

JULY/AUGUST 2010

Colombia's Justice and Peace Law: Five Years Later

Interview with Michael Reed-Hurtado, Senior Associate and Head of Office, Colombia

Q. July marks the fifth anniversary of Colombia's Justice and Peace Law (JPL). What was the political and social context in which the JPL was ratified?

A. The political context surrounding the JPL's ratification was very complex. The Uribe administration began negotiations with paramilitary groups in 2002 and as a result approximately 31,000 people disarmed from 2003 to 2006. But many of these individuals had perpetrated atrocious crimes—massacres, disappearances, mass displacement, rape, torture and killings—and the country was very much aware that these individuals couldn't just go free, especially for actions amounting to war crimes and crimes against humanity. These cases needed to be dealt with criminally. That's where the Justice and Peace Law, or JPL, came into play.



The JPL provides for a special criminal process by creating a reduced-sentence incentive for full confessions by the perpetrators. Its design and adoption, however, were riddled with problems, both political and technical. Politically, we now know that many legislators that participated in the design of the JPL were cohorts of paramilitary groups.

Q. What was the popular sentiment regarding the JPL at the time of its adoption?

A. It's really tough to speak about the public sentiment, because Colombia is a country that has been polarized for many years. Nationwide, Uribe's popularity was skyrocketing at that time. He came into power after an administration perceived to be soft with the

guerillas with a very strong law and order discourse, and he promised to regain control over national territory. But in the human rights community, the sentiment toward Uribe was, and still is, negative. Although his promises sounded positive, the way of accomplishing them included some pretty nasty deals and unjustifiable acts.

Regarding the JPL, the message of the law is basically that after demobilizing, these individuals get a slap-on-the-wrist sentence for confessing to hundreds or thousands of atrocities. Many people see that as unjust. Prison sentences in Colombia are quite high; they range between 20 and 60 years for homicide. So the message of alternative sentencing of five to eight years for having committed several massacres is one that is really tough to sell or understand. If you're caught committing a robbery armed with a knife, for example, it is very likely that you will get a greater sentence than one of the paramilitaries who has confessed to having killed 500 people. So there isn't much logic to the justness of the "Justice and Peace" Law.

Q. What have the positive impacts of the law been?

A. One of the positive impacts of the JPL's confessional scheme is that denial of paramilitarism is no longer possible. For many years, particularly through the 1980s and 1990s, the official position was to

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actively deny that these groups existed. The demobilization of some 30,000 men exposed that these weren't simple armed groups but a very sophisticated war machine and a very lucrative business related to drug trafficking. Today there is nobody in Colombian society or government that can say that the paramilitaries do not exist.

The second positive aspect is that inasmuch as the JPL is a very imperfect legal framework, it has motivated human rights groups and victims' associations to speak up against the law and to demand a coherent framework for justice, truth and reparations. The public debate around the JPL and demobilization has also given victims' rights a place on the public agenda, albeit a very contentious place.

However, it's important to highlight that claims to truth, justice and reparations did not begin in 2005 with the JPL. Victims' and human rights organizations began making these claims very publically in the 1980s, using every judicial mechanism and system available. So I would not attribute more to the JPL than its role as a positive and negative catalyst for the process of addressing these demands.

A third positive result is that the confessional scheme under the JPL has exposed information about the *modus operandi* of paramilitary groups. Some of the perpetrators have provided very valuable information about the links of the paramilitaries to the political, military and private business elite of Colombia. Paramilitarism is not just about commandos and death squads; it is also about political and military elites collaborating with these groups. This information has given rise to criminal investigations and some prosecutions of elected officials.

Q. What has ICTJ's involvement with the JPL been?

A. ICTJ's principle focus has been to promote the actions of different state agencies involved in the law's application, so that the law is not an end in itself but a means to a greater end: the struggle against impunity for system crimes. We understand that the confessional scheme promoted by the JPL can shed light on the criminal apparatus' complexity and, as a result, promote trials for those most responsible for crimes against humanity and war crimes in Colombia.

Second, we support community efforts that complement the JPL through truth-telling, truth-seeking, memorialization and reparation. The government has established a mass reparations scheme to award victims with varying sums of money depending on the violation that they're claiming. Though we believe that financial compensation is important, the issue of reparations cannot be just about money. ICTJ is pushing for the reparations policy to be backed by the acknowledgement of state responsibility, the acknowledgement of victims and additional tools to support victims, such as social and health programs.

Q. What has the international response been to the JPL and its impacts, both positive and negative?

A. One of the greatest concerns of the international community, and obviously of ICTJ, is that we are again witnessing an upsurge of violence in Colombia and the reconfiguration of those groups that had previously demobilized. Many people didn't properly go through the disarmament, demobilization and reintegration process and have armed again and are now actively involved in the narco-business as well as activities of social control and the exercise of coercive violence.

