

MAY 2011

Amnesty Does Not Erase the Truth

Interview with Howard Varney, ICTJ Truth-Seeking Consultant

Q. South Africa's Constitutional Court recently made a landmark ruling on the right to speak the truth about crimes amnestied by the Truth and Reconciliation Commission. Can you tell us how this case emerged?

A. The facts on this case go back to the mid-1980s, when a member of the armed wing of the African National Congress, Umkhonto we Sizwa, Robert McBride, bombed a drinking house in the city of Durban. Two



women were killed in the blast and many others were severely injured. McBride was hunted down by the security police and arrested. He was charged with and convicted of murder.

When the Truth and Reconciliation Commission (TRC) started its work, McBride applied for amnesty. He argued that the bombing was a politically motivated offense because he said he had information that

suggested that the bar was frequented by off-duty soldiers and other security personnel. In the end, he was granted amnesty. And if you look at Section 20 of the Truth Commission Act, the law says that "when amnesty is granted, the conviction is expunged for all purposes." Those are the exact words.

Then about six or seven years back, McBride applied to become a municipal police chief in one of the municipalities near Johannesburg. One of the morning newspapers, a rightwing newspaper called The Citizen, ran a series of editorials and features in which they alleged that he was unsuitable for the post because he was in fact a convicted murderer. McBride objected, saying that it was unlawful for him to be referred to as a murderer because he had received amnesty, and that by referring to him as a murderer, the newspaper was making a false statement. The high court in Johannesburg agreed. The paper appealed

to the Supreme Court of Appeal, which is the second highest court, and they agreed as well. The newspaper then appealed to the court of last resort, the Constitutional Court, and argued that this wasn't what the Truth Commission was about, and it impinged unduly on their freedom of expression. The Constitutional Court agreed.

Q. How did ICTJ get involved?

A. It occurred to us at ICTJ and to our colleagues in the South African Coalition for Transitional Justice that the case had wider implications, and there were going to be some pretty harsh ramifications on victims. Some of the victims write books, speak to the press, write op-eds, appear on the radio and TV and so on. If they refer to perpetrators who murdered their loved ones, who were convicted and then amnestied, they would then open themselves up to a defamation lawsuit and they would have no defense.

So we decided to go to court in support of the families of two very well-known victims: the children of the late Victoria and Griffiths Mxenge. Both were human rights lawyers who had been abducted and brutally murdered by the South African Security Police. In the case of Griffiths Mxenge, the Security Police who were involved were granted amnesty. We also represented the family of Justice Mbizana, one of the Mamelodi Four, a famous case in which the bodies were discovered of four people who had been murdered by the Security Police for supporting the African National Congress.

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Essentially, we argued before court that these two families represented all victims in South Africa in cases where the murderers of their loved ones had been convicted for murder and had received amnesty. The families asked the court to overturn the judgment of the lower court in order to do two things: to protect their freedom of expression to talk freely, and to preserve the legacy of the Truth Commission.

The primary objective of that commission was to discover the truth and to preserve that truth. For that to happen, victims and their families need the freedom to speak the truth without fear of being sanctioned by a lawsuit for defamation. In particular, they argued that to deny them this right would be to strip them of their right to dignity.

We highlighted the emerging international law principle of the right to truth. We suggested that although South Africa was not bound by a treaty obliging it to uphold the right to truth, that right was nonetheless enshrined within certain rights in South Africa's Bill of Rights—namely the rights to dignity, access to information, freedom of expression, equality, and the rule of law.

The court essentially agreed with that argument. Justice Cameron, who wrote the majority opinion, said it was hardly conceivable that the provisions of the Truth Commission “could muzzle truth and render true statements about our history false.” He said that proscribing the truth would be antithetical to the adequate compilation of the collective memory of South Africa's past.

This was an important victory for not just those two victims, but for all victims of past conflicts in South Africa. The court upheld the principles of openness and transparency that are underlying principles not just of the Truth Commission, but also of South Africa's new constitutional democracy.

