

APRIL 2009

## The Tip of the Iceberg

Interview with Lisa Magarrell, director of ICTJ's Reparations Program and U.S. Accountability Project

**Q. We've gotten conflicting signals recently from members of U.S. Congress and the Obama administration about how they will pursue accountability for abuses committed during the war on terror. How would you describe the prospects?**

A. There's an increasing sense that something needs to be done to address these abuses. The question of "what" remains unanswered.



President Obama has not firmly committed to dealing with what happened, but he has said no one is above the law, which is a sign that he won't block potential prosecutions. Attorney General Eric Holder has stated that he understands that waterboarding is torture. There are statements by people with authority and information that U.S. detainees were in fact tortured. There are reports that the CIA destroyed 92 videotapes of interrogations. The

Attorney General's office can't ignore that.

There is also widespread sentiment among the U.S. public that there needs to be some kind of investigation into alleged abuses. In a USA Today poll in February, over 60% of those surveyed said that the possible torture of terrorism suspects needs to be investigated.

**Q. Did you find that number encouraging?**

A. As more pieces of information about abuses come out, either through investigative reporting or smaller official inquiries, there's more of an indication that we are only seeing the tip of the iceberg in terms of what has occurred in the "war on terror." I was pleasantly surprised by the indication that the U.S. population is paying attention to that, since during the past years the assumption has been that the public gave a carte blanche to executive power.

**Q. You recently attended a Senate Judiciary Committee hearing on a possible commission of inquiry and submitted testimony arguing that one was needed. What were your impressions?**

A. The hearing was primarily exploratory—no bill was drafted or offered in connection with it. In calling the hearing, Senator Patrick Leahy's goal was to get some advice and learn from past experiences with such commissions, as well as to test the waters with his Senate colleagues. There was clearly some support from Democrats for a commission, but none from the Republicans on the panel.

It was interesting, however, that the opponents of a commission were essentially saying, "Let's let prosecutions take their course." They're certainly not looking for aggressive investigation, but they're retreating to the position of the Department of Justice rather than a commission being the solution.

I don't think a commission of inquiry is or should be a substitute for prosecutions, but I also do not think that prosecutions should be the only avenue by which the past is addressed. There are a number of pieces of information that need to be put together for the sake of changing policies that allowed abuses to occur. That information may be well beyond the scope of any criminal charges.

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## INTERVIEW

### **Q. How likely is it that a commission of inquiry will be formed?**

A. Senator Leahy's proposal for a commission is still on the table, but it's certainly not clear that there's enough support in Congress for its creation. A broad bipartisan effort to launch such an investigation seems unlikely at the present time.

There does seem to be some willingness in Congress to investigate certain pieces of this story. The problem is that congressional committees are investigating only small slices that fall within the scope of their committee powers. We need a more comprehensive, nonpartisan inquiry, rather than politicians using smaller inquiries for their own purposes.

Still, more and more information is starting to trickle out. There is the declassified report of the Senate Armed Services Committee, expected any day, of which only the executive summary has been released so far. There is an upcoming report by the Office of Professional Responsibility on the conduct of lawyers in the Bush administration, and other investigations are ongoing. These will only serve to underscore the need for a broad, overarching and independent investigation that ties all these pieces together.

### **Q. What is being left out of the debate over possible prosecutions or commission of inquiry?**

A. One thing left out is the victims themselves. It's hard for people to deal with the reality that there are human consequences to these actions. But if the U.S. wants to be a rights-respecting nation, it has to start dealing with those consequences.

We have to think about how to provide reparations where appropriate. We have to ensure that wrongs are acknowledged and that there is a way to redress physical and mental harm and the unjust ruining of reputations where that has been the case. This is a legacy that will take some time to deal with.

That also goes for attacks on civilians in theaters of war. Some gestures are made toward dealing with this through condolence payments and under the Foreign Claims Act, but to a large extent those efforts have been limited, arbitrary and ad hoc. These programs are administered through the military, and they tend to have the effect of silencing truth and forestalling claims against the U.S. rather than resolving them.

There is also a need for institutional reform in order to ensure that this kind of abuse does not happen again. Some steps have already been taken through the executive orders President Obama signed during his first days in office, but clearly much more detailed study needs to be done to determine the legal changes, institutional changes and policy reforms that are needed.

