

NOVEMBER 2009

A New Paradigm

Interview with Louis Bickford, ICTJ Memory, Museums and Monuments Program

Q. ICTJ's Truth & Memory program is at work on a project to provide an online database of memory and memorial sites around the world. How did the project begin?

A. For the past seven years, I've been collecting information about memory sites. All the data was on a computer hard drive. When I would get questions from our global partners about memory sites, I realized that the way we catalogued this information didn't allow for easy comparisons among sites or regions. There was a clear need to reorganize the information as a dynamic database, ideally using the internet to make it accessible around the world.



Q. What would do you want users to get out of the database?

A. Often we say that there's an explosion of memory sites and memory initiatives in the world today. When people create them, they naturally look to existing sites. Many look to the most obvious examples—Maya Lin's Vietnam Veterans' Memorial in Washington, D.C., or some of the Holocaust memorials in Germany or Poland. A certain percentage look for less publicized but equally profound examples. The main goal of the database will be to provide quick, user-friendly access to this collection of different materials and opinions to people who are creating and carrying out memory initiatives and site development around the world.

Q. Are you looking to provoke conversations about these sites?

A. That's right. It became clear to us that there really wasn't an arena for debate and discussion about a major component of accountability work. We're not looking to create a dispassionate collection of materials; we want to create a vibrant discussion space about them. We may be a little controversial at times. We're interested in giving opinions on

best practices and other issues, and we want people to respond to our thoughts and experiences.

Q. Who is the main audience for the project?

A. There are three different audiences. The first is people developing memory sites—less the architects than municipal councils, victims' associations or NGOs. The second group is professionals who are thinking about this issue, whether graduate students or people in the field of architecture, design or human rights. A third audience is more general: journalists and other non-experts who are interested in exploring these sites. That group also includes people who have attended sites as travelers and would like to engage in a discussion about their experience.

Q. You mentioned the question of best practices in developing memory sites. How do you go about developing those?

A. It's hard to talk about best practices because there are so many ways of doing things depending on your goals. The way we're going to get at them is by having a discussion, not by presenting answers. We can ask provocative questions that will generate a conversation, from which best practices will emerge. Is it better to keep the actual physical skulls at a genocide site rather than having facsimiles? There's not a "yes" or "no" answer to these kinds of questions, but there's going to be an interesting discussion.

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The best practices we're pushing are more about processes than results. They're about consultation and looking at different examples—while not being overly influenced by those examples. In the same way that when some people form truth commissions, they're inclined to imitate the South African Truth and Reconciliation Commission, people sometimes build memorials and say, "What did Maya Lin do? Let's do the exact same thing." They build a wall out of black granite and engrave it with names. In a way we're pushing against that impulse, and encouraging developers not to go with some generic international model, but to do what is right for their particular context.

Q. You've collected information about a wide range of memory sites and initiatives, from the Hiroshima Peace Museum to a Bruce Lee statue in Bosnia-Herzegovina. Are there particular sites you think are particularly instructive, for positive or negative reasons?

A. My personal favorite memorial is the AIDS Quilt, although it's not about the same kind of mass atrocity that ICTJ usually focuses on. It's participatory, very creative, and specifically breaks with the traditions that also inform its aesthetic appeal for surviving loved ones. It's not made of granite; it's made of cloth. It's not meant to be permanent. If there's a monument you walk by every day that gets more attention from pigeons than from spectators, that certainly constitutes a kind of literal permanence, but in the long-term, the narratives associated with these objects are forgotten. Whereas with the AIDS Quilt, they bring it out, and suddenly everyone remembers, then they put it away, then later they bring it out again. That iterative process is very interesting. The quilt has both individual components and collective components. And it's directly tied to changing the world. It's directly tied to a future orientation.

Q. Which many traditional memorials are not?

A. That's right. There is a paradigm of memorials—which has been around in the past but is now newly ascendant—that asserts they are about the future. The classic way we think about memorials is that they're all about marking the past, but the new ones are all about inspiring future activity, and that's what makes them so interesting. They're saying: "This is about 'never again.'" The AIDS Quilt, for instance, is about creating awareness and action for the future.

At the same time, the whole idea of a somber, reflective monument that speaks to people's pain is still very important. In the same way a cemetery is a private space and a public space at the same time, many people still need monuments to offer accessible spaces for ceremonial or spiritual activity, or provide emotional solace. These kinds of projects are also very connected to the idea of symbolic reparations.