Q. What would have been the consequences if the precedents of the lower courts had stood?

A. It would have severely undermined the work and legacy of the South African TRC. It would also have meant that those amnestied would have received an additional benefit: the underlying facts of their particular cases couldn't be held against them in any moral or public manner. No newspaper could refer to the perpetrators as murderers or kidnappers or torturers. They would now have to be regarded as individuals who, for all intents and purposes, didn't commit those acts.

For the purposes of truth telling and establishing an impartial and accurate record, that would have been devastating for South Africa. It would have been particularly devastating for victims, because in order for victims to properly deal with the past and their suffering, they need to talk about the past and they need to engage with it. The rulings of

the lower courts effectively denied them the right to do so publicly. The amnesty process was never meant to negate the truth. If anything, one of the rationales behind that process was the delivery of more truth.

The other significant goal of the South African commission—and of most other TRCs—is national reconciliation. It was disturbing to see the lower courts claiming that, because national reconciliation was at stake, it was best to obliterate the past. The Constitutional Court had a diametrically opposing view. It said that the full disclosure of the truth was in fact necessary to pursue national reconciliation and that concealment and pretence would undermine that objective.

Q. What's the significance of this case for countries other than South Africa?

A. I think what's enormously significant is that this is one of the first courts in a common law country, if not the first, to consider the right to truth. Courts in civil law countries, particularly in Latin America, have been down this road already. They've upheld the right to truth for victims, and some countries have even enshrined that right in their constitutions. Others have ruled that the right is incorporated within other rights in their constitutions. The Inter-American Court on Human Rights has upheld the right to truth, and those decisions are applicable throughout Latin America. The right has been upheld in national courts in Argentina and more recently in Colombia and Peru.

Outside of Latin America, the Human Rights Chamber for Bosnia and Herzegovina has ordered thorough investigations in order to inform family members of the missing, as well as the general public, of human rights violations.

Q. Is there any added significance given that South Africa's reckoning with the past has been iconic for many around the world?

A. Certainly. Many other countries that are emerging from conflict look to South Africa for inspiration and guidance. And sometimes South Africa does provide a good model. But countries must not simply adopt the South African model uncritically. Too often these days, in places like Kenya and Nepal for example, we've seen legal frameworks that have borrowed from the South African model in an unthinking manner.

For those who wish to promote impunity, it would be very convenient indeed if the effects of a South African-type amnesty would be to obliterate the past. It would serve to sanitize the role of perpetrators in history and prevent them from being held accountable by the public. This would retard the transitional process and set the worst of examples for future generations. So we're happy that a court in a common law country has upheld the right to truth in a transitional setting. It's an encouraging start. ♦

AFRICA

Côte d'Ivoire

On April 11, former president Laurent Gbagbo was arrested and removed from power after a four-month standoff following Nov. 28 presidential elections. International observers agreed that opposition candidate Alassane Ouattara was the winner, but Gbagbo had refused to step down. Ouattara announced he would ask for an examination of atrocities committed by both sides following the election, as well as set up a truth commission to investigate crimes in the country dating back to 1990.

Since the election, about 1,500 people have been killed and more than a million have been displaced. On April 12, the UN Human Rights Council announced it would establish an international commission of inquiry “to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire and to identify those responsible.”

- “All sides in Ivory Coast to face justice, Ouattara says,” *BBC* (<http://www.bbc.co.uk/news/world-africa-13067609>)
- “President of Human Rights Council Appoints International Commission of Inquiry to Investigate Human Rights Violations in Côte d’Ivoire,” UN (http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/477D4AFC0B375D92C12578700038B0CC)

Chad

Incumbent President Idriss Deby was expected to win a fourth term in elections held on April 25, which were said by an African Union observer mission to conform to international standards. Three major opposition candidates had boycotted the election, saying they feared the election would not be credible. The outcome of the vote is scheduled to be announced May 9.