However, there continues to be a strong commitment by the international community to see the JPL succeed in promoting victims' claims for truth, justice and reparations. One of the specific successes of the JPL confessions has been that the Office of the Prosecutor General has been able to find and exhume the bodies of disappeared individuals and, after a few hundred positive identifications, they have turned over the remains to their family members. The international community has concentrated on this issue of the disappeared and has provided a lot of support to resolving these cases through projects aimed at providing psychological help to the families, forensic assistance, facilitating DNA exams to enable identification of remains, and so forth.

Q. Where do we go from here?

A. This very complex process will continue and ICTJ, through independent monitoring and by supporting official agencies and the NGO community, will continue to promote respect for victims' rights. Our support of the proper application of the JPL is not because it's going to be the solution to all evils, but simply because it is part of an ongoing process of social action and resilience, and anything that gets done now, whether good or bad, is going to impact the future. Currently, ICTJ in Colombia is concentrated on promoting complementarity to the International Criminal Court and ensuring the action of national entities is effective in addressing the perpetration of crimes and the rights of victims. Colombia is a country that has the technical capacity to properly investigate system crimes and to address victims' needs. However, the political will to assume those challenges and to face the consequences of whatever is found in the process of investigating is lacking. The implementation of the JPL is not going to be a smooth ride, and it's not going to always move forward. But this very difficult process needs to be faced and backed in order to confront the various states of denial that exist in Colombia.

Confronting denial of atrocity and demanding acknowledgment by the state is a process that began several decades ago. The JPL is definitely an important part of that process, both negative and positive, but it was not the beginning and it is not the end; this is a process that is going to continue for some time in Colombia. ♦

INTERNATIONAL

A definition of the crime of aggression was introduced into the Rome Statute of the International Criminal Court (ICC) during the Rome Statute Review Conference of May 31–June 11, in a series of amendments that gives the ICC jurisdiction over the crime. The amendments allow various ways for the jurisdiction of the court to be triggered, including state referral, a Security Council decision, and a decision by the Pre-Trial Chamber. The amendments will come into force no sooner than 2017.

On June 3, the UN Human Rights Council held an interactive dialogue on a study reporting the widespread use of secret detentions used in counterterrorism operations, prepared by UN Special Rapporteurs Martin Scheinin and Manfred Nowak, and the Working Groups for Arbitrary Detention and for Enforced and Involuntary Disappearances. The study, published in February 2010, recommends that independent investigations into secret detentions be conducted and that reparations programs be established for victims. The report was received critically by state representatives at the dialogue, many of whom argued that the authors acted outside their mandate, and that the allegations of the report were unsubstantiated.

- “ICC states strike deal on crime of aggression,” *Radio Netherlands Worldwide* (<http://www.rnw.nl/international-justice/article/icc-states-strike-deal-crime-aggression>)
- “UN Experts Call For Probe of Secret Detention Sites,” *Voice of America* (<http://www1.voanews.com/english/news/human-rights/95542909.html>)

AFRICA

DRC

On June 21, a group of prominent legal activists and academics, headed by Brussels attorney Christophe Marchand, requested that a dozen Belgian officials be charged with war crimes for the assassination of Patrice Lumumba, the Republic of Congo’s first leader after Belgian colonial rule. A Belgian legal team has planned to open an inquiry in October 2010 to explore the charges accusing Belgian government and military officials of organizing the overthrow and execution of Lumumba on Jan. 17, 1961. This petition was filed shortly before the June 30 celebrations in the DRC, marking 50 years of independence from Belgium.

- “Charges sought in death of Congo leader Lumumba,” *Associated Press* (<http://www.google.com/hostednews/ap/article/ALeqM5jcYA7HBTuobDQR9p0JTZDHmpHcyQD9GFODFG2>)

Guinea

On June 27, Guinea held its first free elections since 1958, following 52 years of dictatorships and military rule. The elections, conducted peacefully and monitored by international observers, came nine months after the events in Conakry, where an estimated 156 people were allegedly killed by Guinean security forces at a peaceful demonstration against the ruling military junta. Final results of the elections are expected July 5. If none of the 24 civilian candidates on the ballot win more than 50 percent of the vote, runoff elections will be held July 18.

- “Guinea counts votes with relief after peaceful election,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5jlGH3JVE2eschFFt4EbG0Aadv4Uw>)

Kenya

On June 8, UN High Commissioner for Human Rights Navi Pillay renewed the call for the Kenyan government to create a national tribunal to investigate crimes committed during the post-election violence in 2007. The ICC has opened an investigation into the violence, but Pillay said that the court’s intervention will be limited to “a small number of high-profile cases of people suspected of war crimes, crimes against humanity or genocide” and that national judicial action will be a critical component of establishing accountability.