### **Q. Isn't there a risk that the global economic crisis is going to make efforts to deal with the past increasingly difficult? What's the strongest argument that the U.S. needs to do this, no matter the difficulty?**

A. Clearly the attention of the U.S. government is being pulled in many directions by different crises. We understand that it's always uncomfortable for political leaders, whether in Congress or the White House, to deal with serious abuses of U.S. authority and power. Like most leaders inheriting a legacy of abuse, they would probably much rather close that door. But I think it's a door that cannot be closed.

Accountability mechanisms such as prosecutions, fact finding, reparations and reform are crucial elements to looking forward with assurance that the United States can be secure and respect human rights. If the United States fails to act, not only does it weaken its position and credibility in the world community, but it continues to lose the trust of its own citizens. It may take some time to see this come together given the economic crisis and the continued fighting in Iraq and Afghanistan. But it can't be at the bottom of our national priorities.

### **Q. Senator Leahy has invoked the South African Truth and Reconciliation Commission in calling for a U.S. commission of inquiry. What is the larger international context that the U.S. should take into account when dealing with past abuses?**

A. There is a continuing march against impunity in the world today that has been steady, if slow. The existence of the International Criminal Court and treaties to which the U.S. is party—such as the UN Convention Against Torture—are signals to the world that torture and the cruel, inhuman and degrading treatment of detainees cannot be allowed to go unacknowledged and unpunished.

We have seen that in many countries, former heads of state or high officials have been called to account for their crimes, and the world has not fallen apart because of it. We need to think about the U.S. not as an exceptional country to which these standards do not apply, but as part of a world community in which international standards in criminal law and human rights must be upheld.

I think the world is watching, to use a trite phrase. I was speaking recently to someone from Nepal who said, "We want to see accountability in the U.S., because then we can say that we should do likewise." I think that's not an uncommon sentiment.

The U.S. can stumble even farther if it refuses to address crimes that have been committed, refuses to implement policies that protect the rights of individuals. The country is at a crossroads: It can return to a role of global standard-setter or it can continue a downward spiral as a standard-breaker. If the U.S. fairly and honestly examines what was done, institutes reforms, and engages in redress to victims as necessary, it can regain its standing in the world and advance the cause of human rights for everyone.

## AFRICA

### Democratic Republic of Congo

On Mar. 12, ICTJ Africa Program director Suliman Baldo testified before the U.S. House Subcommittee on State and Foreign Operations on the role of donor countries in promoting peace and reconciliation in the Democratic Republic of Congo. Baldo proposed that the international aid community focus on the appointment of short-term independent human rights and military observers, continued support for local civil society, and a long-term commitment to meaningful security system reform and other transitional justice measures.

- “ICTJ Testimony on DRC in U.S. Congress,” ICTJ (<http://www.ictj.org/en/news/features/2391.html>)
- “Investing in Peace,” Enough Project (<http://www.ictj.org/en/news/coverage/article/2397.html>)

### Kenya

In response to growing civil unrest in Kenya, former UN Secretary-General Kofi Annan issued a statement urging the government’s renewed commitment to the National Dialogue and Reconciliation Accord. March 2009 marked the one-year anniversary of the creation of the coalition government and the end of proposed timetables for constitutional, institutional and civil society reforms which have not yet been carried out.

- “Audio Statement by H.E. Mr. Kofi Annan,” The Kenya National Dialogue and Reconciliation (<http://www.dialoguekenya.org/docs/Audiostatement28Feb09final.pdf>)

### Liberia

Liberian President Ellen Johnson Sirleaf expressed interest in identifying the graves of former presidents Richard Tolbert (1971-1980) and Samuel Doe (1980-1990) in order to memorialize the sites. Tolbert and Doe were assassinated in separate military coups that removed each of them from power. The location of their bodies remains unknown.

A pair of regional dialogues were held in March to solicit women’s input into the final report and recommendations by the Truth and Reconciliation Commission (TRC). In late March, TRC Commissioner Massa Washington received the 2009 Liberian Woman of Courage Award from the U.S. State Department for her work as a journalist during Liberia’s 14-year civil war and her efforts to promote peace and reconciliation since.

- “Liberian Women Mobilize to Engage in Liberia’s Commission Report,” *New Liberian* (<http://newliberian.com/?p=754>)
- “TRC’s Massa Washington Receives Prestigious US Award,” *The Liberian Journal* (<http://www.theliberianjournal.com/index.php?st=news&sbst=details&rid=952>)

### South Africa

ICTJ and a coalition of South African nongovernmental organizations appealed to the Pretoria High Court to prevent President Kgalema Motlanthe from granting pardons to as many as 120 offenders serving sentences for apartheid-era political crimes. In a hearing on Apr. 1, the judge postponed the application until Apr. 14. Seven members of the right-wing Afrikaner Resistance Movement were granted permission to join the president and justice minister in opposing the challenge.