- “Chad vote conformed to international standards,” *Radio Netherlands Worldwide* (<http://www.rnw.nl/africa/bulletin/chad-vote-conformed-international-standards-au-observers>)
- “Chad opposition quits election body, vote in doubt,” *Reuters* (<http://af.reuters.com/article/topNews/idAFJJOE7200QZ20110325>)

Democratic Republic of Congo

On Mar. 27, four former DRC militia members were transferred from a Kinshasa prison to the Hague in order to testify at the International Criminal Court (ICC) trial of militia leaders Thomas Lubanga and

Germain Katanga. The two are on trial for war crimes committed in DRC in 2002 and 2003. Justice Minister Emmanuel Luzolo Bambi said they would return to prison in Kinshasa after giving their testimony.

- “DR Congo fighters sent to ICC as war crimes witnesses,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5jV8XuocK3Ol0D8NPQycFYHtXd1Dg>)

Kenya

Preliminary proceedings against the so-called “Ocampo Six”—prominent Kenyans charged with inciting violence following the 2007 elections—began April 18 at the ICC. Chief Prosecutor Luis Moreno-Ocampo said he intended to call 20 witnesses in support of his case. He also claimed to have 7,800 documents in support of his case, but that some of the evidence would need to be redacted in order to protect witnesses before it was shared with the defense.

Kenya had sought an injunction from the UN Security Council to prevent the case from moving forward, but the council rejected that bid on April 8. The six men have been accused of inciting murder, deportation, rape, inhumane acts, persecution, and torture.

- “20 witnesses to testify against Ocampo Six,” *Daily Nation* (<http://www.nation.co.ke/News/politics/-/1064/1146636/-/7qv7il/-/>)
- “UN Council rejects Kenya campaign on ICC charges,” *AFP* (http://www.google.com/hostednews/afp/article/ALeqM5hzWSM_QPH1Gg0Bg7h1_FhyC4JqeQ)

Nigeria

On April 17, Nigerians voted in what international observers called a credible election—an improvement from the widespread fraud of the 2007 vote. According to preliminary reports, the south voted overwhelmingly for the People’s Democratic Party (PDP), while the Congress for Progressive Change swept the north. Some irregularities were reported, and observers noted that the 99 percent margin of victory for the PDP in five states was suspicious. Northern supporters of Muhammadu Buhari objected to President Goodluck Jonathan’s victory, and rioting erupted in the north on April 18.

- “Nigeria’s election breakthrough,” *CNN* (<http://globalpublicsquare.blogs.cnn.com/2011/04/18/nigeria%E2%80%99s-election-breakthrough/>)
- “Many dead in Nigerian election protests,” *AlertNet* (<http://www.trust.org/alertnet/news/many-dead-in-nigerian-election-protests/>)

Rwanda

On April 20, Mathias Bushishi, a Rwandan former prosecutor and No. 16 on Rwanda's "most wanted" list, was arrested in Belgium on charges of war crimes and genocide. Bushishi had been living in the Belgian town of Laken since 2009. Although the arrest warrant was issued by Rwanda, Belgium has jurisdiction to hear cases of crimes against humanity. Last month two other Rwandans were arrested in Belgium and charged with genocide, war crimes, and crimes against humanity.

- "Prime Rwanda genocide suspect arrested in Belgium," *Radio Netherlands* (<http://www.rnw.nl/international-justice/article/prime-rwandan-genocide-suspect-arrested-belgium>)

South Africa

In a landmark judgment, the Constitutional Court upheld the rights of victims of apartheid era abuses, as well as the media and public, to speak the truth about crimes amnestied by the Truth and Reconciliation Commission (TRC). The court held that truth-telling was the moral base of the transition from the injustice of apartheid to democracy and constitutionalism. It held further that the TRC process, which was premised on the necessity of truth-telling in pursuit of national unity and reconciliation, could not operate so as to render the truth false.

