission’s legislation on constitutional grounds.



Dili, Timor-Leste, November 12, 2005. Two Timorese mothers cry during a ceremony commemorating the 1991 Santa Cruz massacre in Dili, where about 250 people were shot during a demonstration protesting the death of a Timorese youth, Sebastiao Gomes, who was killed by the Indonesian military. During the ceremony, relatives demanded the bodies of their loved ones, as well as the establishment of an international trial to examine and seek justice for the killings. Photo by Candido Alves/AFP/Getty Images.

**THE PHILIPPINES** Twenty years have passed since the Philippines transitioned from martial law, yet most victims have not yet seen prosecutions, reparations, or truth-seeking efforts addressing the human rights violations of that era.

Despite a difficult national context, the ICTJ has supported steps toward the implementation of transitional justice processes. In August 2004, the presidential adviser on the peace process invited the Center to explore the potential for partnership on transitional justice issues. ICTJ staff met with a range of actors—including the president, opposition leaders, and civil society groups—and conducted in-depth research and consultations with the human rights community, political analysts, and academics. The Center also produced a report analyzing past and current accountability efforts in the Philippines and submitted it to government officials and civil society actors.

In May and June 2005, the ICTJ assisted the Congressional Human Rights Committee with legislation providing reparations for human rights victims of martial law and conducted a workshop to analyze the draft bill with congressional sponsors and representatives of human rights and victim organizations. The Center also provided training, resource materials, analyses, and support for exploratory work on truth commissions, documentation, and memorials, including a workshop to discuss options for a commission to address violations committed by non-state actors.

**SRI LANKA** Since 1983, more than 60,000 people were killed, 800,000 internally displaced, and thousands injured by land mines and bombs in Sri Lanka's civil war. In late 2001, the government of Sri Lanka and the Liberation Tigers of Tamil Eelam declared a cease-fire, ushering in a fragile peace process and the possibility of addressing the country's legacy of human rights violations.

Since then, the ICTJ has worked as part of a team of human rights organizations—the Transitional Justice Working Group (TJWG)—to lay the groundwork for transitional justice. The Center helped conduct workshops for prosecutors on strategies for addressing large-scale human rights abuses, as well as train-the-trainer workshops for NGOs like the National Human Rights Commission (HRC). ICTJ staff worked with the TJWG to draft a memo identifying initiatives that the HRC could undertake to advance a transitional justice agenda.

In response to the enormous humanitarian concerns raised by the December 2004 tsunami, the Center worked with local partners to probe the human rights agendas of “conflict victims”

and “tsunami victims.” The ICTJ has begun to address the challenges of incorporating human rights agendas and transitional justice priorities into peace negotiations and agreements, and is planning a conference in 2006 to discuss the peace processes and lessons learned from transitional justice initiatives to date. The Center is also looking to strengthen its engagement with groups addressing disappearances and displacement.

**TIMOR-LESTE** Since 1999, Timor-Leste's fragile peace has been challenged by the brutal legacy of human rights violations and impunity resulting from more than 24 years of Indonesian occupation. Throughout its engagement, the ICTJ has actively supported efforts to address this legacy of abuse by working with civil society groups, the Serious Crimes Unit (SCU), and the Commission for Reception, Truth and Reconciliation (CAVR). The Center has assisted the CAVR in its research on international law, violations of economic and social rights, and reparations, and in producing and disseminating its final report. When the president hesitated to make the final report public, in November 2005 the ICTJ initiated an international campaign calling for its immediate release.

The Center has assisted the SCU's efforts to bring Indonesian officials and their subordinates to justice for the atrocities committed in 1999 and continues to support judicial action against them. The ICTJ urged the UN to convene an international Commission of Experts (COE) to examine impunity and pursue accountability for crimes committed in 1999, which it subsequently established in February 2005.

In May 2005, the Center catalyzed a robust international advocacy effort aimed at postponing the disbandment of the SCU, urging the Security Council to first consider the COE's recommendations. The ICTJ also facilitated consultations among Timorese, Indonesian, and international organizations, generating consensus on the future of the serious crimes process and measures to protect victims' rights. In June 2005, the Center published an assessment of the SCU and the hybrid panels of judges that the UN established.

In August 2005, the governments of Indonesia and Timor-Leste established a Commission of Truth and Friendship (CTF), granting it the power to recommend amnesties for perpetrators of crimes against humanity. The ICTJ has maintained serious reservations about the CTF and has publicly advised the international community not to cooperate with the initiative until its mandate is significantly amended to bring it in line with victims' rights and international human rights obligations.

