

MARCH 2010

A New ICTJ President Thinks About the Future

Interview with David Tolbert, President of ICTJ

Q. You have worked some 20 years in the field of international justice, including nearly 15 in senior posts at the UN. What are the most important lessons that you're bringing to ICTJ and to the field of transitional justice?

A. Looking back, I am struck both by how much has been achieved in the transitional justice field in that relatively short time period but also how much more there is left to do. I suppose the first lesson is that the right ideas and ideals, backed up by the perseverance of activists and supporters, can make a real difference and actually have an impact on people's lives.



A couple of examples come to mind. One is that international and hybrid criminal tribunals and courts have come to the fore only in the last 15 years, with the International Criminal Court (ICC) still at a precarious stage. Domestic war crimes prosecutions were few and far until recently and truth-telling processes only date from the '80s. Also, while reparations as a concept has a longer vintage, the notion

that victims have rights, much less standing to raise those rights, is a revolutionary development of the last 20 years or so. Substantive changes, particularly the recognition of gender-based crimes, have also occurred in this time period. Getting all of these things accomplished in a relatively short period of time, particularly when you think of the intransigence of states and the slow pace of the UN, is testimony to the resonance of the ideas and the hard work of activists and of organizations like ICTJ.

Of course, it is not only establishing the right mechanisms: there must be the follow through and patience to make sure what you put in place works. So, if I take my experience at the Yugoslavia tribunal (ICTY), it was long declared dead because it had no ability to make arrests, but as of today there are only two fugitives out of a total of 161 indictees. The same point can be made about the Fujimori case as well as others. On a more institutional level, who would have thought in the early 1990s that victims would have the right to participate in ICC proceedings and to receive reparations?

On the other hand, I think we have probably not foreseen some of the complications. So, while I do not accept the premise of the "peace vs. justice" debate, there obviously can be serious tensions between stopping violence and doing justice. There are also issues that have not been adequately addressed, including arguments about selective justice, for example, the Bashir case, and the Special Tribunal for Lebanon. While some of the arguments are less than fully genuine, they do raise difficult and troublesome issues and need to be thought through more carefully. It seems to me that there are also questions that we need to grapple with on conflicts that are inter-generational, such as Israel-Palestine, that require thinking even further "out of the box."

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Q. ICTJ works in post-conflict societies as well as in several societies where conflicts are clearly ongoing. Are there particular types of settings where ICTJ should focus its work? And how can we know when our work is complete?

A. I don't think you can parse the difference between "conflict" and "post-conflict" societies. Our role is in transitional societies, and they take many different forms. We have to remember that there are countries or regions where there is not an outright war but where truth commissions and other tools of transitional justice are useful and are being applied (including such a process in my home state of North Carolina in the U.S., for events in the 1980s).

When is our work complete? In individual situations, this is probably more an art than a science. But there are some benchmarks we can use. The people most responsible should be brought to justice and not have the possibility of returning to positions of authority. You cannot build a peaceful society under the leadership of war criminals. So accountability is essential. Another aspect is that victims have a right to know the truth and, either through judicial proceedings or other truth-telling mechanisms, the truth must come out. Also, victims have the right to have their suffering recognized, including through reparations and memorials. A combination of these steps would generally be a minimum. We've seen societies seem to rebalance themselves only to fall back into conflict, so leaving a situation too soon is a mistake. To make those kind of judgments, one needs to understand not only how to do transitional justice, but also to know the country or area where the conflict occurred. So it is essential to both have technical and country-specific expertise to make these judgments and get them right.

Q. What do you see as the short-term challenges for transitional justice?

A. There is waning interest by some important actors in transitional justice, a kind of fatigue, so we will have to battle this. Also, there are some who will try to play different, otherwise legitimate, transitional justice approaches against others to avoid accountability. For example, some national authorities will argue for domestic prosecutions on the basis of the complementarity principle when fair domestic trials are not possible.

We have to take into account that the societies we deal with in the early part of this century are different to some extent from those we saw in the 1980s and 1990s, when many transitional societies were moving from authoritarian regimes to democratic states or violently breaking

up, as in the case of the former Yugoslavia. In current times, conflict may more frequently arise over natural resources, and the horror of sexual violence is becoming even more prevalent as an instrument of war—as is the use and abuse of children, particularly as child soldiers. In any event, the mechanisms and the approach may differ between situations, but the underlying principles do not: perpetrators must be held accountable, the truth must be told, and victims have the right to know the truth and to receive reparations.

Q. Since its founding, ICTJ has emphasized what it calls a "holistic approach." What does the term mean to you?

A. Transitional societies are complex and the roots of conflict are multifaceted. Thus, there are a number of elements that need to be used to try to help that society heal itself and move forward. "Holistic" means you look at the situation broadly, and you bring to bear all the tools in your toolkit. You can't assume that one approach is going to address all the needs of a society. ICTJ has extensive knowledge of what mechanisms and strategies may or may not work in a given situation, both because of its deep technical knowledge but also due to its regional and country expertise. It can call on all of these resources to come up with the best approaches to assist that society to deal with its transition and respond to real conditions on the ground.