- “UN rights chief calls for special tribunal for Kenya’s post-election violence,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=34959&Cr=kenya&Cr1>)

Rwanda

On June 11, Francois Bazaramba, a former pastor of the Baptist church in Nyakizu in Rwanda, was sentenced to life imprisonment by a Finnish court for his role in the 1994 genocide. He is charged with promoting and orchestrating attacks against Tutsi civilians, pursuant to the intent to “destroy in whole or part the Rwandan Tutsis as a group.” Bazaramba has been in detention in Finland since 2007 after seeking asylum there in 2003.

Peter Erlinder, an American law professor representing opposition Rwandan leader Victoire Ingabire, was arrested in Kigali May 28 for

allegedly denying the Rwandan genocide. He was released on bail June 18 due to health reasons and returned back to the United States.

- “Finland sentences Rwanda preacher to life for genocide,” *BBC News* (<http://news.bbc.co.uk/2/hi/world/africa/10294529.stm>)
- “Court Grants Bail and Frees American Lawyer in Rwanda,” *The New York Times* (<http://www.nytimes.com/2010/06/18/world/africa/18rwanda.html>)

Somalia

The United States Supreme Court ruled June 1 to allow a lawsuit against Mohamed Ali Samantar, former prime minister and defense minister of Somalia, over charges that he oversaw torture and killings during the Barre regime of the 1980s and 1990s. Samantar, currently living in Virginia, is being sued in the U.S. under the Torture Victims Protection Act by a group of Somalis who claim he was actively involved in abuses against them. The court ruled that a law that protects foreign governments from lawsuits filed in the U.S., under which Samantar was claiming immunity, does not apply to individuals.

- “Court: Victims can sue ex-Somali prime minister,” *AP* (http://www.google.com/hostednews/ap/article/ALeqM5jfoRE2wJGNS-PTuZ9Q69UJ_uNNIAD9G2JHP00)

South Africa

Relatives of apartheid victims filed an amicus brief June 19 in a court case regarding the defamation of those granted amnesty for apartheid crimes. In September 2010 in the *Citizen v. McBride* case, the Constitutional Court will evaluate a previous decision by the Supreme Court of Appeals that ruled that applying a description of “murderer” to anyone given amnesty under the Truth and Reconciliation Commission (TRC) constituted defamation. The amicus applicants, Joyce Sibanyoni Mbizana and Mbasa Mxenge, argue that the ruling would suppress their right to speak freely of the killing of their relatives during apartheid rule.

- “Apartheid victims and survivors challenge McBride ruling,” *Times Live* (<http://www.timeslive.co.za/local/article510624.ece>)

Sudan

Swedish prosecutors launched an investigation June 21 into allegations that a consortium of Swedish, Malaysian and Austrian oil companies was complicit in war crimes and crimes against humanity in Sudan

and failed to protect human rights in the region from which it was extracting oil. The allegations were released in a report by the European Coalition on Oil in Sudan (ECOS) examining the activities of the companies. Percy Bratt, representing the ECOS, stated that an objective of the report is to set “limits for companies working in these types of conflict areas with regimes that are committing human rights violations.”

Two Darfuri rebel leaders facing war crimes charges surrendered themselves to the ICC June 16. The men, Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus, were indicted last year for allegedly directing an attack in 2007 that intentionally killed 12 African Union peacekeepers.

- “Swedish oil company under scrutiny after Sudan war crimes report,” *Christian Science Monitor* (<http://www.csmonitor.com/World/Europe/2010/0622/Swedish-oil-company-under-scrutiny-after-Sudan-war-crimes-report>)
- “Sudan: Darfur rebel leaders surrender to Hague court,” *BBC News* (<http://news.bbc.co.uk/2/hi/world/africa/10329167.stm>)

Zimbabwe

Farai Maguwu, director of the Centre for Research and Development and alumnus of ICTJ’s 2009 Cape Town Fellowship, was arrested June 3 on charges of allegedly communicating falsehoods about illegal activity at the Marange diamond fields to representatives of the Kimberly Process. A judge denied bail June 22, saying that if he is convicted, Maguwu would be guilty of committing “treacherous and abominable crimes.”

- “‘Blood Diamond’ activist kept in Zimbabwe jail,” *BBC News* (<http://news.bbc.co.uk/2/hi/world/africa/10373247.stm>)

AMERICAS

Argentina

Julio Poch, a former navy pilot allegedly responsible for piloting “death flights” during Argentina’s 1976–1983 military dictatorship, was indicted June 23 with kidnapping, torture and murder relating to the ESMA Navy Mechanics School torture and detention center. Poch was extradited from Spain May 6.