**BOSNIA AND HERZEGOVINA** The 1995 Dayton Accords established a framework for rebuilding Bosnia and Herzegovina but did not set out a comprehensive vision for achieving justice. Transitional justice efforts there—particularly in the areas of truth-seeking and reparations—have been ad hoc and incomplete so far. Despite an unfavorable political climate, the Center has trained key actors and supported local transitional justice processes, including prosecutions, truth-seeking efforts, and vetting.

In 2004, with the Humanitarian Law Center (HLC) in Belgrade, the Sarajevo-based Research and Documentation Center, and the Zagreb-based Documenta, the ICTJ entered into a protocol supporting regional cooperation on the investigation and documentation of war crimes in the former Yugoslavia. In September 2005, the Center and the HLC convened a regional consultation in Belgrade that revealed a consensus on the need for an effective and independent regional truth-telling mechanism with international sponsorship and broad civil society leadership and support.

In January 2005, the ICTJ held a three-week transitional justice training program in Ottawa for human rights professionals from the region. Center staff have also worked on several research projects, including “Bosnia and Herzegovina: Selected Developments in Transitional Justice,” published in October 2004; an in-depth analysis of the completion strategy of the International Criminal Tribunal for the former Yugoslavia (ICTY); an evaluation of the challenges faced by the hybrid War Crimes Chamber; and a case study on recent vetting efforts in Bosnia.



*Potocari, Bosnia and Herzegovina, November 2005. A family visiting the Srebrenica Memorial, which contains some 2,000 graves of identified victims, out of the 8,000 who were massacred. Photo by Sam Walker.*

**NORTHERN IRELAND** For more than 30 years, Northern Ireland witnessed widespread death and injury arising from a legacy of discrimination and disagreement regarding the region’s political status.

The ICTJ started working with local civil society leaders in 2001 to establish Healing Through Remembering (HTR), an NGO mandated to work with government, religious, and

civil society representatives to develop strategies to respond to past conflict. Since then, the Center has supported HTR in outlining transitional justice options for Northern Ireland, including truth-seeking and memorialization.

In January 2005, the ICTJ made a formal submission at a hearing of the United Kingdom Parliament Northern Ireland Affairs Committee in London as part of an inquiry into reconciliation for Northern Ireland. Before making the submission, staff traveled to Belfast to push for the Committee to establish a broadly consultative process.

The Center continues to consult with local actors and monitor developments in Northern Ireland in an effort to support appropriate responses to the long legacy of past violence.

**SERBIA AND MONTENEGRO** Since the October 2000 revolution that removed former president Slobodan Milosevic from power, war-ravaged Serbia and Montenegro has lurched from one political crisis to another. The ICTJ has focused on advancing transitional justice efforts in the area through extensive training programs, support for international and domestic war crimes trials and documentation efforts, and advice on truth-seeking initiatives.

Reflecting its strong commitment to building local capacity, the Center invited several participants from the region to its Transitional Justice Fellowship Programs in Canada in January and May 2005. In conjunction with the Kosovar Research and Documentation Institute and other NGOs, the ICTJ recently completed the first transitional justice training in Pristina.

Since a War Crimes Panel officially opened at the Belgrade District Court in October 2003, Center staff members have met regularly with the prosecutor to share relevant lessons from domestic trial experiences in other countries.

(See the Bosnia and Herzegovina section above for more information on the ICTJ’s truth-seeking work.)

In October 2004, the ICTJ published “Serbia and Montenegro: Selected Developments in Transitional Justice.” The Center is completing a major research project on policy issues surrounding the ICTY’s completion strategy, seeking to identify key lessons from the final phase. As part of a larger research project on hybrid tribunals, the ICTJ commissioned a case study on the experiences of the Kosovo trial panels to be published in early 2006. The Center continues to work with the local office of the UN Development Programme to promote regional approaches to transitional justice.

**ALGERIA** Since 1992, approximately 150,000 Algerians were killed and 7,000 disappeared in a conflict between state security forces and armed Islamic rebels. While the worst of the violence has abated, impunity remains the norm.

In 2003, the state-appointed National Consultative Commission on the Promotion and Protection of Human Rights (CNCPPDH) was mandated with resolving the issue of the disappeared. Fearing the Commission's lack of transparency and judicial safeguards, a coalition of Algerian lawyers, NGOs, and victim groups approached the ICTJ for assistance on truth-seeking. In 2003 and 2004, staff traveled to Paris and Morocco to conduct capacity-building seminars with the coalition.