Q. What role should ICTJ play in relation to the International Criminal Court and other tribunals?

A. We are coming to the end of the initial era of ad hoc and hybrid tribunals, with the Special Court for Sierra Leone completing its work with the Charles Taylor trial and then closing its doors, and the Yugoslavia and Rwanda tribunals also in their closing stages. There are serious issues as to how these courts will handle their archives and deal with various legal issues, such as protection of witnesses, enforcement of sentences and discovery of new evidence. I have argued that in closing these courts we need to be guided by the principles that they were founded on: bringing perpetrators to justice and restoring peace and justice, thereby providing a basis for reconciliation. This means that fugitives must continue to be brought to justice in what is called (and I don't like the term) a "residual mechanism," and the complex issues of archives must be addressed, with the archives made as widely available as possible as a bulwark against revisionism. ICTJ has played a leading role in this debate, by providing a conceptual framework for the stakeholders to work through a number of issues.

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As for the ICC, ICTJ has a number of natural roles to play on victim issues, including victim participation and reparations. Also, with the complementarity principle, ICTJ can assist national justice systems' work with the ICC to develop their systems enough so that complementarity can actually work in practice. I'll be traveling to Kampala, Uganda, to represent ICTJ at the upcoming ICC Review Conference to present ICTJ's views on these issues.

Q. So, what is ahead for ICTJ? How might its work change?

A. I think we start from a strong base, with a good reputation and a talented staff. Of course, in the wake of the financial crisis, the environment for NGOs generally is very difficult, and there are managerial challenges we will need to address. NGOs, including ICTJ, are going to have to be more cost-effective and more cost-efficient.

While this funding climate concentrates the mind, I would say even without these pressures, ICTJ should be more focused on its core strengths: truth-telling, reparations and prosecutions. Of course, these areas have specific cross-cutting dimensions, gender rights being the most obvious, that we will continue to emphasize. These areas of expertise need to be combined with ICTJ's considerable regional and country-specific knowledge, which is essential for our work.

I believe organizations can only do a limited number of things well, and that if you stray from your central vision, then you will not do even that core work well, much less new areas. It seems to me that ICTJ has grown too fast in some ways, so we need to think seriously about increasing our depth and less about our breadth for the time being. So, my view is that ICTJ will be a more focused operation, striving for excellence in these core areas, programmatically but also as a thought or intellectual leader, leveraging our very real expertise and continuing to lead the transitional justice field. Given ICTJ's unique place in the field, we need to continue to take a role in thinking about and researching the key issues in the field.

Ultimately, it is difficult to predict the future except to say that the world is going to be a different place over time and ICTJ will have to change too. Part of my role is to try to see over the next hill and prepare for every eventuality. I've no doubt it's going to be a demanding, exciting, and rewarding experience—and that is why I'm so glad to be here. ♦

AFRICA

Guinea

Fatou Bensouda, deputy prosecutor of the ICC, visited Guinea Feb. 17–19 to determine whether the ICC should investigate those responsible for the events in Conakry Sept. 28, 2009, where an estimated 156 people were allegedly killed or disappeared by Guinean security forces.

On Feb. 2, a junta-appointed commission established to investigate the Sept. 28 killings absolved Guinea leader-in-exile Moussa Dadis Camara of blame, and instead recommended the prosecution of Lieutenant Aboubacar Cherif Diakite. This conclusion is counter to the findings of a UN-appointed commission of inquiry and most international human rights groups, who view Camara as responsible. Diakite is wanted for the assassination attempt on Camara in December 2009.

- “No impunity for Guinea massacre, says ICC,” *BBC News* (<http://news.bbc.co.uk/2/hi/africa/8521642.stm>)
- “Guinea commission absolves junta chief of blame for massacre,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5g1dEZ8ugUp5PPjG9IbPBrd1opsIQ>)

Kenya

U.S. ambassador for war crimes Stephen Rapp announced Feb. 11 that the U.S. would offer protection to witnesses of the post-election violence which took place after the 2007 presidential elections in Kenya. At the same time, the Kenyan cabinet approved the Witness Protection (Amendment) Bill which makes provision for the establishment of an independent and autonomous Witness Protection Agency. The bill should be presented in Parliament during its 4th session which commenced on 23rd February.

Threats against witnesses and their families have increased during the past month, as the ICC nears its decision on whether to open formal investigations into the post-election crisis. ICTJ recommended that Kenyans continue pressuring the government to establish local mechanisms for addressing the post-election violence, stating that if the ICC decides to prosecute, it will only pursue cases against a few individuals. The ICC decision is expected in early March.