- “Argentina to try Dutch-Argentinian pilot,” *Radio Netherlands* (<http://www.rnw.nl/english/article/argentina-try-dutch-argentinian-pilot>)

Canada

In Winnipeg June 16–19, the Truth and Reconciliation Commission of Canada held the first nationwide public event of its five-year mandate, with 20,000 people attending the ceremony. The event allowed indigenous survivors who were enrolled in the Indian Residential School system to give public statements and engage in an open discussion. ICTJ attended the event and coordinated a panel of staff members and former truth commission members to provide comparative experiences in truth-seeking from around the world.

- “Winnipeg National Event,” *Truth and Reconciliation Commission of Canada* (<http://www.trcnationalevents.ca/websites/trcevent2010>)
- “Reflection on the First National Event of the Canada TRC,” ICTJ (<http://www.ictj.org/en/news/features/3859.html>)

Colombia

Former Colonel Alfonso Plazas Vega was sentenced to 30 years in prison on June 9 for the forced disappearance of 11 people during the 1985 military assault in the Palace of Justice in Bogotá. In a press release, ICTJ welcomed the ruling and reiterated the importance of combating impunity and called on the political establishment to respect decisions by the judiciary.

In a *Foreign Policy* article published June 18, ICTJ Senior Associate Michael Reed-Hurtado discussed the detrimental consequences of the extradition of drug traffickers from Colombia to the United States. The article argues that the policy deprives Colombia’s legal system of the opportunity and responsibility of prosecuting local crimes and allows many of those accused to exchange murder and kidnapping charges in Colombia for drug smuggling charges in the U.S., thus feeding impunity for mass atrocities and continued violence.

- “Stealing Colombia’s Criminals,” *Foreign Policy* (http://www.foreignpolicy.com/articles/2010/06/18/Stealing_Colombia's_Criminals)
- “La fortaleza de la democracia radica en el respeto a todos los poderes públicos y a la independencia del poder judicial: ICTJ,” ICTJ (<http://www.ictj.org/es/news/press/release/3814.html>)

Ecuador

The Ecuadorian Truth Commission, established in 2007 to investigate the human rights violations that took place during the 1984–1988 Cordero administration, released its final report June 7. The report is a major step forward in recognizing the need for truth and the rights of victims, but in order to be effective, it must be followed by the adoption and implementation of the commission’s recommendations, ICTJ said.

- “Ecuador: Use Truth Commission Report for Practical Action,” ICTJ (<http://www.ictj.org/en/news/press/release/3808.html>)

Guatemala

The head of the International Commission against Impunity (CICIG), Spanish judge Carlos Castresana, announced his resignation June 8. The reasons he gave were the lack of progress from the Guatemalan government in instituting judicial reforms and the recent appointment of Guatemala’s new attorney general, Conrado Reyes. Castresana accused Reyes of having links with “illicit organizations” and called for his dismissal. The Constitutional Court subsequently dismissed Reyes from the position June 11.

- “Guatemalan attorney general sacked,” *BBC News* (http://news.bbc.co.uk/2/hi/world/latin_america/10299442.stm)

United States

The U.S. Department of Justice informed a federal appeals court June 16 that there is sufficient untainted evidence to proceed with the trial of Blackwater Worldwide guards involved in a shooting in Baghdad in 2007 that resulted in civilian deaths. A federal judge had dismissed the case in December 2009 on grounds that some of the evidence was based on statements obtained under immunity.

The U.S. Supreme Court denied Canadian citizen Maher Arar’s petition for certiorari in his lawsuit seeking damages for his detention during a layover in JFK airport and subsequent rendition to Syria, where he was subject to interrogation and torture. While Arar received a \$10 million settlement and apology from Canada for its role in mistakenly supplying his name to the United States, the U.S. itself has admitted no wrongdoing in the case, and has not offered compensation.

- “Justice: Blackwater case should have gone forward,” *Associated Press* (http://www.google.com/hostednews/ap/article/ALeqM5iVr2asgiGuQ8gvpPrT7AINv_IBhQD9GCLOGG4)

- “High court rejects appeal in rendition case,” *Washington Post* (<http://www.washingtonpost.com/wp-dyn/content/article/2010/06/14/AR2010061402277.html>)

ASIA

Afghanistan

A “peace jirga” was held in Kabul June 2–4, attended by 1,600 delegates including leading political and religious figures from across the country. President Karzai repeated calls for reconciliation for members of the Taliban and Hizb-i-Islami groups with the existing government as part of an announced Afghan Peace and Reintegration Plan (APRP). ICTJ urged the government to ensure that the plan met the standards of international law and incorporated recommendations made by a “victim’s jirga” held on May 9 to hold perpetrators of war crimes accountable.

On June 20, 14 suspected Taliban fighters were released from custody by a five-member committee established by the Afghan government. The committee was announced by President Karzai during the peace jirga to grant amnesty to detained insurgents. More than two dozen additional prisoners are expected to be released in the coming months.