In October 2004, President Bouteflika announced intentions to pursue a blanket amnesty law through a referendum. In March 2005, the CNCPPDH declared that 6,146 cases of disappearances were directly attributable to Algerian security forces, but did not provide details to victims. The ICTJ and several partners responded with a press release expressing concerns about the proposed amnesty and urging an independent investigation into the past.

At a June 2005 workshop in Morocco, Center staff led seminars for Algerians on transitional justice and amnesties. Approval of the September referendum on "Peace and National Reconciliation" paved the way for the passage of an amnesty law in 2006. The ICTJ continues to work with lawyers, NGOs, and victim groups to enhance their capacity to search for truth and justice.

**IRAQ** For more than 35 years, Saddam Hussein and his associates built a complex, patronage-driven, and exceptionally violent state that made widespread use of torture, extrajudicial executions, arbitrary detentions, and enforced disappearances to compel obedience and silence dissent across the country.

Since 2003, the ICTJ has worked to develop effective transitional justice strategies in Iraq. After the May 2004 publication of "Iraqi Voices"—the first study of Iraqi perspectives on transitional justice—the Center brought together senior Iraqi officials and international experts to discuss options for a viable transitional justice framework.

The ICTJ has engaged in advocacy and provided extensive materials and policy advice to Iraqi decisionmakers and civil society. The Center provided comprehensive assistance to the reparations council in the design and implementation of a reparations program; met with senior officials to raise concerns about the indiscriminate deBa'athification process; advocated that any truth-seeking effort be carefully considered

and designed, and include broad civil society participation; and participated in discussions around the establishment of a National Center for the Missing and Disappeared.

The ICTJ has closely monitored the efforts of the Supreme Iraqi Criminal Tribunal to bring perpetrators of international crimes to justice. In mid-2005, the Center organized a roundtable for court officials and international experts to clarify legal and administrative issues, discuss best practices, and voice concerns. In October 2005, the ICTJ published a background paper detailing the major challenges facing the Tribunal. As one of only a few organizations, Center personnel were granted access to Tribunal proceedings as international observers. ICTJ staff will continue to attend the trials and offer critical commentary, legal advice, and analysis.

**LEBANON** From 1975 to 1991, Lebanon's civil war resulted in the death, disappearance, and displacement of hundreds of thousands of people. In April 2005—following the assassination of former Prime Minister Rafik Hariri—the ICTJ began receiving requests for assistance from victim groups and NGOs to explore options for truth-seeking and justice.

In September 2005, the Center conducted an assessment mission and found that a number of local actors, including government officials, were beginning to reflect on how the nation should deal with its legacy of human rights abuse, and that many civil society groups had already started initiatives aimed at addressing past violations. In December 2005, the ICTJ organized a workshop in Beirut to help familiarize activists, lawyers, journalists, and government representatives with transitional justice mechanisms, sharing experiences from around the world.

In 2006, the Center will continue to work with a broad range of actors, including international experts, to recommend appropriate actions for Lebanon as it explores options for dealing with its complex past.

**MOROCCO** On January 7, 2004, King Mohammed VI created a 17-member Equity and Reconciliation Commission (IER) to establish the truth about enforced disappearances and arbitrary detentions that occurred between 1956 and 1999. The IER was tasked with identifying institutional responsibilities for past abuses, providing reparations to victims, issuing recommendations for reforms, and promoting reconciliation.

Working closely with the IER, Moroccan civil society, and the media, the ICTJ encouraged a participatory process for

establishing the Commission's mandate, and selecting commissioners, and provided assistance with documentation, developing protocols for conducting public hearings, sharing global comparative analysis on reparations, preparing the final report, crafting public and media outreach strategies, and conducting trainings on transitional justice tools and approaches.

In 2005, Center staff conducted several consultative missions that included attending public hearings, working on the Commission's public outreach strategies, meeting with women's groups and the IER to discuss gender aspects of the Commission's work, participating in a national conference on

reparations, and advising the IER on writing and disseminating its final report.

Following the conclusion of the Commission's mandate in November 2005, the ICTJ continued to monitor, assess, and advise the IER and civil society organizations on implementing the Commission's final report recommendations on reparations, memorialization, vetting, and institutional reform. In 2006, the Center will conduct a survey of victims' views on the Commission and will continue to advocate for measures that contribute to building a culture of human rights and advancing reconciliation in Morocco.