Ten former chairpersons and commissioners of past truth commissions called for the resignation of Ambassador Bethuel Kiplagat, Chairperson of the Truth Justice and Reconciliation Commission (TJRC) Feb 24, following allegations of bias and misconduct. Public concern over the

chairperson's conflicts of interest is endangering the TJRC's ability to pursue its mandate, ICTJ said. Desmond Tutu and other former Commissioners issued a statement on Feb. 24 urging Ambassador Kiplagat to step down.

- “US to protect Kenyan witnesses,” *Capital News* (<http://www.capitalfm.co.ke/news/Kenyanews/US-to-protect-Kenyan-witnesses-7448.html>)
- “ICC not panacea for Kenya,” *Capital FM Kenya* (<http://www.capitalfm.co.ke/news/Kenyanews/ICC-not-panacea-for-Kenya-7557.html>)
- “Kenya: New Calls for Resignation of TJRC Chair,” ICTJ (<http://www.ictj.org/en/news/press/release/3477.html>)

Liberia

On Feb. 5, a U.S. judge ordered the son of former Liberian president Charles Taylor, Charles McArthur Emmanuel Taylor Jr., to pay \$22.4 million in damages to five Liberian civilians tortured by the paramilitary unit he led during the Liberian civil war. Taylor Jr., a U.S. citizen, was the first person convicted in under the Torture Victims Protection Act, when he was sentenced to 97 years imprisonment in 2009.

Liberia's senate rejected all presidential nominees to the Independent National Commission for Human Rights (INCHR) Feb. 16, effectively stalling the establishment of the commission. This decision is a major setback to the efforts in Liberia to promote and protect human rights, ICTJ said.

Former rebel leader George Boley appeared before a U.S. immigration judge Feb. 24 on charges of extrajudicial killings in Liberia during the civil war. Boley, former head of the Liberian Peace Council rebel faction, was arrested Jan. 15 for being in the U.S. without legal documentation and for suspected human rights crimes committed in Liberia in 1995. Court proceedings will continue Mar. 16.

- “Son of Charles Taylor ordered to pay torture damages,” *BBC News* (<http://news.bbc.co.uk/2/hi/africa/8501706.stm>)
- “Liberia: Delay of Human Rights Commission Undermines Human Rights and Accountability,” ICTJ (<http://www.ictj.org/en/news/press/release/3458.html>)
- “Former Liberian Warring Faction Leader Goes Before US Judge Wednesday,” *Voice of America* (<http://www1.voanews.com/english/news/africa/west/Butty-US-Liberian-Warlord-23feb10-85016777.html>)

Rwanda

In a re-trial Feb. 11, the International Criminal Tribunal for Rwanda (ICTR) sentenced former Rwandan military official Tharcisse Muvunyi to 15 years imprisonment for inciting genocide in Rwanda in 1994. To date, the ICTR has convicted 41 suspects of involvement in the 1994 genocide and acquitted eight. Sixteen trials remain ongoing.

- “Ex-Rwandan officer gets 15 years for inciting genocide,” *AFP* (http://www.google.com/hostednews/afp/article/ALeqM5iHiqV8FZ9vznpjc9LcP_sZ5s7ocQ)

South Africa

ICTJ welcomed the Feb. 23 ruling of the Constitutional Court of South Africa that victims have the right to be heard in the special pardons process for politically-motivated crimes committed during the apartheid era. When the pardons process was established by former President Mbeki in 2007 to complete the work of the Truth and Reconciliation Commission, the committee responsible for considering applications for pardons refused to allow victim participation. In a unanimous appeals judgment, the court ruled that this decision was irrational and contrary to the rule of law.

- “South Africa: Landmark Court Judgment a Significant Victory for Apartheid-Era Victims,” ICTJ (<http://www.ictj.org/en/news/press/release/3474.html>)

Sudan

On Feb. 8, the ICC dismissed charges against Bahr Idriss Abu Garda, a Darfuri rebel leader accused of directing an attack in September 2007 that killed 12 African Union peacekeepers in the Haskanita refugee camp in Southern Darfur. Garda, leader of the Justice and Equality Movement (JEM) in Darfur, is the first person to voluntarily appear before the ICC in response to summons.

The Sudanese government signed a ceasefire with the JEM Feb. 20, in a series of ongoing negotiations to end the conflict in Darfur. In a press statement, President Al-Bashir said the government had cancelled the death sentences of over 100 men accused of participating in a JEM rebel attack on Khartoum in 2008.