- “Afghan jirga backs peace process,” *Al-Jazeera* (<http://english.aljazeera.net/news/asia/2010/06/201064133749186649.html>)
- “Afghanistan: Address Victims’ Demand for Justice,” ICTJ (<http://www.ictj.org/en/news/press/release/3780.html>)
- “New Afghan commission sets free Taliban suspects,” *Miami Herald* (<http://www.miamiherald.com/2010/06/20/1691003/new-afghan-commission-sets-free.html>)

Burma

On June 8, during a debate of the UN Human Rights Council, Slovakia became the fourth government to support the call for a commission of inquiry into alleged war crimes and crimes against humanity committed by the ruling military junta, alongside the Czech Republic, Australia, and the United Kingdom. In addition, the EU Parliament passed a resolution May 20 calling on EU member states to support the call for a commission of inquiry.

The 65th birthday of Nobel Peace Laureate Aung San Suu Kyi on June 19 came with calls by international leaders and activists for a release of political prisoners and public expressions of solidarity with the democratic movement in the country. On June 18, U.S.

President Barack Obama called for Suu Kyi’s release and for national reconciliation in Burma.

- “Commission of inquiry inches closer to realization,” *Mizzima* (<http://www.mizzima.com/news/world/4019>)
- “European Parliament resolution on the situation in Burma/ Myanmar,” *European Parliament* (<http://burmacampaign.org.uk/images/uploads/epjoint-motion.pdf>)
- “Supporters mark birthday of Myanmar’s Suu Kyi,” Reuters (<http://www.reuters.com/article/idUSSGE65I00T20100619>)

Cambodia

At the conclusion of a 10-day fact-finding mission June 17, UN special rapporteur Surya Subedi urged the Cambodian government to improve aspects of its judicial system, expressing concern at the number of detainees, the levels of corruption and the instances of judicial miscarriage. “The judiciary in Cambodia is facing tremendous challenges in delivering justice for the people of the country, especially the poor and marginalized,” he said. Subedi will present reform recommendations in a report to the UN Human Rights Council in Geneva.

- “Cambodia courts inadequate to give justice to poor: U.N.” *Reuters* (<http://www.reuters.com/article/idUSTRE65G1MK20100617>)

Nepal

The government of Nepal and the UN High Commissioner for Human Rights (OHCHR) signed an agreement June 9 to extend the mandate of the OHCHR’s country office in Nepal in a limited capacity for another year. The OHCHR will continue monitoring the human rights provisions of the 2006 Comprehensive Peace Accord (CPA) between the government of Nepal and the Maoist party which formally ended the 10-year conflict.

The term of the Constituent Assembly was extended by one year after the three major parties, the Nepali Congress, the Communist and the Maoist parties signed a three-point agreement on May 28, the initial constitution making deadline. The agreement calling for the formation of a national consensus government, designed to include the Maoist opposition party, was contingent on the resignation of the current prime minister, Madhav Kumar Nepal, who stepped down June 30.

The Carter Center issued a report June 22 stating that the Maoist and successive governments in Nepal have not fully completed

commitments outlined in the November 2006 CPA. The agreement obligated the Maoist party to return land taken during the conflict and for the then Seven Party Alliance government to institute land reforms. The Carter Center report mentioned that the land returns have not occurred completely or according to any formal procedure and land reform policies have yet to be formalized.

- “OHCHR-Nepal term extended by a year,” *Republica* (http://www.myrepublica.com/portal/index.php?action=news_details&news_id=19708)
- “Int’l community hails CA term extension,” *Republica* (http://www.myrepublica.com/portal/index.php?action=news_details&news_id=19241)
- “Carter Center: Land Commitments in Nepal’s Peace Process Only Partially Fulfilled,” *The Carter Center* (http://www.cartercenter.org/resources/pdfs/news/pr/nepal-pr-land-rpt_062210-EN.pdf)

Sri Lanka

On June 21, UN Secretary General Ban Ki-moon announced a three-member panel established by the UN to provide advice on human rights concerns in the aftermath of the civil conflict in Sri Lanka. The panel will provide insights to the UN on addressing the underlying causes of the decade-long conflict with the Tamil Tigers and will be headed by UN special envoy for North Korea, Marzuki Darusman. The Sri Lankan government responded with opposition to the new panel.

- “UN sets up Sri Lanka war crimes probe,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5i76b8np8SvDDM600AjSpTL5sU9SQ>)

Thailand

The Thai government has announced a “road map to reconciliation” to mend the political differences following a wave of protests in April and May. The plan includes an investigation into the violence that resulted in the deaths of 90 people. To date, hundreds of arrests have been made in connection to the violence, and more than 35 people have been charged with counts of terrorism. On June 22, exiled former Thai Prime Minister Thaksin Shinawatra of the opposition called for international involvement in the investigations to ensure fairness and impartiality in the investigation.