Rabat, Morocco, December 21, 2004. Driss Benzekri, president of the Equity and Reconciliation Commission (IER), opens the public hearings in Rabat, at which victims of human rights violations recount their suffering. Approximately 200 victims were selected to participate in multiple regional hearings. Photo by Abdelhak Senna/AFP/Getty Images.

## Partner Organizations



The Afghan Independent Human Rights Commission (Afghanistan)  
www.aihrc.org.af

The Arab Institute for Human Rights (Tunisia) www.aihr.org.tn

The Association for Human Rights (Peru)  
www.aprodeh.org.pe

The Catholic University of Leuven (Belgium) www.kuleuven.ac.be

The Center for Human Rights Legal Action (Guatemala)  
www.caldh.org

The Centre for Dealing with the Past (Croatia)  
www.documenta.hr

The Centre for Policy Alternatives (Sri Lanka) www.cpalanka.org

The Centre for the Study of Human Rights (Sri Lanka)  
www.cshr.org

The Centre for the Study of Violence and Reconciliation (South Africa) www.csvr.org.za

The Commission on Involuntary Disappearances and Victims of Violence (Indonesia)  
www.kontras.org

Conflict Management and Development Associates (Sierra Leone)

The Congolese Coalition for Transitional Justice (Democratic Republic of the Congo)

The Documentation Center of Cambodia (Cambodia)  
www.dccam.org

Equitas (Colombia)  
www.equitas.org.co

The Ghana Center for Democratic Development (Ghana)  
www.cdd-ghana.org

The Greensboro Truth and Community Reconciliation Project (United States)  
www.gtcp.org

The Guatemalan Forensic Anthropology Foundation (Guatemala) www.fafg.org

The Human Rights Center of the University of California, Berkeley (United States)  
www.hrcberkeley.org

The Human Rights Center of the University of Chile Law School (Chile) www.uchile.cl

The Human Rights Commission of Sri Lanka (Sri Lanka)  
www.hrc-srilanka.org

The Human Rights Education Institute of Burma (Thailand)  
www.hreib.org

The Human Rights Office of the Social Foundation (Colombia)  
www.fundacion-social.com.co

The Humanitarian Law Center (Serbia and Montenegro)  
www.hlc.org.yu

The Institute for Justice and Reconciliation (South Africa)  
www.ijr.org.za

The Iraq Memory Foundation (Iraq)  
www.iraqmemory.org

The Foundation Ideas for Peace (Colombia)  
www.ideaspaz.org

The Institute for Policy Research and Advocacy (Indonesia)  
www.elsam.or.id

The International Centre for Ethnic Studies (Sri Lanka)  
www.icescolombo.org

The International Coalition of Historic Site Museums of Conscience (United States)  
www.sitesofconscience.org

The Judicial System Monitoring Programme (Timor-Leste)  
www.jsmp.minihub.org

The Khulumani Support Group (South Africa) www.khulumani.net

The Kosovar Research and Documentation Institute (Kosovo)  
www.kodi-ks.org

The Law & Society Trust (Sri Lanka)  
www.lawandsocietytrust.org

The Liberia National Law Enforcement Association (Liberia)

The Lebanese Center for Policy Studies (Lebanon)  
www.lcps-lebanon.org

The Legal Aid Institute (Indonesia) www.ylbhi.or.id

The National Human Rights Coordinating Group (Peru)  
www.dhperu.org

The NGO Follow-up Committee (Morocco)

Peace Advocates for Truth and Healing (The Philippines)

The Post-conflict Reintegration Initiative for Development and Empowerment (Sierra Leone)

The Research and Documentation Center (Bosnia and Herzegovina)  
www.idc.org.ba

The Sierra Leone Court Monitoring Programme (Sierra Leone)  
www.slcmp.org

The Sustainable Democracy Center (Lebanon)  
www.sdclebanon.org

The Task Force Detainees of the Philippines (The Philippines)  
www.tfdp.org

The Transitional Justice Working Group (Liberia)

## ICTJ and Staff Publications

Bosnia and Herzegovina: Selected Developments in Transitional Justice (October 2004)

Creation and First Trials of the Supreme Iraqi Criminal Tribunal (October 2005)

A First Few Steps: The Long Road to a Just Peace in the

Democratic Republic of the Congo (October 2004)