- "'Dignity' for late activists' families," *Sowetan Live* (<http://www.sowetanlive.co.za/news/2011/04/12/dignity-for-late-activists-families>)

Uganda

On April 6, a museum focused on the Lord's Resistance Army's insurgency opened in Kitgum district. The Kitgum War Memorial Museum was commissioned by the Uganda Law Commission and is funded by USAID. It will house exhibitions, a library, and a peace documentation center.

- "Kitgum war museum opened," *New Vision* (<http://www.newvision.co.ug/D/8/16/751455>)

AMERICAS

Argentina

On April 14, Reynaldo Bignone was sentenced to life in prison for the abduction and murder of left-wing activists in the town of Escobar outside Buenos Aires after the 1976 military coup. Bignone was the last military general to rule Argentina, serving as the de facto president

from 1982–83. Bignone claimed the civilian court was "not competent" to judge him. On March 30, former General Eduardo Cabanillas was also sentenced to life in prison for his involvement in the Automotores Orletti detention and torture facility during Argentina's military dictatorship.

- "Argentina former military ruler Bignone gets life," *BBC* (<http://www.bbc.co.uk/news/world-latin-america-13088782>)
- "Former Argentine Gen Eduardo Cabanillas jailed," *BBC* (<http://www.bbc.co.uk/news/world-latin-america-12929267>)

Canada

Canada's TRC called on former staff members of Indian residential schools to contribute their stories to help the TRC prepare "a more comprehensive" history of the legacy of the residential school system. Since the late 1980s, many former students have come forward with charges of physical and sexual abuse, and some have filed lawsuits against the federal government and the churches. The Anglican Church of Canada has helped the TRC identify more than 2,000 people who worked in residential schools and hostels administered by the church on behalf of the federal government between 1820 and 1969.

- "Residential schools staff urged to share stories," *Anglican Journal* (<http://www.anglicanjournal.com/nc/news-update-items/article/residential-schools-staff-urged-to-share-stories-9694.html>)

Colombia

After 13 sessions and 45 hours of debate, the Senate's First Commission approved the Victims Act in draft form, which includes reparation measures that will affect an estimated four million Colombians. The commission approved an amendment that grants reparations to every victim of the conflict, regardless of the crime they suffered or when it occurred. The bill will go to debate before the full Senate, and is expected to pass within two weeks.

Reforms to the intelligence system are being proposed in Colombia. In addition to restructuring the Administrative Security Department (DAS), Congress is considering a draft intelligence and counterintelligence law, which would set out the control and oversight mechanisms for these activities, and regulate the databases, protection of agents, and the classification time on intelligence information, among others.

- "Ley de víctimas superó tercer debate," *Semana* (<http://www.semana.com/politica/ley-victimas-supero-tercer-debate/155022-3.aspx>)

- “Duras penas para funcionarios que trafiquen o filtren información privilegiada,” *Semana*
(<http://www.semana.com/politica/duras-penas-para-funcionarios-trafiquen-filtren-informacion-privilegiada/155706-3.aspx>)

El Salvador

On April 18, a former top military official, General Eugenio Vides Casanova, faced trial for deportation from the United States to El Salvador. He has lived in South Florida since the late 1980s, and Salvadoran prosecutors want to try him for alleged human rights abuses. Vides Casanova is charged with the murder of four Catholic workers. He was acquitted of civil charges involving those murders in 2000.

- “Torture trial starts for ex-El Salvador official,” *AP*
(<http://www.google.com/hostednews/ap/article/ALeqM5jbYhKPYzab3q2QHDR6XQneVkqeeA>)

Mexico

In an April 2 report, Mexico’s human rights commission said 5,397 people had been reported missing in the drug war since 2006. A majority of those disappeared were men. Separately, a UN study suggested that Mexican armed forces and police may have played a part in some of the disappearances. On April 2, the UN Working Group on Enforced or Involuntary Disappearances (WGEID) noted Mexico’s lack of policies to prevent, investigate, punish, and provide reparations for enforced disappearances. “Impunity is a chronic and present pattern,” WGEID said in its report.