- “Thailand’s ‘road map to reconciliation,’” *BBC News* (http://news.bbc.co.uk/1/hi/world/asia_pacific/10370430.stm)
- “Thaksin wants Thai probe to be international-lawyer,” *Times Live* (<http://www.timeslive.co.za/world/article515313.ece>)

EUROPE

Cyprus

Turkish Cypriot leader Dervis Eroglu and Greek Cypriot leader Demetris Christofias met June 23 to continue Cyprus reunification talks and to discuss property and security issues. The discussions resumed May 26 after the Turkish Cypriot elections of April 18, and are scheduled to continue through July.

The UN Security Council voted June 15 to extend the mission of the United Nations Peacekeeping Force in Cyprus (UNFICYP) to Dec. 15, 2010 to continue facilitating peace talks between the two sides. Fifteen council members supported the extension; Turkey voted against the resolution.

- “In Cyprus, leaders hold another round of UN-backed reunification talks,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=35112>)
- “Security Council extends mandate of UN peacekeeping force in Cyprus,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=35027>)

Former Yugoslavia

On June 10, seven defendants were convicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) of genocide, war crimes and crimes against humanity committed in Srebrenica in 1995. Two men were sentenced to life imprisonment while the other five were given sentences between five and 35 years. The genocide conviction in the trial is highly significant and the sentences are among the highest imposed by the ICTY. EU police also arrested a man June 23 suspected of torturing prisoners in an Albanian camp during the Kosovo war in 1998–1999.

On June 2, an exhibit focused on the Srebrenica genocide in 1995 opened at OSA Archivum in Budapest, Hungary. The exhibit is a “forensic reconstruction” of the atrocities that occurred at the time based on documentary evidence collected in fifteen years of criminal investigation.

- “Srebrenica genocide perpetrators get life sentences,” *Radio Netherlands Worldwide* (<http://www.rnw.nl/international-justice/article/srebrenica-genocide-perpetrators-get-life-sentences>)

WORLD REPORT

- “EU police in Kosovo arrest war crimes suspect, look for 2 more,” *The Canadian Press* (http://www.google.com/hostednews/canadianpress/article/ALeqM5hXE1wJP2FtJ1_byAiKHRVLJR1JVw)
- “Srebrenica - Exhumation,” *OSA Archivum* (http://www.osaarchivum.org/index.php?option=com_content&view=article&id=2078)

Spain

Fifteen leading Spanish artists appeared in a short film released June 14 titled “Culture Against Impunity,” in memory of the victims of crimes committed by General Francisco Franco’s forces during Spain’s 1936-39 civil war. The group, including director Pedro Almodovar and actor Javier Bardem, called on the Spanish government to drop charges leveled against judge Baltasar Garzon for opening a probe into crimes committed during that time despite an amnesty granted by parliament in 1977.

- “Almodovar, Bardem star in video for Franco-era victims,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5hLbF36wTOHmOXB-T7ksZ-ynDmgNQ>)

UK/Northern Ireland

On June 15, British Prime Minister David Cameron publically apologized for the killing of 14 unarmed activists in Northern Ireland by British soldiers in 1972. “The government is ultimately responsible for the conduct of the armed forces. And for that, on behalf of the government—and indeed our country—I am deeply sorry.” His comments followed the release of a 5,000-page report by a judicial inquiry into the “Bloody Sunday” shootings.

- “Cameron calls N. Ireland Killings ‘Unjustified,’” *The New York Times* (<http://www.nytimes.com/2010/06/16/world/europe/16nireland.html?ref=global-home>)

MENA

Iraq

Three months after the election, Iraq’s new parliament convened for the first time June 14. The four main political blocs have yet to reach a power-sharing deal and it is expected that negotiations will continue for weeks to come. The parliament has thus far been unable to select a new prime minister and form a government.

- “Iraqi Parliament Convenes, but no sign of a Government,” *BBC News* (http://news.bbc.co.uk/2/hi/world/middle_east/10311096.stm)

Israel/OPT

The Israeli government appointed a committee June 14 to consider whether Israel’s actions to prevent an aid flotilla from reaching the Gaza coast on May 31, during which nine activists were killed, were in conformity with international law. The committee, comprised of three Israelis and two international observers, has been criticized by local and international human rights organizations on the grounds that it may not be sufficiently independent, transparent or impartial, and that it will lack direct access to those who took part in the operation.

On June 14, Navi Pillay, the UN High Commissioner for Human Rights, announced three independent experts mandated by the Human Rights Council to monitor Israeli and Palestinian investigations into the serious violations of international humanitarian and human rights law during the conflict in Gaza in December 2008 and January 2009. The three experts, Professor Christian Tomuschat (Chair), Justice Mary McGowan Davis and Mr. Param Cumaraswamy, are mandated to monitor the independence and effectiveness of these investigations, as well as their adherence to international law.