Forgotten Voices: A Population-Based Survey on Attitudes about Peace and Justice in Northern Uganda (July 2005)

The International Criminal Court and Conflict Mediation (June 2005)

Iraqi Voices: Attitudes Toward Transitional Justice and Social Reconstruction (May 2004)

Justice Abandoned? An Assessment of the Serious Crimes Process in East Timor (June 2005)

Transitional Justice in Morocco: A Progress Report (November 2005)

Truth Commissions and NGOs: The Essential Relationship (April 2004)

*Note: This is a partial list of ICTJ publications from April 2004 to December 2005. To see the complete list, go to [www.ictj.org](http://www.ictj.org). For more information, send an e-mail to [info@ictj.org](mailto:info@ictj.org).*

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**Louis Bickford**, "Transitional Justice and the Special Prosecutor in Mexico," *Journal of Human Rights* (October 2005, Vol. 4, No. 4).

**Louis Bickford**, "Transitional Justice" and **Priscilla Hayner**, "Truth Commissions," in *Encyclopedia of Genocide and Crimes Against Humanity*, Dinah Shelton, ed. (Macmillan, 2004).

**Pablo de Greiff**, "Justice and Reparations" and "Repairing the Past: Compensation for Victims of Human Rights Violations," in *The Handbook of Reparations*, Pablo de Greiff, ed. (Oxford: Oxford University Press, March 2006).

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**Mark Freeman**, *Truth Commissions and Procedural Fairness*

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**Mark Freeman**, *Making Reconciliation Work: The Role of Parliaments* (Inter-Parliamentary Union and the Institute for Democracy and Electoral Assistance, 2005).

**Eduardo Gonzalez**, "The Peruvian Truth and Reconciliation Commission and the Challenge of Impunity," in *Transitional Justice in the New Millennium: Beyond Truth and Reconciliation*, Naomi Roht-Arriaza and Javier Mariezcurrena, eds. (Cambridge: Cambridge University Press, forthcoming 2006).

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**Lisa Magarrell** and Leonardo Filippini, "Instituciones de la justicia de transición y contextos políticos," in *Entre el Perdón y el Paredón: Preguntas y dilemas de la justicia transicional*, Angelika

Rettberg, ed. (Bogotá: Uniandes/IDRC, 2005).

**Hanny Megally**, Hania Mufti, and Eric Stover, "Bremer's 'Gordian Knot': Transitional Justice and the US Occupation of Iraq," *Human Rights Quarterly* (August 2005, Vol. 27, No. 3).

**Juan Méndez**, "Torture in Latin America," in *Torture*, Kenneth Roth, Minky Worden, and Amy D. Bernstein, eds. (London: New Press, 2005).

**Vasuki Nesiah**, "Truth vs. Justice? Commissions and Courts," in *Human Rights and Conflict*, Jeff Helsing and Julie Mertus, eds. (USIP, forthcoming 2006).

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**Graeme Simpson**, "Tell No Lies, Claim No Easy Victories: A Brief Evaluation of South Africa's Truth and Reconciliation Commission," and Deborah Posel and Graeme Simpson, "The Power of Truth: South Africa's Truth and Reconciliation Commission in Context," *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, Deborah Posel and Graeme Simpson, eds. (Johannesburg: Witwatersrand University Press, 2002).

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## Transitional Justice Fellowship Program

Since 2002, the ICTJ has conducted fellowship programs on transitional justice for activists, students, and practitioners from countries in transition. Fellows learn about strategies to employ following a period of conflict or repressive rule in order to bring about a more just, democratic, and peaceful society in their home countries.

*Participants have come from:* Argentina, Bosnia and Herzegovina, Brazil, Burma, Cambodia, Cameroon, Chile, Colombia, Costa Rica, Croatia, The Democratic Republic of the Congo (DRC), The Dominican Republic, Ecuador, El Salvador, Ethiopia, Ghana, Guatemala, Indonesia, Kenya, Kosovo, Liberia, Mexico, Nigeria, The Occupied Palestinian Territories (OPT), Paraguay, Peru, Rwanda, Serbia and Montenegro, Sierra Leone, South Africa, Sri Lanka, Sudan, Timor-Leste, Uganda, Uruguay, Venezuela, Zimbabwe.