- “ICC dismisses charges against Darfurian rebel leader for lack of evidence,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=33702&Cr=international&Cr1=criminal>)
- “Sudan signs ceasefire with Darfur JEM rebels,” *Reuters* (<http://www.reuters.com/article/idUSTRE61J2DJ20100220>)

AMERICAS

Argentina

Prosecutors asked for a 25-year sentence for former general Reynaldo Benito Bignone, dictator of Argentina in 1982–83. Bignone, 82, is on trial for the torture of 56 individuals at the Campo de Mayo prison and torture center during the 1980s. He faces two more trials for the abduction and disappearances of medical personnel and soldiers during his dictatorship.

The trial of two former military leaders, Luciano Benjamin Menendez and Antonio Domingo Bussi, opened Feb. 16. The men are charged with human rights abuses committed in the Tucuman province during the 1976–1983 dictatorship, including the operation of a clandestine detention center and the disappearance of 22 people.

- “Prosecutors want 25-year sentence for former Argentine dictator,” *CNN* (<http://edition.cnn.com/2010/WORLD/americas/02/10/argentina.sentence/>)
- “Ex militares argentinos enfrentan juicio” *BBC Mundo* (http://www.bbc.co.uk/mundo/america_latina/2010/02/100216_2340_argentina_militares_gz.shtml)

Brazil

President Luiz Inácio Lula da Silva fired General Maynard Marques de Santa Rosa, head of the Army Personnel Department, after the general publically criticized the government’s decision to establish a truth commission to investigate abuses that occurred during the 1964–1985 military dictatorship.

- “General que atacou plano de direitos humanos será exonerado,” *Reuters* (<http://noticias.br.msn.com/artigo.aspx?cp-documentid=23431218>)

Colombia

President Alvaro Uribe met with the families of 11 men killed in the Soacha “false positives” case Feb 12, where he promised government support in pursuing accountability of those accused. This is one of 1,900 such cases of false positives—alleged summary executions of civilians reported as combat deaths by state military forces—currently under investigation in Colombia.

Human Rights Watch issued a report Feb. 3 criticizing the Colombian government for its failure to act to prevent the growth of neo-paramilitary gangs which have expanded since the demobilization of the

United Self-Defense Forces (AUC), the country's largest paramilitary coalition. The report questions whether the demobilization process has been effective in changing the conditions of paramilitary violence and control.

On Feb 1, church and civil society groups negotiated a temporary ceasefire with criminal gangs responsible for much of the drug violence in Medellin, without the involvement of the government. While there have been concerns that the gang leaders will use the ceasefire as leverage to negotiate for shorter prison sentences, Colombian Peace Commissioner Frank Pearl has stated that the gang members would not be offered benefits in exchange for ending the violence, as occurred when paramilitary groups complied with demobilization efforts under the Justice and Peace Law.

- "Government to Help Speed 'False Positives' Process," *Poder360* (http://www.poder360.com/dailynews_detail.php?blurbid=5488)
- "Paramilitaries' Heirs," *Human Rights Watch* (<http://www.hrw.org/en/reports/2010/02/03/paramilitaries-heirs-0>)
- "Medellin negotiators' authorization will not be renewed: Govt," *Colombia Reports* (<http://colombiareports.com/colombia-news/news/8157-govt-will-not-authorize-medellin-negotiators-to-broker-more-ceasefires.html>)

Honduras

At his inauguration Jan. 27, new president of Honduras Porfirio Lobo signed into law an amnesty that provides protection to the architects of the military coup on Jun. 28, 2009 that ousted former president Manuel Zelaya. On Feb. 4, Lobo named Eduardo Stein, former vice president of Guatemala, head of a commission mandated to investigate the events leading up to the coup.

- "Guatemalteco Stein coordinará Comisión de la Verdad en Honduras," *La Jornada* (<http://www.jornada.unam.mx/ultimas/2010/02/04/designan-a-guatemalteco-stein-coordinador-comision-de-la-verdad-en-honduras>)

Peru

In response to controversy surrounding the Museum of Memory, on Feb. 13 Peruvian author Mario Vargas Llosa met with Defense Minister Rafael Rey to dispel the military's concerns about the potential political bias of the museum. Llosa stated that the Museum of Memory, expected to be opened in 2011, seeks to commemorate and honor all 70,000 victims—civilians and soldiers alike—of 1980–2000 armed conflict in Peru, without political or ideological partiality.

- "Vargas Llosa aseguró a Fey que museo sera imparcial," *La República* (<http://www.larepublica.pe/politica/13/02/2010/vargas-llosa-aseguro-rey-que-museo-sera-imparcial-0>)

United States

On Feb. 19, the U.S. Justice Department Office of Professional Responsibility released a report providing detailed information about the authoring of the 2002 "torture memos" by former U.S. Office of Legal Counsel lawyers John Yoo and Jay Bybee. ICTJ said that a broader factual inquiry and criminal investigations into those most responsible for U.S. torture policy are needed.

Despite threats by the U.S. to end information sharing between the two countries, the UK government released seven paragraphs of U.S. intelligence information Feb 10 stating that former detainee Binyam Mohamed was subject to cruel, inhuman, and degrading treatment in U.S. custody.