- “Court postpones pardons application,” *Business Day* (<http://www.businessday.co.za/articles/national.aspx?ID=BD4A973290>)
- “NGOs in court bid to derail pardons for apartheid crimes,” *The Sunday Independent* (<http://www.ictj.org/en/news/coverage/article/2424.html>)

### Sudan

President Omar Al-Bashir responded defiantly to the International Criminal Court arrest warrant issued against him on Mar. 4 for alleged war crimes and crimes against humanity in Darfur. Khartoum ordered 13 foreign aid groups out of Sudan and shuttered three local ones in response, leaving an estimated 1 million people without help and sparking fears of a massive influx of refugees into neighbouring Chad. Bashir has visited five foreign states and attended an Arab summit in Doha in spite of the potential risk of arrest.

U.S. President Barack Obama appointed a new envoy to Sudan, Scott Gration, who began a visit to Khartoum on Apr. 2 saying the U.S. and Sudan were “looking for opportunities for us to build a stronger bilateral relationship.”

- “U.S. envoy calls for stronger Sudan ties,” *AFP* ([http://www.google.com/hostednews/afp/article/ALeqM5iGtGLJl09o3xC\\_EXL-CS-uZk5KzQ](http://www.google.com/hostednews/afp/article/ALeqM5iGtGLJl09o3xC_EXL-CS-uZk5KzQ))
- “Sudan says to never reverse decision to expel NGOs,” *Reuters* (<http://www.alertnet.org/thenews/newsdesk/N20521830.htm>)
- “ICC Arrest Warrant Major Step Toward Justice,” ICTJ (<http://ictj.org/en/news/press/release/2338.html>)

## AMERICAS

### Argentina

Former Argentine President Raúl Alfonsín, who held office from 1983-89 after Argentina's failed invasion of the Falkland Islands forced the military from power, died on Mar. 31. ICTJ President Juan E. Méndez praised Alfonsín for his vital contributions to accountability and the rule of law throughout Latin America, including investigating and revealing the truth about disappearances, and prosecuting those most responsible for human rights abuses.

- "Argentina: Alfonsín made vital contributions to the fight for human rights," ICTJ (<http://ictj.org/en/news/press/release/2458.html>)

### Colombia

In the first completed trial of a former paramilitary leader under the Justice and Peace Law of 2005, Wilson Salazar Carrascal was sentenced to 70 months for three killings. His cooperation with prosecutors reduced the sentence from 38 years.

On Mar. 6 and 7, former paramilitary leaders Miguel Ángel Mejía and Ever Veloza were extradited to the United States on charges of drug trafficking. ICTJ considers the extraditions to be a significant step backward for Colombia's efforts to pursue transitional justice, as they will cause delays in prosecutions under the Colombia's Justice and Peace Law.

The Uribe government released two former FARC rebels, Elda Neyis Mosquera Garcia and Raúl Agudelo, from prison and appointed them "peace promoters." The government said that it would suspend arrest warrants and grant parole to guerrillas who desert and hand over the hostages in their custody.

- "Primera condena de Justicia y Paz es de 70 meses," *El Espectador* (<http://www.elspectador.com/articulo128877-primera-condena-de-justicia-y-paz-de-70-meses>)
- "Colombia extradites ex-paramilitary chief to U.S.," *Reuters* (<http://www.reuters.com/article/americasCrisis/idUSN05303620>)
- "Colombia to Free Two Repentant Rebels," *Latin American Herald Tribune* (<http://www.laht.com/article.asp?ArticleId=329169&CategoryId=12393>)

### El Salvador

Newly elected president Mauricio Funes expressed resistance to lifting the veto that prevents the Inter-American Court of Human Rights from dealing with human rights violations committed during El Salvador's 1980-92 civil war. This announcement was considered a setback in the truth-seeking process for the country.

- "La moderación que promete Funes," *Rio Negro* (<http://www.rionegro.com.ar/diario/2009/03/19/123743099750.php>)

### Mexico

The Supreme Court of Justice confirmed that serious crimes were perpetrated during the repression of popular protests in San Salvador de Atenco in May 2006. In the repression of one march, two protesters were killed and more than 50 women were sexually assaulted by security forces. Six police officers have been officially indicted.