Q. And the less successful memorials?

A. There's one in Capetown that is my favorite example of a failed monument. The monument itself was abstract and unattractive, and the process was done very badly—in four days, and without any kind of consultation with victims. The victims would say, "This is a monument about our children—what does it mean?" The artist responded by saying, "I'm the artist, it's my interpretation. You figure it out yourselves." It was finally torn down because it was totally abandoned and had trash blowing through it. It was an example of a memory site that didn't work for very specific reasons that have to do with consultation, the role of the artist, the site's location and who was driving it.

Q. What's behind the current explosion of memory sites?

A. Part of it is the whole transitional justice movement. The importance of confronting the past is in the zeitgeist. You can't pick up a newspaper today without seeing two or three stories about dealing with the past, whether it's through prosecutions, truth commissions or in other ways. Memory sites are very much part of the same trend. Another thing is that when more people see the potential of the form, there's a kind of multiplier effect. This started very slowly in the 1980s with the Holocaust memorials: as people from other parts of the world that had suffered terrible human rights atrocities visited them, they began to think about what sorts of sites they could create in their own countries. The movement has been building in an evolutionary way over the last 20 years.

There have been explosions of memorials in the past. A very large number were created in Europe between the two world wars, but they were in a different mode. They were granite stones with people's names on them that were about dealing with the enormity of loss, dealing with pain, coming to grips with the huge war that had just happened. They weren't really about saying, "Let's stop." Now there are future-oriented memory museums in Chile and Peru, there are initiatives in Morocco, in Cambodia, in Bosnia—they're all over.

Still, there are hard questions to answer as these sites proliferate. One of them is how to handle tourism. On one hand, you want tourists to come; on the other hand, you don't want people traipsing around in bikinis and taking pictures in what is in some ways a sacred space. I would go out on a limb and say there are some forms of tourism that are really the *raison d'être* of developing some of these sites. The idea is to use the pedagogical power of these sites so that people arrive as tourists but leave as better informed global citizens. ♦

AFRICA

Democratic Republic of the Congo

The United Nations Mission in the Democratic Republic of the Congo (DRC), also known by its French acronym MONUC, launched a child protection campaign to promote the education of children's rights. The campaign is also expected to create a safe environment for children in the DRC, a country where many children have been forced into combat and sexual slavery. The campaign aims at using media outlets to propagate messages about children's rights until Universal Children's Day on Nov. 20.

The defense case in the International Criminal Court (ICC) trial of former warlord Thomas Lubanga was postponed while appeal judges considered a prosecution request to add charges of sexual slavery and cruel and inhumane treatment to the case. Hearings had been scheduled to recommence in October after a three-month recess. Lubanga, the former head of the Union of Congolese Patriots, is charged with using child soldiers in his private army during inter-ethnic conflict in DRC in 2002-3.

- "UN mission in DR Congo launches child protection campaign in strife-ridden province," *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=32461&Cr=democratic&Cr1=congo>)
- "Aid Group Calls for Urgent Response to DRC Crisis," *Voice of America* (<http://www.voanews.com/english/2009-10-15-voa31.cfm>)
- "Lubanga trial: Is an army of child soldiers a war crime?" *Christian Science Monitor* (<http://features.csmonitor.com/globalnews/2009/10/08/lubanga-trial-is-an-army-of-child-soldiers-a-war-crime/>)

Ethiopia

In advance of a Nov. 3-6 African Union (AU) meeting in Addis Ababa to prepare for the 2010 ICC Review Conference, African civil society groups from Sierra Leone, Uganda, Nigeria, Kenya, South Africa and Liberia expanded to build support for the International Criminal Court in Africa, alongside ICTJ and other international organizations with a presence in Africa. Their efforts built upon a statement that was signed by more than 160 African civil society groups in July calling on African ICC states parties to reaffirm their support for the ICC after the AU adopted a decision on non-cooperation with the ICC at its July 2009 summit.

- "Protecting the Mission and Mandate of the ICC," ICTJ (http://www.ictj.org/static/Africa/Briefing_AU_ICCReview.pdf)

Guinea

The ICC prosecutor's office confirmed that it will begin preliminary examinations surrounding the September 28th events in Conakry, where an estimated 150 people were killed by the Guinean military. At a peaceful rally, civil society and political party groups were demonstrating against the decision of Moussa Dadis Camara, the country's military ruler, to contest presidential elections in 2010 when members of the military opened fire. Eyewitnesses reported that Guinean Army soldiers shot people in the back while trying to escape, and soldiers were captured in photographs raping women and beating members of the rally. The United Nations plans to establish a commission of inquiry, which ICTJ said must be independent, impartial and have strong international participation.