The planned trials of Khalid Shaikh Mohammed and other 9/11 plotters in New York are on hold after the Administration decided to change the venue, possibly to another U.S. court or a military commission. The Obama administration has indicated preference for a civilian trial, but the decision could be changed in the face of public and political opposition.

- "New Information on Torture Advice Memos Should Trigger More Comprehensive Investigation," ICTJ (<http://www.ictj.org/en/news/press/release/3469.html>)
- "Binyam Mohamed case," *Foreign and Commonwealth Office, UK Government* (<http://www.fco.gov.uk/en/news/latest-news/?view=News&id=21733568>)
- "Administration 'flexible on 9/11 trial venue,'" *AP* (<http://www.cnsnews.com/news/print/61341>)

Uruguay

A Uruguayan judge sentenced former dictator Juan Maria Bordaberry to 30 years imprisonment Feb 10 for violating the constitution when he led the 1973 coup that initiated his 12-year dictatorship. Bordaberry also faces charges of homicide and the forced disappearance of dissidents during his dictatorship.

- "Ex-Uruguayan dictator Bordaberry sentenced to 30 years in prison for violating Constitution," *Star Tribune* (<http://www.startribune.com/world/84069007.html?elr=KArks:DCiUBcy7hUiacyKUUr>)

ASIA

Afghanistan

In late January, the Afghanistan government made public the implementation of highly controversial provisions of the National Stability and Reconciliation Bill. The legislation provides amnesty to former Taliban fighters, warlords and rebel leaders, many of whom are allegedly responsible for war crimes and human rights violations committed during the conflict in the 1990s. Human rights organizations including ICTJ, Amnesty International and the Afghanistan Independent Human Rights Commission called on the government to reevaluate the bill's provisions to avoid perpetuating impunity and to ensure the rights of victims.

- “Afghanistan quietly brings into force Taliban amnesty law,” *Guardian* (<http://www.guardian.co.uk/world/2010/feb/11/taliban-amnesty-law-enacted>)
- “ICTJ statement on Afghanistan amnesty law,” ICTJ (<http://www.ictj.org/en/news/press/release/3455.html>)

Bangladesh

The Bangladesh government announced Feb. 16 that prosecutors and investigators will be appointed to a national war crimes tribunal by the first week of March. They will be tasked with the prosecution of those accused of war crimes during the 1971 war which preceded the recognition of Bangladesh as an independent nation.

- “Govt now shifts focus to war crimes trial,” *The Daily Star* (<http://www.thedailystar.net/newDesign/news-details.php?nid=124492>)

Burma

A UN human rights envoy conducted a five-day visit of Burma Feb. 15–19 to assess the progress on human rights reform ahead of the elections scheduled for this year. Prior to the visit Tomas Ojea Quintana, UN Special Rapporteur for Human Rights, stressed the UN's commitment to work toward ensuring government accountability and respect for human rights and humanitarian law on the part of Burma's military.

The Burmese military junta (SPDC) continues to pressure armed groups to transform to a Border Guard Force under Burma Army command or face military reprisal, as stated in an ultimatum delivered to the Shan State Army on Feb. 6.

The SPDC deployed hundreds of armed riot police Feb. 9 in response to a strike by more than 2,000 workers over low pay. The strike ended Feb. 10 after the factory employers reportedly agreed to some of the workers' demands. Strikes are illegal and uncommon in Burma, as the memory of the 2007 demonstrations keeps tensions high. Meanwhile, the SPDC continues to arrest and sentence political activists for their role in the 2007 demonstrations. Three monks and two civilians were sentenced to lengthy prison sentences of 5–9 years after trials without lawyers Feb. 3.

- “UN rights envoy prepares for Burma visit,” *Mizzima* (<http://www.mizzima.com/news/world/3523-un-rights-envoy-prepares-for-burma-visit.html>)
- “Transform to people's militia or face action; junta to SSA,” *Mizzima* (<http://www.mizzima.com/news/inside-burma/3503-transform-to-peoples-militia-or-face-action-junta-to-ssa.html>)
- “Rangoon Workers End Strike,” *Irrawaddy* (http://www.irrawaddy.org/article.php?art_id=17781)
- “Monks sentenced for 2007 uprising,” *Democratic Voice of Burma* (<http://english.dvb.no/news.php?id=3272>)

Cambodia

On Feb. 9, the Plenary of Judges of the Extraordinary Chambers in the Courts of Cambodia (ECCC) announced the adoption of amendments to the ECCC Internal Rules that govern victim participation in court proceedings. Victims admitted as civil party applicants will be grouped together to streamline proceedings and claims for reparations. In addition, the Victim's Unit of the ECCC will provide legal assistance to civil parties and will be responsible for the development of other forms of victim assistance outside court proceedings. ICTJ and the ECCC have organized a workshop in Phnom Penh Mar. 3–5 to support transitional justice outreach programs in Cambodia.