- “Neither commission nor inquiry,” *Ha’aretz* (<http://www.haaretz.com/print-edition/opinion/1.296222>)
- “Israel Gaza commission criticised over transparency and accountability,” *Amnesty International* (<http://www.amnesty.org.au/news/comments/23205/>)
- “Committee to monitor investigations into Gaza conflict named,” *Office of the High Commissioner for Human Rights* (<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10148&LangID=E>)

Lebanon

Four legislative bills aimed at addressing the social and economic rights of Palestinian refugees in Lebanon spurred an intense debate in the Lebanese parliament June 15. While many political parties have called for improving the civil rights of Palestinian refugees, others raise concerns of naturalizing them and the effect this might have on Lebanon’s sectarian balance. The debate ended with the proposal being referred to the administration and justice parliamentary committee for further examination.

A high-level delegation from Lebanon conducted a week-long informational visit to the International Commission on Missing Persons (ICMP) and to Bosnia and Herzegovina, facilitated by ICMP and ICTJ. The delegation consisted of 15 members, including parliamentarians, legal experts, human rights activists and victim representatives. The visit, which ended on June 9, gave the delegation insights on drafting legislation to address the rights and needs of families involved in the 1975–1990 war in Lebanon.

- “Parliament Divided on Granting Palestinian Rights,” *The Daily Star* (http://dailystar.com.lb/article.asp?edition_id=1&category_id=2&article_id=116032)
- “High-level Lebanese delegation completes visit to ICMP,” ICTJ (<http://www.ictj.org/en/news/features/3802.html>)

Libya

Libyan leader Muammar Gaddafi agreed June 13 to provide up to £2 billion to victims of Irish terrorism for his role in arming the Irish Republican Army (IRA). Libya supplied the IRA with Semtex, an explosive the organization used to conduct at least ten bombings. Approximately £800 million will go directly to the families of the victims of the violence.

- “IRA victims killed with Libyan semtex to get 2bn in compensation from Colonel Gaddafi,” *Daily Mail* (<http://www.dailymail.co.uk/news/worldnews/article-1286302>)

Morocco

As part of the Collective Reparations Program, the Advisory Council on Human Rights (CCDH) and the Fondation Caisse de Dépôt et de Gestion (FCDG) signed 51 new project proposal agreements with local associations June 10. The projects will focus on memory preservation, capacity building of local actors, support for income generating activities, integration of women and children, construction of basic social infrastructure and the preservation and protection of the environment.

- “Lancement de 51 nouveaux projets dans 10 provinces,” *Le Matin* (<http://www.lematin.ma/actualite/Journal/Article.asp?idr=110&id=134698>)

PUBLICATIONS

The European Union and Transitional Justice

This paper, produced by ICTJ and the Initiative for Peacebuilding (IfP), argues that rather than remain simply a supporter of transitional justice endeavors undertaken by others, the EU should also draw on its experience at home and abroad and on lessons learnt from other actors to develop a strategic approach to transitional justice as a way of achieving its foreign policy objectives. This could help close the credibility gap between declared commitments to peace, human rights and international law and their realizations.

- “The European Union and Transitional Justice,” IfP, ICTJ (<http://www.ictj.org/en/news/features/3826.html>)

Tribute to Hon. Patricia M. Wald

ICTJ President David Tolbert presented a tribute to Honorable Patricia Wald, featured as a dedicatee in a recent volume of the *New York University Annual Survey of American Law*. Judge Wald served on the United States Court of Appeals for the District of Columbia, at the ICTY, and on an independent panel investigating the war in Iraq. In his tribute, Tolbert praised Wald’s exemplary judicial record and accomplishments, particularly her time at the ICTY. The tribute was printed along with tributes from Hon. Harry Edwards, Nancy Morawetz, Cynthia Estlund, and Kelly Askin.

- “Tribute to Hon. Patricia M. Wald,” *New York University* (<http://www.ictj.org/en/news/features/3857.html>)

Justicia, Derechos Humanos y El Decreto Ley De Amnistía

This publication, which includes a paper written by ICTJ Senior Associate Cristián Correa, analyzes the impact of a decision made by the Inter-American Court of Human Rights (IACHR) to overturn an amnesty law in Chile that promoted impunity for human rights violations. It details the evolution of Chilean jurisprudence to investigate and try human rights violations and Chile’s application of international law in deciding these cases. The book also evaluates the legal and political feasibility of different alternatives, to ensure that the amnesty law does not continue to hinder the investigation, prosecution and punishment of those responsible for human rights abuses in Chile.

- “Justicia, Derechos Humanos y El Decreto Ley De Amnistía,” *Lom*, 2010 (<http://www.ictj.org/en/news/features/3851.html>)

CALENDAR

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July 13

International Justice Day Celebration

New York, NY

For more information, visit

<http://www.ictj.org/en/news/event/3865.html>

July 15

Report Launch: That Someone Guilty Be Punished

New York, NY

For more information, visit

<http://www.ictj.org/en/news/event/3861.html>

July 16

Transitional Justice in Post-conflict Societies: What Works Best?