### *Cape Town, South Africa (July 15 – November 15, 2004)*

Alipio Baltazar Timor-Leste	Olivier Kambala DRC	Olive Mujawingoma Khan Rwanda	Thushari Samarawickrama Sri Lanka	Khin Maung Shwe Burma
Adolf Awuko Bekoe Ghana	Bunthea Keo Cambodia	Leon Bulelwa Mukenge DRC	Josephine Shaw Sierra Leone	Godfrey Ndung'u Wainaina Kenya
Foday Jalloh Sierra Leone	Heng Kong Cambodia			

### *Cape Town, South Africa (February 28 – May 31, 2005)*

Eno Akpan Nigeria	Noha Ibrahim Sudan	Joseph Yav Kashtung DRC	Lawrence Sesay Sierra Leone	Butty Bush Williams Liberia
Tendai Chabvuta Zimbabwe	Joseph Kamara Sierra Leone	Philip Pasirayi Zimbabwe	Marijana Toma Serbia and Montenegro	André Yimga Cameroon
Xavier Ejoyi Uganda	Theodore Kamwimbi DRC			

### *Cape Town, South Africa (August 1 – October 27, 2005)*

Jihad al Shomali OPT	John Kasuku DRC	James Latigo Ojera Uganda
Innih Archibong Nigeria	Emmanuel Kisiangani Kenya	Ines Mutaboba Rwanda
Sara Basha Ethiopia	Nomalizo Enid Kulati South Africa	Leopold Sudaryono Indonesia
Dixon Psio Gblah Liberia	Dr. Jacques Noé Vudisa Mugumbushi DRC	Leonora Visoka Kosovo



*Cape Town, August 2005. ICTJ Board Chairperson Alex Boraine (seated, center) with participants in the Cape Town Transitional Justice Fellowship Program.*

*fellows**Santiago, Chile (March 29 – September 10, 2004)*

Ximena Andion Ibañez Mexico	Pedro Elías Díaz Romero Colombia	Diego Ramón Morales Argentina	Marcela Salazar Posada Colombia	Hugo Daniel Valiente Rojas Paraguay
Ana Graciela Barrios Benatuil Venezuela	Juan Carlos Guerrero Bravo Peru	Karim Virginia Ninaquispe Gil Peru	Juana Catalina Sotomayor Davila Ecuador	Ricardo Valverde Gomez Costa Rica
Marcia Canario De Oliveira Gomes Brazil	Javier Antonio La Rosa Calle Peru	Ana Cristina Portilla Benavides Colombia	Tamara Paula Taraciuk Broner Venezuela	Glenda Alicia Vaquerano Cruz El Salvador
Eulalia Esperanza Castillo Herrera Peru	Silvana Lauzan Argentina	Martín José Prats Croci Uruguay	Antonia Urrejola Noguera Chile	Sergio Ernesto Zamorano Fuentes Chile
Miguel Angel De Los Santos Cruz Mexico	Mónica Andrea Maureira Martinez Chile	Nidia Marila Rojas Monroy Guatemala	Daniel David Urrutia Laubreaux Chile	

*Santiago, Chile (April 18 – September 30, 2005)*

Paola Andrea Acosta Alvarado Colombia	Andrea Milena Bolaños Vargas Colombia	Yíssel Josefina De León Burgos Dominican Republic	Julie Guillerot Peru	Miguel Angel Pulido Jiménez Mexico
Héctor Isidro Arenas Neira Colombia	Diego Mario Camaño Viera Uruguay	Jennifer Echeverría Vil Iatoro Guatemala	Danko Igor Jaccard Riquelme Chile	Abraham Santiago Siles Vallejos Peru
Juan Carlos Arjona Estévez Mexico	Claudia Ernestina Carrillo Ramírez Venezuela	Ricardo Esteban Fava Argentina	Isabel Margarita Madariaga Cuneo Chile	Ana María Tello Castro Uruguay
Lucas Samuel Barrios Sánchez Paraguay	Karlos Artemio Castilla Juárez Mexico	Mariano Fernández Valle Argentina	Mario Efraín Melo Cevallos Ecuador	Astrid María Valencia Pineda El Salvador
Mariela Belski Argentina	María Jennie Dador Tozzini Peru	Alan García Campos Mexico	Patricia Carolina Pérez Goldberg Chile	Paula Alejandra Videla Del Real Chile

*Ottawa, Canada (January 4 – 20, 2005)*

Refik Hodzic Bosnia and Herzegovina	Jasmina Pjanic Bosnia and Herzegovina	Dragan Popovic Serbia and Montenegro	Dardan Velija Kosovo
--	--	---	-------------------------

*Toronto, Canada (May 2 – 6, 2005)*

Maja Karaman Croatia	Alma Masic Bosnia and Herzegovina	Jovan Nacic Serbia and Montenegro	Sasa Ristic Kosovo
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## Financials for Fiscal Year 2005

(April 1, 2004–March 31, 2005)

The International Center for Transitional Justice (ICTJ) is an independent, nongovernmental organization with tax-exempt status under Internal Revenue Code Section 501(c)(3). An audited financial statement is available upon request.