The ECCC agreed Feb. 17 to establish a Virtual Tribunal Legacy Project to provide public digital access to all ECCC trial-related materials such as decisions, filings, transcripts and videos of court proceedings. This project is in collaboration with the Hoover Institution, Stanford University and the War Crimes Studies Center of the University of California, Berkeley.

- “7th Plenary Session of ECCC concludes,” ECCC (http://www.eccc.gov.kh/english/news.view.aspx?doc_id=336)
- “Outreach Strategies in Transitional Justice Measures,” ICTJ (<http://www.ictj.org/en/news/event/3414.html>)

- “ECCC enters into agreement for the creation of a ‘virtual tribunal.’” ECCC (http://www.eccc.gov.kh/english/news.view.aspx?doc_id=337)

Indonesia

The families of students and activists disappeared during the 1997–98 political violence under the Suharto regime called on the government Feb. 17 to form an ad hoc tribunal to hear the cases. The House of Representatives recommended the formation of a tribunal last year to investigate the disappearances and possible torture of 22 pro-democracy activists, 13 of whom still remain missing.

- “Action Urged on 1997–98 Missing Students Case,” *Jakarta Globe* (<http://www.thejakartaglobe.com/home/action-urged-on-1997-98-missing-students-case/359359>)

Nepal

On Feb. 8, Nepal discharged the last of the disqualified soldiers who served in the Maoist rebel army during the 1996–2006 civil war. The month-long discharge process included 2,394 individuals from seven cantonments across Nepal who joined the Maoist army as minors and late recruits. About 19,000 former Maoist combatants remain in UN-operated cantonments awaiting integration into Nepal’s national security forces.

ICTJ organized the first of a two-part Training of Trainers program Feb 3–11 for participants from throughout Nepal, designed to develop and support local transitional justice capacity.

- “Nepal Waits as 2 Armies, Former Foes, Become One,” *New York Times* (<http://www.nytimes.com/2010/02/04/world/asia/04nepal.html>)
- “ICTJ Workshop: Training of Trainers,” ICTJ (<http://www.ictj.org/en/news/event/3415.html>)

Philippines

Relatives of 13 journalists killed on Nov. 13, 2009 in Mindanao filed the first case before the ASEAN Intergovernmental Commission on Human Rights (AICHR) Feb. 3. The journalists were among 57 people killed by armed men allegedly contracted by the political Ampatuan clan, rumored to have close ties to President Gloria Macapagal-Arroyo. The suit calls on the AICHR to make a formal declaration asking the Philippine government to ensure that the perpetrators of the massacre are held accountable and that reparations are provided to the families of the victims.

- “Kin of slain journalists file case before ASEAN human rights body,” *Breitbart* (http://www.breitbart.com/article.php?id=D9DKN3C00&show_article=1)

Sri Lanka

President Mahinda Rajapaksa won Sri Lanka’s first election since the end of the 25 year civil war Jan. 27. The Monday following the election General Sarath Fonseka, the leading election rival, was arrested on allegations of planning a coup. No formal charges have been filed as of Feb. 25. Fonseka’s arrest was followed by increased political tensions, causing UN Secretary-General Ban Ki-Moon to issue a statement of concern.

- “Ban raises Fonseka arrest with Sri Lanka president,” *Reuters* (<http://www.reuters.com/article/idUSTRE61A09U20100211>)

Timor-Leste

ICTJ and the European Union (EU) launched an 18-month project Feb. 11 to promote sustainable peace in Timor-Leste by addressing the country’s history of human rights abuses. The project focuses on supporting the Timor-Leste parliament to implement the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR) and the bilateral Commission for Truth and Friendship with Indonesia (CTF), and strengthening the capacity of civil society and victims’ rights organizations and policymakers to address past abuses.

- “Timor-Leste: ICTJ and European Union Launch Project to Strengthen Peace in Timor-Leste,” ICTJ (<http://www.ictj.org/en/news/press/release/3450.html>)

EUROPE

Cyprus

Following a visit to Cyprus, UN Secretary-General Ban Ki-Moon issued a statement Feb. 13 urging the Greek and Turkish Cypriot leaders, Demetris Christofias and Mehmet Ali Talat, to reach a settlement to end the partition of the island and the two communities. Cyprus has been separated into the Turkish north and Greek south since 1974, following a Greek-backed military coup and a subsequent Turkish military invasion which resulted in thousands of deaths.