- “Mexico: Thousands missing in drugs war, says CNDH,” *BBC*
(<http://www.bbc.co.uk/news/world-latin-america-12948840>)
- “Mexico/Disappearances: UN expert body makes wide-ranging recommendations to authorities,” *ReliefWeb*
(<http://reliefweb.int/node/394301>)

Uruguay

On April 12, Uruguay’s Senate voted 16–15 to annul the country’s amnesty law, which pardoned crimes committed during the 1973–1985 military dictatorship. The law was passed in 1986 and has protected most uniformed officials. The Inter-American Commission on Human Rights had ruled Uruguay should repeal the law under its international agreement to uphold human rights.

- “Uruguayan Senate Annuls Amnesty for Dictatorship Crimes,” *Voice of America*
(<http://www.voanews.com/english/news/americas/119804129.html>)

ASIA

Burma

On March 30, the military junta that has ruled Burma since 1988 was officially dissolved, though the military is expected to retain much of its grip on power. Than Shwe, who headed the junta, previously appointed all government ministers and senior judges and also oversaw the government’s budget, which heavily favors the armed forces. Former general Thein Sein was sworn in as president and Min Aung Hlaing was named commander-in-chief of the armed forces.

Armed conflict continued to escalate in Shan State, creating a tense situation between the Burmese army and the strongest armed opposition group, the United Wa State Army (UWSA). The Burmese army put the Shan State Army (SSA North) under siege earlier in the month. SSA North signed an alliance agreement last year with UWSA, as well as Kachin Independence Organization and National Democratic Alliance Army, but the alliance has not led to joint responses to attacks.

- “Junta Fades in Myanmar Shadow Play,” *New York Times*
(<http://query.nytimes.com/gst/fullpage.html?res=9C05E7DA1530F932A05750C0A9679D8B63>)
- “Junta offensive puts ethnic alliance to the test,” *Shan Herald*
(http://www.shanland.org/index.php/news/index.php?option=com_content&view=article&id=3510)

Bangladesh

On April 1, suspected war criminal Abdul Alim was released to house arrest on bail due to health reasons. The former Bangladeshi lawmaker and cabinet minister was arrested on charges of committing crimes against humanity during the 1971 Liberation War. The prosecution asserts that Alim masterminded the killing of more than 10,000 people who sided with Pakistani troops. He will appear before Bangladesh’s International Crimes Tribunal (ICT).

Later in April, the ICT rejected bail petitions of the five Jamaat-e-Islami leaders who were also arrested on war crimes charges related to the 1971 Liberation War, and are set to be tried by the ICT.

- “Bangladesh’s 1971 war crime suspect freed on bail,” *Hindustan Times*
(<http://www.hindustantimes.com/Bangladesh-s-1971-warcrime-suspect-freed-on-bail/Article1-680232.aspx>)

Cambodia

The first public sitting of the appeals bench of the Extraordinary Chambers in the Courts of Cambodia (ECCC) heard appeals by the defense, prosecution and civil parties in the Kaing Guek Eav (alias Duch) case. Duch, the former director of the Khmer Rouge detention center S-21, was convicted in July 2010 of crimes against humanity and war crimes for the detention, torture, and murder of more than 12,000 people between April 1975 and January 1979. He was sentenced to 30 years' imprisonment. Duch's appeal argued that his case falls outside the ECCC's jurisdiction.

- "Last and flat: Duch's appeal at Cambodia tribunal," *Radio Netherlands* (<http://www.rnw.nl/international-justice/article/last-and-flat-duchs-appeal-cambodia-tribunal>)

China

On April 8, a UN human rights working group warned China over arrests of activists and lawyers, saying that short-term secret detentions could qualify as enforced disappearances. The panel noted a recent pattern of crackdown on dissent, including the April 3 arrest of artist Ai Weiwei. The panel also called on Chinese authorities to release those being held in detention, to investigate the "heinous practice" of enforced disappearances, and to provide reparations to victims.