- "UN to probe Guinea Massacre," *Daily Nation* (<http://www.nation.co.ke/News/africa/-/1066/673892/-/135plu0z/-/>)
- "ICC Prosecutor confirms situation in Guinea under examination," ICC (<http://www.icc-cpi.int/NR/exeres/15635D10-F118-4398-8A8D-E15E56465FA7.htm>)
- "Guinea: Inquiry into Conakry massacre must include international participation," ICTJ (<http://ictj.org/en/news/press/release/3156.html>)

Kenya

ICC Chief Prosecutor Luis Moreno-Ocampo was scheduled to visit Kenya on Nov. 4 to discuss possible prosecutions of those responsible for violence after December 2007 elections. The visit follows the government's failure to establish a Special Tribunal for Kenya to address the violence by the Sep. 30 deadline the ICC had set.

- "Ocampo's Agenda for Kibaki, Raila," *The Standard* (Kenya) (<http://www.eastandard.net/InsidePage.php?id=1144027054&cid=4>)

Sierra Leone

The appeals chamber of the UN-backed Special Court for Sierra Leone in Freetown upheld the convictions of three former leaders of Sierra Leone's Revolutionary United Front on Oct. 26. The leaders were found guilty of attacks against UN peacekeepers, the use of child soldiers, and forced marriage as a crime against humanity during Sierra Leone's decade-long civil war. The trial of former president Charles Taylor at the court's auxiliary branch in The Hague continues.

- "Sierra Leone court renders rebel leaders judgment," *Radio Netherlands Worldwide* (<http://www.rnw.nl/int-justice/article/sierra-leone-court-renders-rebel-leaders-judgement>)

Sudan

A long-awaited report by the African Union Panel on Darfur, headed by former South African President Thabo Mbeki, recommended establishing a special court, including the participation of foreign judges, to try those responsible for atrocities in Darfur. The report did not take a position on the ICC arrest warrant for Sudanese President Omar Hassan al-Bashir on war crimes charges related to the Darfur conflict, saying only that the ICC investigations should be discussed during peace talks on Darfur. The Justice and Equality Movement, the most powerful anti-Khartoum rebel group, rejected the report, saying crimes in Darfur should be tried at the ICC.

- “Darfur rebel group rejects AU panel report,” *Reuters* (<http://af.reuters.com/article/topNews/idAFJJOE59Q0L820091027>)

AMERICAS

Argentina

A judge sentenced Jorge Olivera Róvere, who was a general during Argentina’s 1966-1983 military dictatorship, to life imprisonment for 116 illegal detentions and two homicides by personnel under his authority. Retired captain Bernardo José Menéndez received the same sentence for similar crimes, while three other former military officials were acquitted. Eleven journalists’ unions and civil society organizations, including ICTJ, wrote to the Supreme Court criticizing restrictions imposed on reporters during the trial. They noted that such restriction have become a trend in trials for human rights violations in Argentina.

- “Sin límites para la prensa,” *Página 12* (<http://www.pagina12.com.ar/diario/elpais/1-133957-2009-10-23.html>)

Brazil

The Brazilian government announced plans to form a truth commission to investigate crimes by security forces during the country’s 1964-1985 military dictatorship. An estimated 500 people were killed or disappeared during the dictatorship, while thousands were tortured or exiled. Brazil is the only Latin American country that has not investigated or prosecuted human rights crimes committed during a previous military dictatorship. A 1979 Amnesty Law has hindered previous attempts to impose accountability.

- “Brazil to probe its military past,” *BBC* (<http://news.bbc.co.uk/2/hi/americas/8325593.stm>)

Canada

The Indian Residential Schools TRC held a ceremony in Ottawa in mid-October marking the re-launch of the commission’s work after the appointment of a new set of commissioners in June. The commission will hold a series of national panels, beginning next spring, in British Columbia, Alberta, Saskatchewan, northern Canada, Quebec and the Maritimes. The TRC is tasked with investigating Canada’s century-long policy of forced assimilation of aboriginal peoples via residential schooling.

- “GC relaunches Truth and Reconciliation Commission,” *Toronto Star* (<http://www.cbc.ca/canada/story/2009/10/15/indian-truth-commission015.html>)
- “Winnipeg first stop for residential schools commission,” *Vancouver Sun* (<http://www.vancouversun.com/news/Winnipeg+first+stop+residential+schools+commission/2108132/story.html>)

Colombia

The Palace of Justice Truth Commission, appointed by the Colombian Supreme Court, will release its final report on Nov. 6, in time to coincide with the 24th anniversary of the siege of the court by members of the M-19 guerrilla group. The commission, which receives technical support from ICTJ, recently emphasized the responsibility of the Colombian state for the abuses committed during the rescue operation that ended the siege. The commission also recently confirmed disappearances during the siege.