- "Mexico - Atenco: confirman en Suprema Corte de Justicia de la Nacion graves violaciones a derechos humanos de las mujeres," *Alterinfos* (<http://www.alterinfos.org/spip.php?article3128>)

### Guatemala

In late March, Gladys Monterroso, the wife of Guatemalan human rights ombudsman Sergio Morales, was abducted, tortured and released a day later, several days after Morales released the first report on the contents of 80 million pages of documents relating to the country's 1960-1996 civil war. The report implicates hundreds of former officers accused of killing students during the conflict. ICTJ expressed grave concern over the incident.

Guatemalan President Alvaro Colom announced the creation of the Presidential Commission Against Impunity with the aim of combating organized crime and corruption.

- "Guatemala: ICTJ voices its concern over violence and impunity," ICTJ (<http://ictj.org/en/news/press/release/2464.html>)
- "ONU señala falta de seguridad y justicia," Office of the UN High Commissioner for Human Rights in Guatemala ([http://www.oacnudh.org.gt/ver\\_ah.asp?IDREGISTRO\\_AH=235](http://www.oacnudh.org.gt/ver_ah.asp?IDREGISTRO_AH=235))

### Paraguay

In April, the Truth and Justice Commission of Paraguay was expected to publish its final report on the 35 year dictatorship of General Alfredo Stroessner. The eight-volume report was to include the findings of 9,923 human rights related cases and find that the regime was responsible for 59 deaths, 359 disappearances and over 18,000 arbitrary detentions and torture victims. The report offers a wide set of policy recommendations addressing truth-seeking, reparation for the victims and institutional reform.

- La Comisión de Verdad Y Justicia (<http://www.verdadyjusticia.gov.py/>)

### Peru

Former President Alberto Fujimori insisted he was innocent during testimony on Apr. 1 in his trial on charges related to the massacre of 25 civilians and two kidnappings during his 1990-2000 presidency. In televised testimony, Fujimori said, "I did nothing wrong ... . The Peru that I inherited was a disaster. It was a Peru that had to be rescued." An initial verdict in the trial is expected to be weeks away. Fujimori faces a sentence of up to 30 years in prison if convicted.

The Peruvian government was sharply criticized for initially turning down a \$2 million dollar grant offered by Germany for the construction of a museum to commemorate the victims of 1980-2000 political violence that left nearly 70,000 dead. After a private meeting with President Alan García in late March, however, writer and politician Mario Vargas Llosa said the president had agreed to accept the grant and build the museum.

- "At Trial, Peru's Fujimori Says He's Innocent," *New York Times* ([http://www.nytimes.com/2009/04/02/world/americas/02fujimori.html?\\_r=1&ref=world](http://www.nytimes.com/2009/04/02/world/americas/02fujimori.html?_r=1&ref=world))
- Q&A: The Trial of Alberto Fujimori, ICTJ (<http://ictj.org/en/news/features/2319.html>)
- "Vargas Llosa convenció a García de aceptar Museo de la Memoria," *La Republica* (<http://www.larepublica.pe/politica/27/03/2009/vargas-llosa-convencio-garcia-de-aceptar-museo-de-la-memoria-0>)

### United States

New calls for investigation into the full extent of "war on terror" abuses followed the release of excerpts from a Red Cross report concluding

that U.S. personnel tortured suspected terrorist detainees. CIA Director Leon Panetta said he would set up a working group to cooperate with an ongoing investigation by the Senate Select Committee on Intelligence into the detention, rendition, and interrogation of suspected terrorists.

Civil liberties advocates accused the Obama administration of abandoning campaign promises to revise the "state secrets" doctrine the Bush administration used to keep U.S. intelligence-gathering programs from public scrutiny. The accusations followed an attempt by the Justice Department to dismiss a lawsuit by an Oregon charity accused of funding terrorism. Government lawyers based their argument on the protection of "state secrets," and also suggested they might take classified documents from the court's custody to shield them from the charity's representatives.

On Mar. 4, ICTJ's U.S. Accountability Project Director Lisa Magarrell presented written testimony before the Senate Judiciary Committee on the need to form a nonpartisan commission of inquiry into abuses committed in the "war on terror." One such proposal by Senator Patrick Leahy has failed to win broad bipartisan support.