- "UN rights panel raps China over 'disappeared,'" *AFP* (http://www.google.com/hostednews/afp/article/ALeqM5hGiEfvJwSOIXSI_n6ahA7GIbhadw)

Indonesia

The Museum of Aceh Human Rights opened March 23. A group of artists and activists created the museum in order to highlight the many rights violations that took place during Aceh's pro-independence movement from the 1970s to the late 1990s, during which more than 15,000 people were killed. The museum is temporarily lodged in a house in Banda Aceh, though the museum's director, Reza Idri, said the government should take on the responsibility of providing the museum with resources and a permanent home.

- "New Museum on Human Rights Offering Lessons From Aceh's Painful Past," *Jakarta Globe* (<http://www.thejakartaglobe.com/news/new-museum-on-human-rights-offering-lessons-from-acehs-painful-past/431727>)

Malaysia

On March 22, Malaysia signed the Rome Statute, becoming an official member of the ICC and subject to its jurisdiction. The Malaysian government called on other countries—particularly its neighbors—to join the court as well. Only seven other Asian nations are currently parties to the Rome Statute and members of the ICC.

- "Malaysia joins the International Criminal Court," *Radio Netherlands* (<http://www.rnw.nl/international-justice/article/malaysia-joins-international-criminal-court>)

Nepal

On April 13, the Supreme Court demanded that the government and parliament explain why they have failed to form a Truth and Reconciliation Commission and Disappearances Commission, as promised under the Interim Constitution. Bills that would establish both commissions are pending in the parliament. The UNHCHR urged Nepal to quickly enact the draft laws.

- "OHCHR calls on Nepal to enact the draft laws ASAP," *UN News Service* (<http://www.un.org/apps/news/story.asp?NewsID=38151>)
- "SC seeks govt response on TRC formation delay," *The Kathmandu Post* (<http://www.ekantipur.com/the-kathmandu-post/2011/04/13/nation/sc-seeks-govt-response-on-trc-formation-delay/220553.html>)

Solomon Islands

On April 13, the International Support Fund warned the Solomon Islands TRC that it should not engage in any activities that would incur additional costs. ISF said the TRC's budget had reached a "critical state," with only enough money to make payroll for two months.

- "TRC encounters financial crisis," *Island Sun* (http://www.islandsun.com.sb/index.php?option=com_content&view=article&id=2521)

Sri Lanka

On April 12, a UN panel submitted a report on war crimes in Sri Lanka to the Secretary-General and sent a copy to the Sri Lankan government. The executive summary of the report, which was leaked to the Sri Lankan press, says the panel found credible allegations and evidence that the Sri Lankan government committed war crimes in the final months of fighting against the rebel Liberation Tigers of Tamil Eelam in 2009. The UN has said at least 7,000 civilians died, while international rights groups have put the toll at more than 30,000.

- “Report of the Secretary General’s Panel of Experts on Accountability in Sri Lanka,” UN (http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf)
- “Sri Lanka rights panel hands report to UN chief,” *Radio Netherlends* (<http://www.rnw.nl/international-justice/article/sri-lanka-rights-panel-hands-report-un-chief>)

Timor-Leste

On March 27, the UN Mission in Timor-Leste (UNMIT) completed the hand-over of policing responsibility from the UN police to the Timor Police (PNTL). The handover occurred ahead of schedule, at the government’s insistence. In February, the UN Secretary-General and several UN Security Council member states raised concerns about the lack of accountability within the Timor-Leste police. PNTL and UNMIT have worked together for more than four years to rebuild and develop the police force. The UN will maintain a 1,280-person police presence in Timor-Leste until after the elections of 2012, when UNMIT is set to withdraw from the country.