- “A Solution Now for Cyprus,” *Khaleej Times* (<http://www.un.org/sg/articleFull.asp?TID=1110&Type=Op-Ed>)

Former Yugoslavia

The International Criminal Tribunal for the Former Yugoslavia (ICTY) dismissed the appeal by former Bosnian Serb leader Radovan Karadzic against the imposition of a court-appointed lawyer Feb. 12. Karadzic had previously expressed the wish to represent himself. In the last expected trial before the ICTY, Karadzic faces 11 charges including war crimes and genocide allegedly committed during the 1992–1995 Bosnian civil war.

- “War crimes court rejects Karadzic appeal on lawyer,” *Reuters Africa* (<http://af.reuters.com/article/worldNews/idAFTRE61B3BY20100212>)

MENA

Lebanon

On the fifth anniversary of the 2005 attack that killed former Lebanese Prime Minister Rafiq Hariri and 22 others, UN Secretary-General Ban Ki-Moon reaffirmed UN commitment to pursuing accountability for the assassination. Thousands of people gathered in Beirut for a rally held Feb. 14 in commemoration of Hariri and in support of the ongoing investigations into the attack, conducted by the UN Special Tribunal for Lebanon.

- “Huge rally in Beirut marks Hariri’s 2005 killing,” *AP* (<http://www.thejakartapost.com/news/2010/02/14/huge-rally-beirut-marks-hariri039s-2005-killing.html>)

Morocco

Amnesty International released a report on Morocco and Western Sahara Jan. 6, warning that four years after the Equity and Reconciliation Commission (IER) completed its work, its achievements risk being debilitated by the lack of political will. The report also stated that human rights violations are continuing to take place today in Morocco and Western Sahara, which highlight the importance of delivering on the promises of the IER and ending Morocco’s culture of impunity.

On Jan. 14, the Advisory Council of Human Rights (CCDH) presented a monitoring report on the implementation of the recommendations of the IER. During the press conference, CCDH’s president, Ahmed Herzenni, stated that all the recommendations of the IER have been implemented or initiated and announced that the

responsibility of pursuing further investigations rests with the state and the justice sector.

- “Broken Promises: The Equality and Reconciliation Commission and its Follow-up,” Amnesty International (<http://www.amnesty.org/library/info/MDE29/001/2010/en>)
- “Le processus de suivi des recommandations de l’IER s’est achevé: ‘C’est à l’Etat et à la justice de prendre le relais,’” *Libération* (http://www.libe.ma/Le-processus-de-suivi-des-recommandations-de-l-IER-s-est-acheve-C-est-a-l-Etat-et-a-la-justice-de-prendre-le-relais_a8218.html)

PUBLICATIONS

Stabilizing Afghanistan: Legitimacy and Accountability in Governance

The Action Plan for Peace, Reconciliation and Justice was developed by the Afghan Independent Human Rights Commission to help pursue a variety of transitional justice mechanisms including: documentation, truth-seeking and public acknowledgement of the suffering of the Afghan people; institutional reform; reintegration of former combatants; and the establishment of accountability mechanism for those responsible for past war crimes. ICTJ published a briefing paper stating that while the Action Plan provides important steps through which to rebuild institutional credibility and public trust, further action must be taken to recognize the suffering of citizens throughout the conflict and promote justice for past and present human rights violations.

- “Stabilizing Afghanistan: Legitimacy and Accountability in Governance,” ICTJ (http://www.ictj.org/static/Asia/Afghanistan/ICTJ_StabiizingAfgh_bp2010.pdf)

Security Sector Reform and Transitional Justice in Kenya

Security sector reform (SSR) is urgently needed to address a long history of human rights abuses in Kenya. SSR involves bringing security agencies under civilian control and aligning their operations to international best practices. ICTJ facilitated a two-day meeting of experts on security sector reform to share perspectives on SSR in Kenya, and developed this briefing paper summarizing the discussions. The paper provides recommendations for Kenya, including: collaboration between politicians, SSR activists and civil society members; better integration of SSR issues into existing processes; promotion of public understanding on SSR issues; and support of research studies into the role civil society groups play in the realm of security governance.

- “Security Sector Reform and Transitional Justice in Kenya,” ICTJ (http://www.ictj.org/static/Africa/Kenya/ICTJ_SSRKenya_bp2010.pdf)

African Journal on Conflict Resolution: Special issue on Gender and transitional justice in Africa (Volume 9, Number 2, 2009)

The *African Journal on Conflict Resolution* published a special edition conceptualized and edited by ICTJ and the African Centre for the Constructive Resolution of Disputes (ACCORD). The journal provides a platform for reflection on the progress and prospects for integrating gender into transitional justice processes on the continent.

Articles include case studies from South Africa, Liberia, Sierra Leone, Zimbabwe and Uganda as well as broader analyses by different authors. One of the motivations for this edition was to solicit views from the field and allow some women from civil society to provide their opinions on transitional justice. As a result voices that would not ordinarily be published in journals are included, such as Harriet Musoke from Isis-Wicce in Uganda and Mary Ndlovu from Women of Zimbabwe Arise.