- "US Torture: Voices from the Black Sites," *New York Review of Books* (<http://www.nybooks.com/articles/22530>)
- "Obama's dilemma over terrorism detainees," *U.S. News and World Report* ([http://www.usnews.com/articles/news/obama/2009/03/25/obamas-dilemma-over-terrorism-detainees\\_print.htm](http://www.usnews.com/articles/news/obama/2009/03/25/obamas-dilemma-over-terrorism-detainees_print.htm))
- "Senior GOPers Press for Prosecution of Senior Bush Officials," *Washington Independent* (<http://washingtonindependent.com/32480/senate-gopers-press-for-prosecution-of-bush-officials>)
- "ICTJ U.S. Senate Testimony on Investigating the 'War on Terror,'" ICTJ (<http://ictj.org/en/news/features/2371.html>)

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## ASIA

### Afghanistan

On Mar. 31, officials from more than 70 countries met in the Hague for a major conference on security and reconstruction in Afghanistan. The conference followed the announcement by U.S. President Barack Obama of a new regional strategy for Afghanistan and Pakistan that won the support of Afghan President Hamid Karzai, Pakistani President Asif Ali Zardari and numerous European leaders.

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- “Afghanistan Strategy Needs To Bring Rule Of Law,” *RFE/RL* ([http://www.rferl.org/content/Afghanistan\\_Strategy\\_Needs\\_To\\_Bring\\_Rule\\_Of\\_Law/1601621.html](http://www.rferl.org/content/Afghanistan_Strategy_Needs_To_Bring_Rule_Of_Law/1601621.html))

### **Cambodia**

On Mar. 31, in his opening statement before the Extraordinary Chambers in the Courts of Cambodia, former Khmer Rouge prison chief Kaing Guek Eav (known as Duch) expressed “regret and heartfelt sorrow” to the court. Duch acknowledged his role as the chief of the notorious S21 detention center, where over 14,000 people were tortured and murdered by the Khmer Rouge between 1975 and 1979.

- “Khmer Rouge Defendant Apologizes for Atrocities,” *New York Times* (<http://www.nytimes.com/2009/04/01/world/asia/01cambo.html?ref=world>)
- “Khmer Rouge Figure Accepts Responsibility for Executions,” *Washington Post* (<http://www.washingtonpost.com/wp-dyn/content/article/2009/03/31/AR2009033100780.html>)

### **Indonesia**

A coalition of civil society groups in Indonesia including ICTJ held a four-day victims’ congress in Jakarta from Mar. 17-20. One hundred victims of human rights violations from 24 provinces met to discuss their experiences, the continuing existence of impunity, and issues around the impending national elections that include candidates with poor human rights records.

US-based mining giant Freeport McMoRan admitted to paying Indonesian troops to protect a large gold and copper mine in Papua, in spite of legal reforms meant to stop the military from working as private security. Human rights activists say the company’s payments to the military help fund abuses against the local population.

- “US mining giant still paying Indonesia military,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5jJMKtoD9LnT34URkkkjmTjaSf8EA>)

### **Nepal**

The Nepalese cabinet blocked action on a draft bill for ratifying the Rome Statute of the International Criminal Court. While the government said the bill needed further discussion, human rights groups said blockage was an attempt by the Maoist-led government to “kill the bill” in order to avoid accountability for war crimes committed during the country’s decade-long civil war.

- “Maoist, Nepal Army agree on Rome Statute: Not in Nepal,” *Republica* ([http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=2524](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=2524))

### **Timor-Leste**

Investigators unearthed sixteen bodies near Dili that may be the remains of victims of an Indonesian army massacre 28 years ago. Timorese investigators and forensic experts from the Victorian Institute of Forensic Medicine are working to identify the remains, which were found in an unmarked grave after a local gravedigger testified that he had been forced to bury the massacre victims.

- “Graves May Give Answers To Dili Massacre,” *The Age* (<http://www.theage.com.au/world/graves-may-hold-dili-dead-20090331-9i90.html?page=-1>)

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## **EUROPE**

### **Germany**

88-year-old U.S. citizen John Demjanjuk faces extradition after Munich prosecutors issued an arrest warrant charging him with war crimes and more than 29,000 counts of accessory to murder committed during his time as a guard at the Nazi’s Sobibor death camp in Poland in 1943.