- “National police resume responsibility in Timor-Leste,” *UNMIT* (<http://unmit.unmissions.org/Default.aspx?tabid=156&ctl=Details&mid=2149&ItemID=12877>)

EUROPE

Germany

On April 5, the Claims Conference, which advocates on behalf of Holocaust survivors, announced it had negotiated an increase in homecare funding for Holocaust survivors by a total of \$564 million over the next three years. That marks a 15 percent increase over the reparations amount negotiated for 2011. The German government will also review cases on an individual basis to decide who is eligible for pension payments.

- “Holocaust survivors to receive \$564 million in reparations,” *Haaretz* (<http://www.haaretz.com/jewish-world/1.354144>)

Former Yugoslavia

On April 15, a three-judge panel of the International Criminal Tribunal for the Former Yugoslavia found former Croatian General Ante Gotovina guilty of war crimes and crimes against humanity in the Krajina region in 1995. Gotovina was sentenced to 24 years in prison for allowing his troops to loot, persecute, and kill civilians. The tribunal also sentenced Mladen Markac, another general in the campaign, to

18 years. The presiding judge said the case “was about whether Serb civilians in the Krajina were the targets of crimes and whether the accused should be held criminally liable.”

- “UN Court Convicts Former Croatian Generals,” *New York Times* (<http://www.nytimes.com/2011/04/16/world/europe/16hague.html?ref=global-home>)

MIDDLE EAST/NORTH AFRICA

Bahrain

In mid-April, Bahrain’s government announced that it would postpone plans to ban the two main political parties that represent the country’s Shia majority, after receiving criticism from Washington. Meanwhile, Bahrain’s state of emergency—declared on March 15—remained in place, while intimidation and arbitrary detentions were on the rise.

- “Bahrain ‘defers’ Shia party ban pending unrest probe,” *BBC* (<http://www.bbc.co.uk/news/world-middle-east-13092843>)
- “Bahrain’s security clampdown divides kingdom,” *BBC* (<http://www.bbc.co.uk/news/world-middle-east-13088600>)

Egypt

On April 13, Egypt’s prosecutor general ordered the detention of former President Hosni Mubarak, amid investigations of alleged corruption and abuse of authority. Mubarak’s two sons, Gamal and Alaa, who are also under investigation for similar charges, were detained as well, joining a growing number of former officials and ministers facing investigation. Among those is former interior minister Habib al-Adly, who has been put on trial on charges of having ordered the shooting of demonstrators during protests earlier this year.

- “Mubarak and sons detained in Egypt,” *Al-Jazeera* (<http://english.aljazeera.net/news/middleeast/2011/04/20114136150229967.html>)
- “Egypt ex-minister put on trial for shootings,” *Al-Jazeera* (<http://english.aljazeera.net/news/middleeast/2011/04/201142692528399155.html>)

Lebanon

In commemoration of the April 13 anniversary of the beginning of Lebanon’s civil war in 1975, Amnesty International urged Lebanese authorities to establish an independent commission to investigate the fate of thousands of people missing since the 1975-1990 war.

In an open letter commemorating the civil war's start, the president of the Committee of the Families of the Disappeared discussed her June 2010 visit to Bosnia-Herzegovina with ICTJ. She said she hopes that one day Lebanon will see a search process for the disappeared that ensures the same level of dignity for families and remains as that which she witnessed in Bosnia.

- “Lebanon urged to investigate civil war missing,” *Amnesty International* (<http://www.amnesty.org/en/news-and-updates/report/lebanon-urged-investigate-civil-war-missing-2011-04-14>)
- “It is our right: Staying in the street,” *An-Nahar* (<http://www.annahar.com/content.php?priority=3&table=hokouk&type=hokouk&day>)

Libya

ICC Chief Prosecutor Luis Moreno-Ocampo said that Libyan authorities had planned to use lethal force against civilian demonstrators even before protests began. He is expected to issue arrest warrants for Colonel Muammar el-Qaddafi and close allies believed to be responsible for the decision.