- “Special issue on Gender and transitional justice in Africa,” *African Journal on Conflict Resolution* (http://www.accord.org.za/downloads/ajcr/ajcr_2009_2.pdf)

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March 1

Samuel Dash Conference on Human Rights: The Challenge of Balancing Peace and Justice

Washington, D.C.

For more information, visit <http://www.ictj.org/en/news/event/3471.html>

March 3-5

Outreach Strategies in Transitional Justice Measures

Phnom Pehn, Cambodia

For more information, contact Clara Ramirez-Barat at cramirezbarat@ictj.org

March 4-6

The Limits of Memory: 2010 NSSR Memory Conference

New York, NY

For more information, visit <http://newschool.edu/nssr/subpage.aspx?id=44166>

March 8-12

Truth-seeking and the Missing: A Take on Bosnia's Experience

Sarajevo, Bosnia and Herzegovina

For more information, contact Lynn Maalouf at lmaalouf@ictj.org

March 9

Book Launch: Children and Transitional Justice

Boston, MA; New York, NY

For more information, contact Cecile Aptel at captel@ictj.org

March 12-13

Historical Commissions: Comparative Perspectives

New York, NY

For more information, visit <http://www.ictj.org/en/news/event/3489.html>

March 19-20

Forum on the Initiative of a Regional Truth Commission for the Western Balkans (RECOM)

Novi Sad, Serbia

For more information, contact Eduardo Gonzalez at egonzalez@ictj.org

March 21-22

Workshop: Truth Commissions and Indigenous Peoples

New York, NY

For more information, contact Eduardo Gonzalez at egonzalez@ictj.org

March 26

From Peace to Justice in Cambodia: Reconciliation and the Khmer Rouge Trials

Association for Asian Studies Conference Panel
Philadelphia, PA

For more information, contact Jesica Santos at jsantos@ictj.org

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April 5-9

Training for Kosovo Activists on the Initiative of a Regional Truth Commission for the Western Balkans (RECOM)

Pristina, Kosovo

For more information, contact Eduardo Gonzalez at egonzalez@ictj.org

April 21-24

Negotiating Justice: The Challenge of Justice and Accountability in Peace Negotiations

Wilton Park, West Sussex, UK

For more information, visit <http://www.ictj.org/en/news/event/3412.html>

Making a Difference

How do victims of human rights abuses find redress when their victimhood is officially denied? This is a problem that confronts many societies during periods of conflict or repression, and often well after they have ended.

In Colombia, 50 years of conflict have produced waves of displacement and victimization: more than three million Colombians have been forced to flee their homes. But though there is an official, national transitional justice process, the Colombian government has precluded recognition of victims of human rights abuses by the state. Local governments are stepping into the breach, and ICTJ is supporting these local efforts to recognize victims and provide some meaningful form of reparation.

In Medellín, efforts are underway to memorialize the city's history of criminal and military violence. The city has a set of programs in place to aid victims. It is also working to create a museum, *Casa de la Memoria*, to ensure that victims are not forgotten, and the crimes against them not brushed aside.

In Cartagena, meanwhile, there are nascent plans by the city government to develop comprehensive psychological support programs for victims of human rights abuses. And in Barrancabermeja, civil society groups are advocating for similar policies to support victims and address the residual effects of repressive violence in their lives.

ICTJ is supporting these local efforts and working to foster broader national policy debates about the legacy of conflict in Colombia. ICTJ is advising the Barrancabermeja City Council for Peace on the design and implementation of a plan of comprehensive care for victims. We have provided support for the *Casa de la Memoria* in Medellín, where ICTJ staff meet with municipal officials to offer advice on the project. We have also produced an analysis for the Mayor's Office of the first four years of efforts in that city to provide aid to victims. In Cartagena ICTJ's reparations unit has advised the government on a UNDP-funded project to benefit victims of atrocity.



A mural in memory of the victims of criminal and military violence in Medellín, Colombia, is part of symbolic reparations measures the city government has begun implementing.

Supporting this work, three ICTJ publications will be released in Colombia this month: *Pending Issues: Recommendations for Reparations Public Policies in Colombia*; *International Experiences on Restitution and Land Property*; and *Contested Transitions: Dilemmas of Transitional Justice in Colombia*.

You can help us as we work to build human rights accountability and restitution from the ground up. Your gift to ICTJ will help ensure that we can continue to respond flexibly to address victims' needs and their often constraining political contexts. To learn more or to make a gift, visit www.ictj.org or contact Lesley Bourns, Director of Development, at +1 (917) 637-3841 or lbourns@ictj.org.

About ICTJ

The International Center for Transitional Justice works to redress and prevent the most severe violations of human rights by confronting legacies of mass abuse. ICTJ seeks holistic solutions to promote accountability and create just and peaceful societies.

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