- “Former Nazi camp guard charged 29,000 times,” *AP* (<http://www.google.com/hostednews/ap/article/ALeqM5hIH0N3mJ1HhKJrBMWn3uUa8WpghAD96RR6A00>)

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## **MIDDLE EAST AND NORTH AFRICA**

### **Lebanon**

The Special Tribunal for Lebanon in the Hague, which is trying suspects in the killing of former Lebanese Prime Minister Rafik Hariri, formally requested that Lebanon hand over documents related to the killing, as well as a list of the suspects it has in custody. The UN-backed tribunal, which opened on Mar. 1, was set up to try those suspected of being behind the blast that killed Hariri and 22 others on Feb. 14, 2005.

- “UN Hariri court seeks Beirut file,” *BBC* ([http://news.bbc.co.uk/2/hi/middle\\_east/7977772.stm](http://news.bbc.co.uk/2/hi/middle_east/7977772.stm))

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## Iraq

Proposals to form truth commissions to address militia violence and human rights abuses in Iraq are gaining increasing support. ICTJ's Miranda Sissons told CNN that the process of truth-telling would work well within the narrative cultural framework of Iraq.

- "In Iraq, truth commission idea gains traction," CNN (<http://www.ictj.org/en/news/coverage/article/2428.html>)

## Israel and The Occupied Palestinian Territory

ICTJ board member Richard Goldstone, former Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia and Rwanda, was appointed to lead an independent fact-finding mission to investigate international human rights and humanitarian law violations related to the recent conflict in the Gaza Strip.

- "Richard J. Goldstone Appointed to Lead Human Rights Council Fact-Finding Mission in Gaza Conflict," UNHCHR (<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/2796E2CA43CA4D94C125758D002F8D25?opendocument>)

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## PUBLICATIONS

### A Transitioning World

ICTJ released its 2008 Annual Report, *A Transitioning World*, together with a selection of fact sheets about ICTJ's regional and thematic programs and its approaches to transitional justice. During the year, ICTJ assisted governments and civil societies in more than 30 countries, expanding its strategic reach on every continent.

(<http://www.ictj.org/static/2009/english/index.html>)

### An Unfinished Truth

In *An Unfinished Truth*, ICTJ reviews the final report of the Timorese-Indonesian Commission of Truth and Friendship (CTF) on atrocities committed in East Timor in 1999, and evaluates the report's contributions and shortcomings in the field of truth-telling.

(<http://www.ictj.org/en/news/features/2404.html>)

### Prosecuting Heads of State

*Prosecuting Heads of State*, co-edited by ICTJ Prosecutions Program deputy director Caitlin Reiger and Ellen Lutz, examines the historic rise in prosecutions of former heads of state or heads of government for human rights and corruption since 1990, and evaluates their significance in achieving justice and accountability. The book contains case studies of high-profile trials and their societal impact in Chile, Peru, the Philippines, Zambia, Rwanda, the Former Yugoslavia, Liberia, Sierra Leone and Iraq.

(<http://ictj.org/en/news/features/2431.html>)

## Property Rights in Kosovo: A Haunting Legacy of a Society in Transition

Conflicts over property rights impact all aspects of life in Kosovo, represent a serious threat to the rule of law, and have the potential to exacerbate divisions along fault lines of ethnicity, identity and class, the ICTJ says in this report by ICTJ consultant Edward Tawil. The report explains numerous waves of property conflicts and measures taken by national and international authorities to address them.

(<http://www.ictj.org/en/news/press/release/2445.html>)

## Justice-Sensitive Security System Reform in the Democratic Republic of Congo

Recent violence in DRC indicates that the Congolese security system is incapable of defending the state, and that it poses a serious threat to the population, particularly to women and children. This new report by ICTJ Senior Advisor to the Europe and Africa programs Laura Davis argues that the EU should seek to incorporate justice-sensitive initiatives within security system reform program and encourage the prosecution of human rights violators.

(<http://ictj.org/en/news/features/2326.html>)

## Census and Identification of Security Personnel after Conflict

ICTJ release a revised version of *Census and Identification of Security Personnel after Conflict*, an updated and redesigned tool for security institutions ascertaining membership post conflict.

(<http://www.ictj.org/images/content/8/0/801.pdf>)

## Negotiating Justice: Guidance for Mediators

This report by Priscilla Hayner, cofounder of the ICTJ and Director of ICTJ's Geneva office and Peace and Justice Program, provides guidance on grappling with justice issues in peace negotiations. Co-published with the Centre for Humanitarian Dialogue, the report provides basic facts of law, guidance on amnesties and international criminal justice, and lessons for incorporating approaches to accountability.