- “Libya targeted civilian protesters: war crimes court,” *BBC* (<http://www.bbc.co.uk/news/world-africa-12983054>)

Morocco

On April 16, as part of Morocco's Community Reparations Program, the Medical Association for the Rehabilitation of Victims of Violence opened a multidisciplinary medical center for the victims of violence of the district of Hay Mohammadi. The center supports mentally and physically disabled people and victims of all forms of violence through permanent medical care and physiotherapy services with a medical team and social workers.

- “Community reparation: inauguration of a multidisciplinary medical center for victims of violence,” *National Human Rights Council* (<http://www.ccdh.org.ma/spip.php?article5092&lang=en>)

Syria

Despite issuing a decree lifting the 48-year-long state of emergency, Syrian officials have cracked down on anti-government demonstrators and other opponents in Homs, Douma, and around the southern city of Deraa, using tear gas, live ammunition, and tanks. Rights campaigners say that over 400 have been killed since protests began

to escalate in early March. Members of the ruling Ba'ath party have resigned in protest against the assault, and UN Secretary General Ban Ki Moon has called for an independent inquiry into the killings of peaceful demonstrators.

- “Syria sends army reinforcements into Deraa,” *Al-Jazeera* (<http://english.aljazeera.net/news/middleeast/2011/04/2011427142619235903.html>)

Tunisia

An international conference on transitional justice, called “Transitional Justice: Addressing the Past, Building the Future,” took place from April 14-16 in Tunis. Organized by ICTJ, the Arab Institute for Human Rights, the Tunisian Human Rights League, and the UN High Commission for Human Rights, the conference explored justice-related issues arising from recent developments in Tunisia, Egypt, and elsewhere in the region. The discussions largely focused on the situation in Tunisia, with participants seeking to distill lessons learned abroad and examine how they might be applied locally.

- ICTJ Tunis Conference Blog, ICTJ (<http://tjtunis.blogspot.com/>)

PUBLICATION

Derailed: Transitional Justice in Indonesia since the fall of Soeharto

ICTJ and KontraS (the Commission for the Disappeared and Victims of Violence) released a joint report, examining the variety of state-sponsored initiatives to address mass violations of human rights in Indonesia since the fall of Soeharto's New Order regime. The research concludes that senior government officials consistently and repeatedly failed to achieve truth, accountability, institutional reform and reparations for the most serious crimes.

- “Derailed: Transitional Justice in Indonesia since the fall of Soeharto,” ICTJ (<http://ictj.org/sites/default/files/ICTJ-Kontras-Indonesia-Derailed-Report-2011-English.pdf>)
- Also available in Indonesian (<http://ictj.org/sites/default/files/ICTJ-Kontras-Indonesia-Derailed-Report-2011-Indonesian.pdf>)

CALENDAR

may

May 2

Impact of Transitional Justice on Women and Girls

New York, NY

For more information, contact Caitlin Reiger at creiger@ictj.org

May 04

Workshop: Peace and Justice in ASEAN

Jakarta, Indonesia

For more information, see <http://ictj.org/event/workshop-peace-and-justice-asean>

May 12

The International Criminal Court: Current Challenges and Perspectives

New York, NY

For more information, see <http://ictj.org/event/icc-challenges-and-perspectives>

May 17

A Nuestra Comunidad, Una Mañana Entraron

Lima, Peru

For more information, see <http://ictj.org/event/una-manana-entraron>

jun

June 17–30

La Toma US Premiere at the Human Rights Watch Film Festival

New York, NY

For more information, visit http://ficcifestival.com/int_peli.php?id=154

jul

July 07–08

Por Quê? II Seminário Latino-Americano de Justiça de Transição

Brasília, Brazil

For more information, see <http://ictj.org/event/brazil-conference-july>

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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