New York, NY

For more information, visit

<http://www.ictj.org/en/news/event/3856.html>

July 19

Annual Meeting of the CEELI Institute

Prague, Czech Republic

For more information, contact Clare Garvie at

cgarvie@ictj.org

August 2–6

Negotiating with Guerillas: Between Peace and Justice

Bogotá, Colombia

For more information, contact Estefanie

Robertson at erobertson@ictj.org

August 11–12

Training Seminar: Basic Concepts and Comparative Practices on Reparations

Bali, Indonesia

For more information, contact Ruben Carranza

at rcarranza@ictj.org

August 24

Empowering Victims' Organizations for the Implementation of Reparations in Peru

Lima, Peru

For more information, contact Ruben Carranza

at rcarranza@ictj.org

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August 25

Roundtable of Experiences of Unofficial Truth-seeking

Lima, Peru

For more information, contact Ruben Carranza

at rcarranza@ictj.org

August 26–31

Community Projects: Empowering Victims' Organizations for the Implementation of Reparations in Peru

Huancayo, Huancavelica, Julcamarca, and

Ayacucho, Peru

For more information, contact Ruben Carranza

at rcarranza@ictj.org

September 16–19

Shaping the Future of Transitional Justice: Growing Synergies Between Theory and Practice

Essex, UK

For more information, contact Cristian Correa

at ccorrea@ictj.org

September 27

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

Steyning, UK

For more information, visit

<http://www.ictj.org/en/news/event/3818.html>

September 27–October 2

Intensive Course on Truth-seeking and Transitional Justice

Barcelona, Spain

For applications and more information, visit

<http://www.ictj.org/en/workshops/courses/index.html>

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Making a Difference

Following the Rome Statute Review Conference in Kampala, ICTJ President David Tolbert traveled to Gulu, in northern Uganda. Northern Uganda has a troubled history of mass human rights abuses, primarily committed by the Lord's Resistance Army (LRA), which has targeted civilian populations with murder, abduction, forced marriage and torture by mutilation. At the height of violence, the World Health Organization estimated that more than 90 percent of the population of the Gulu District had been displaced by conflict and fear of LRA attacks. These crimes are currently under investigation by the International Criminal Court (ICC).

David met with 25 civil society organizations that advocate for transitional justice measures in response to these atrocities, including the Justice and Reconciliation Project, the Northern Uganda Transitional Justice Working Group, and the Gulu University Institute for Peace and Strategic Studies. ICTJ works closely with these organizations in its efforts to support civil society engagement in transitional justice processes. These groups seek to ensure that victims and their experiences are central to public debate on transitional justice in Uganda.

During his trip, David visited a memorial at Lukodi in Gulu district, answered questions on transitional justice from local officials and young mothers at the Child Voice International center, an NGO working to promote justice for women.

In these meetings, ICTJ provided information about a recently established ICC Trust Fund for Victims, which is planning assistance programs that could benefit victims and their communities. David also discussed how international judicial processes affect justice mechanisms on the ground. Given the culture of impunity in Uganda today, the conversations provided a strong basis for future collaborations between civil society groups and ICTJ, to provide government officials with technical advice on pursuing justice for past atrocities.

The visit ended with a moving play produced in collaboration with one of ICTJ's local partners, the Justice and Reconciliation Project. The production highlighted the experiences of many victims, creating a gripping portrayal of the impact of kidnappings, abductions and forced pregnancies on affected communities, as well as the difficulties



ICTJ President David Tolbert met with 25 civil society organizations during his trip to northern Uganda in June 2010

and cultural tensions faced by victims trying to return home after violations have occurred. During the play, the actors also made some references to the often lax government response to LRA abductions. The play is a striking example of how, almost two decades after the beginnings of violence in the region, victims are finding innovative and exemplary ways of publically speaking out and demanding justice and accountability.

“It was a deeply moving experience to meet and hear directly from these victims, who have been robbed of so much, including, in many cases, their childhoods,” David said. “Their calls for justice and truth resonate deeply and underline the importance of ICTJ’s work in northern Uganda to ensure that the terrible things that have happened to these victims are not forgotten or brushed aside.”

ICTJ has been working in Uganda since 2005, when the Center conducted a survey of more than 2,500 victims to chronicle local experiences and grievances and set the groundwork for future justice efforts. Since then, ICTJ has continued to support local efforts to complement ICC prosecutions with other mechanisms such as truth commissions, reparations programs, security sector reform and memorials. In order to strengthen local institutions that will manage these justice efforts, ICTJ has also supported civil society networks that facilitate dialogue with victims, victims’ rights advocates and government officials in the Justice Law and Order Sector of Uganda.

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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