(<http://ictj.org/en/news/features/2357.html>)

## Difficult Peace, Limited Justice: Ten Years of Peacemaking in the DRC

This report by Priscilla Hayner and Laura Davis, Senior Advisor to ICTJ, reviews the efforts to address justice during 10 years of peace negotiations in the Democratic Republic of Congo. A close look the dynamics of peace talks and the resulting accords—including those of Sun City, Ituri, Nairobi, and Goma—based on extensive interviews of those most closely involved, provides an essential backdrop to the current efforts to end fighting in Eastern Congo.

(<http://ictj.org/en/news/features/2369.html>)

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## CALENDAR AND COURSE OFFERINGS

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**April 15:**  
**Lecture by ICTJ President Juan E. Méndez: “Prevention, Peacemaking and Transitional Justice”**

*University of Chicago, Chicago, Illinois*  
*For more information, contact: human-rights@uchicago.edu*

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**April 22-23:**  
**ICTJ transitional justice workshop for journalists**

*In partnership with El Colombiano newspaper Medellín, Colombia*  
*For more information, contact María Cristina Rivera: mrivera@ictj.org*

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**April 22-24:**  
**Global Philanthropy Forum: building a community of donors and social investors**

*Washington, D.C.*  
*For more information, visit: <http://www.philanthropyforum.org/>*

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**April 23:**  
**Launch event: Guidelines for representing victims within the framework of Peace and Justice Law**

*Bogotá, Colombia*  
*For more information, contact María Cristina Rivera: mrivera@ictj.org*

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**April 27-May 1:**  
**Judicial Exchange: Colombia Supreme Court justices visit Argentina**

*Buenos Aires, Argentina*  
*For more information, contact Camilo Bernal: cbernal@ictj.org*

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**May 21:**  
**International conference: “Experiences of Truth-Seeking” (South Africa, Peru, Chile, Paraguay)**

*Bogotá, Colombia*  
*For more information, contact Marcela Birceño-donn: mbircenodonn@ictj.org*



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## Making a Difference

ICTJ needs your support to help societies address the past as they emerge from conflict, to give them a better chance for a decent future and a lasting peace. Since 2001 ICTJ has worked in more than 35 countries, partnering with justice and truth-seeking institutions, local civic groups, governments and international organizations.

In late 2008, ICTJ's Afghanistan program collaborated with an independent consultant specializing in participatory theater and the Kabul-based victims' group Foundation for Solidarity and Justice (FSJ) to host a pilot theater project. Building on previous transitional justice and theater efforts, the groups worked together to plan and conduct a TJ and Theater workshop with approximately 20 members of FSJ, concluding with a pair of performances.

Over the course of two weeks, participants engaged in theater games designed to let them share their emotions and experiences in a safe environment. Their discussions and visual exercises focused on three main themes: female schooling, political persecution after regime change, and forced migration and land expropriation. These themes formed the basis of the production *Light in Dark Nights*.

The two performances attracted 80 people in total, including members of FSJ, victims and family members. The power of the performance for performers and audience alike was clear from the start. Afterward, observers and actors expressed appreciation and relief. Many said it was the first time they had ever talked about what happened to them, having felt unable to do so even with their families. In the words of one participant, "I was sick before, but through theater I lost my sickness."

In 2009 ICTJ's Afghanistan Program hopes to continue to support Afghan men and women interested in theater and TJ. If funding is secured, this will be done by providing training and support to local TJ theater activists in establishing a platform for further human rights- and justice-centered theater work in Afghanistan.

ICTJ provides expertise that transforms the lives of victims and creates healthy judicial systems and sustainable societies. International demand for our assistance increases each year, and your support has never been more important. Learn more at [www.ictj.org](http://www.ictj.org) or contact MaryClaire Brooks, Director of Individual Giving, at 917-637-3844, or [mbrooks@ictj.org](mailto:mbrooks@ictj.org).



*Performers from Light in Dark Nights, a transitional justice and theater project by ICTJ and the Foundation for Solidarity and Justice in Kabul, Afghanistan.*

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### About ICTJ

The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ, headquartered in New York, has offices in Beirut, Bogotá, Brussels, Bujumbura, Cape Town, Dili, Geneva, Jakarta, Kathmandu, Kinshasa and Monrovia.

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