The South African branch of the ICTJ, based in Cape Town, was established in June 2004, and for the 10-month period starting on June 1, 2004, and ending on March 31, 2005, generated a gross income of 1,143,352 Rand and had operating costs of 660,745 Rand, resulting in a net operating profit of 482,607 Rand. The South African branch's operating revenues and operating costs are not incorporated in the financial statements below.

### Statement of Financial Position

March 31, 2005

#### Assets

Cash and cash equivalents	\$2,967,290
Contributions receivable, net	1,970,874
Grants receivable	533,111
Prepaid expenses and other assets	137,378
Fixed assets, net	277,203
<b>Total Assets</b>	<b>\$5,885,856</b>

#### Liabilities and Net Assets

##### Liabilities:

Accounts payable and accrued expenses	\$314,505
Deferred rent	233,861
<b>Total Liabilities</b>	<b>\$548,366</b>

##### Commitments

##### Net Assets:

Unrestricted	\$1,682,374
Temporarily restricted	3,655,117
<b>Total Net Assets</b>	<b>5,337,491</b>
<b>Total</b>	<b>\$5,885,856</b>

### Statement of Activities (Statement of Revenue and Expenses)

Period from April 1, 2004 to March 31, 2005	Unrestricted	Temporarily restricted	Total
<b>Revenues, Gains and Support:</b>			
Grant income	\$3,825,752	\$2,643,856	\$6,469,608
Contributions	45,728	–	45,728
Interest and dividend income	26,140	–	26,140
Net assets released from restrictions	2,769,347	(2,769,347)	–
<b>Total Revenues, Gains and Support</b>	<b>\$6,666,967</b>	<b>(\$125,491)</b>	<b>\$6,541,476</b>
<b>Expenses:</b>			
Program services	\$4,993,999	–	\$4,993,999
Supporting services:			
Management and general	1,314,839	–	1,314,839
Development	308,435	–	308,435
<b>Total Supporting Services</b>	<b>1,623,274</b>	<b>–</b>	<b>1,623,274</b>
<b>Total Expenses</b>	<b>\$6,617,273</b>	<b>–</b>	<b>\$6,617,273</b>
<b>Change in Net Assets</b>			
Before foreign translation loss	49,694	(125,491)	(75,797)
Foreign translation loss	(10,811)	–	(10,811)
Change in Net Assets	38,883	(125,491)	(86,608)
<b>Net Assets, Beginning of Year</b>	<b>1,643,491</b>	<b>3,780,608</b>	<b>5,424,099</b>
<b>Net Assets, End of Year</b>	<b>\$1,682,374</b>	<b>\$3,655,117</b>	<b>\$5,337,491</b>

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*supporters*


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## Supporters

The ICTJ is grateful to the organizations, governments, and individuals who supported its activities from the period April 1, 2004 through March 31, 2005.

### Foundations and Other Organizations

Andrus Family Fund  
 The Atlantic Philanthropies (USA) Inc.  
 Carnegie Corporation of New York  
 The Ford Foundation  
 The William and Flora Hewlett Foundation  
 International Development Research Centre  
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 Internews Europe  
 Charles Stewart Mott Foundation  
 OSI Development Foundation  
 Open Society Initiative for West Africa  
 The Overbrook Foundation  
 The Philanthropic Collaborative  
 The Sigrid Rausing Trust  
 Rockefeller Brothers Fund  
 Rockefeller Foundation  
 United Nations Development Programme

### Governments

Canadian International Development Agency  
 Denmark Ministry of Foreign Affairs  
 Finland Ministry of Foreign Affairs  
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### Individuals

*(gifts of \$100 or more)*  
 Anonymous (2)  
 Nicole Ball  
 Robert K. Goldman  
 Kimberly Lanergan  
 Vincent and Anne Mai  
 Kati Marton  
 The Honorable Donald F. McHenry  
 Diane Orentlicher  
 James H. Ottaway, Jr.  
 Regina Sandler-Phillips  
 Minna Schrag and David Goldblatt

Lori Silverberg  
 Carol Skyrn  
 Michael Tenenbaum

The ICTJ expresses its gratitude to the following organizations and individuals for their generous **in-kind support** between April 2004 and December 2005.

The Greentree Foundation  
 Vera Lentz  
 Thomas W. Morley  
 Rockefeller Foundation Bellagio  
 Conference Center  
 Proskauer Rose LLP

*To donate to the ICTJ, please go to "Support the ICTJ" at [www.ictj.org](http://www.ictj.org)*

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*interns and externs*


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The ICTJ benefited from a pool of 81 interns and externs during the 2004–2005 reporting period. These individuals represent more than 25 nationalities and 30 spoken languages, and come from 29 universities or organizations worldwide.

Mallika Ahluwalia  
 Adrian Enrique Alvarez  
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 Chiraag Bains  
 Taufik Basari  
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 Valeria Bove  
 Arne Brewster  
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 Angels Cortina  
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 Alexandra Crosswell  
 Prithviraj Datta  
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## Transitional Justice and Gender



*Socos, Peru, 1984. Women and girls look in fear at the valley where, in November 1983, the police assassinated 34 members of the community during an engagement party. Photo by Vera Lentz.*

In societies in which they are especially marginalized, women suffer on multiple fronts when massive human rights abuses aggravate entrenched social injustice and economic insecurity. With virtually no recourse to justice, women often become refugees and political prisoners, caught in endless cycles of violence.

Political transitions carry the promise of social change, redress for past wrongs, and increased access to justice. Yet despite good intentions, transitional justice approaches often overlook women's experiences of political violence and systemic injustice. Truth commission mandates, judicial opinions, reparations programs, and legislative reforms have often been undertaken with little understanding of the distinct ways in which women have suffered.

Even in contexts where efforts have been made to prioritize gender-related issues, a narrow interpretation has tended to equate gender with sexual violence, rather than as part of a broader definition of harms, and failed to articulate the multifaceted ways in which women experience abuse. This blind spot not only undermines justice for victims, but also adds to the injustices by revictimizing already marginalized populations.

Despite some notable progress in this area—evident in emerging jurisprudence on international crimes and in new strat-

gies such as truth commission hearings on gender issues—much more must be done to ensure that gender considerations are mainstreamed into the planning, research, and implementation processes of transitional justice mechanisms. The Center recognizes the urgent need to foster alliances and develop internal resources to mainstream gender throughout its work, and has been focusing on new priorities to fundamentally transform how gender is incorporated into the field.

In April 2006, the ICTJ will release a groundbreaking series of case studies on gender and reparations, providing the first gendered analysis of transitional justice and reparations initiatives in six countries. In many of the countries in which it has been active, the Center has conducted similar research, and used it to produce gendered resource materials on accountability and redress to share with its partners and other institutions. In early 2006, the ICTJ will disseminate its comprehensive “Handbook on Truth Commissions and Gender: Principles, Policies, and Procedures,” as well as publish case studies that will critically examine the role of gender in six truth commissions. By producing such materials and redoubling its commitment to prioritizing gender in all of its interventions, the Center hopes to contribute substantially to empowering local movements for gender justice worldwide.

### ICTJ CORE PRINCIPLES

**Prioritize the interests and perspectives of victims and survivors.** The Center will always assess and respect the interests of victims, often working closely with victim organizations and human rights advocacy groups.

**Promote compliance with international obligations.** The Center will promote understanding and acceptance of the obligations of states in responding to rights violations, especially those established in international law.

**Shape policy and advice based on a rigorous analysis of the national and international context and circumstances.** The Center will undertake each assignment with a focused assessment of local conditions and relevant international circumstances, rather than approaching its work with prior blueprints or rigid guidelines that pre-determine options.

**Promote local involvement and empowerment.** The Center will prioritize the training and empowerment of local actors so that skills and expertise are transferred to nationals. The Center will always involve local actors in policy development so that initiatives are shaped and ultimately decided by nationals.

**Support and facilitate the work of organizations and individuals in the transitional justice field.** The Center will aim to facilitate communication, networking, and collaboration among those working in the transitional justice field.

*Inside front and back cover: Sudan-Uganda border, March 2005. Despite their dire living conditions, young residents of the Agora Camp for internally displaced persons train for regional athletic try-outs, held annually in April. A chosen few will be selected to train and compete in Kampala. Photo by Thomas W. Morley.*



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