According to a recent report published by the Justice and Peace department of the Attorney General’s Office, 27,384 people have been forcibly disappeared during the past three decades in Colombia, most of them by paramilitary groups. Although the official record of missing persons reflects a threefold increase—10,000 persons were presumed to have been disappeared as of two years ago—the National Commission on Missing Persons, a coalition of government institutions and NGOs, estimates that some 35,000 people have been victims of this crime. To date, demobilized paramilitary fighters have confessed to 25,000 killings and 2,000 disappearances.

The UN Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, expressed her concern over the “pattern of harassment and persecution against human rights defenders” in Colombia. During a hearing held by the U.S. House Human Rights Commission on Oct. 20, Sekaggya asked the Colombian government to address the problem, since activists are still subject to murder, threats,

stigmatization and illegal wiretapping. The Colombian Commission of Jurists estimates that nine human rights defenders have been killed during 2009.

- “Commission blames Colombian State for Palace of Justice deaths,” *Colombia Reports* (<http://colombiareports.com/colombia-news/news/6322-commission-blames-state-for-palace-of-justice-deaths.html>)
- “El crimen invisible,” *Semana* (<http://www.semana.com/noticias-nacion/crimen-invisible/130145.aspx>)
- “US congressional hearing highlights Colombia rights abuses,” *Christian Science Monitor* (<http://www.csmonitor.com/2009/1021/p90s01-woam.html>)

Guatemala

The election of 13 Supreme Court justices last month was overshadowed by a series of accusations against six candidates initially elected by the Congress. More than 50 civil society organizations that intervened for the first time in the nomination process—including the UN International Commission against Impunity in Guatemala—challenged the election, claiming that several appointed justices had records of corruption. On Oct. 13, a new group of justices was sworn in.

- “El Congreso, bajo presión para enmendar la elección de magistrados,” *El País* (http://www.elpais.com/articulo/internacional/Congreso/Guatemala/presion/enmendar/eleccion/magistrados/elpeuintat/20091007elpeuint_2/Tes)

Paraguay

Human rights activists announced on Oct. 14 the discovery of secret official documents about the activities of military officials during Alfredo Stroessner’s 1954-1989 dictatorship. The information was found during an unprecedented inspection of the basement archives of the Ministry of Defense, and is expected to clarify the whereabouts of victims of Operation Condor, an international plan arranged by at least seven South American military regimes to kill and disappear dissidents.

- “Paraguay unveils archives from dictatorship,” *Associated Press* (<http://www.google.com/hostednews/ap/article/ALeqM5jnuOp-Py3eMNTVBxizaFEX5N5VfVAD9BB2LC80>)

Perú

The Inter-American Court of Human Rights issued its judgment in the case of Kenneth Ney Anzualdo Castro, a university student who was detained and disappeared by the State Intelligence Service in 1993, during the first presidential term of Alberto Fujimori. The court ordered the Peruvian state to pay \$405,000 to the victim’s family and install a commemorative plaque in the future National Museum of Memory. In September, the court began a similar trial against Fujimori, his former

top aide Vladimiro Montesinos, and several former members of his secret death squad (the Colina Group) for the killing of six members of a family in 1992. Fujimori has been convicted twice this year for crimes against humanity and corruption.

- “Corte de DD.HH. condena al Perú por desaparición de estudiante en 1993,” *El Comercio* (<http://elcomercio.pe/noticia/357594/corte-ddhh-condena-al-peru-desaparicion-estudiante-1993>)
- “Caso Ventocilla: Fujimori y Montesinos enfrentan nuevo proceso,” *La República* (<http://www.larepublica.pe/politica/15/10/2009/caso-ventocilla-fujimori-y-montesinos-enfrentan-nuevo-proceso-0>)

United States

President Barack Obama repeated his pledge to close the U.S. military prison in Guantanamo Bay, Cuba, though he did not repeat the January 2010 deadline he had previously set to do so. Significant political opposition to closing the prison, where more than 220 counterterrorism detainees remain, has arisen in recent months. UN human rights investigator Martin Scheinin called on the U.S. government to free all Guantanamo detainees or transfer them to U.S. federal courts by the Jan. 22 deadline.

- “Obama repeats pledge to shut Guantanamo Bay prison,” *Associated Press* (<http://www.google.com/hostednews/ap/article/ALeqM5j6j-TooRHtlhvNqlz4NB-jWaaddeAD9BJ3J600>)
- “UN experts wants Gitmo detainees freed or tried,” *Associated Press* (<http://www.google.com/hostednews/ap/article/ALeqM5ijzxvcCLx-SW32CjyDNrxhSqui7jwD9BJ26M00>)

Uruguay

On Oct. 25, Uruguayans voted not to overturn a law that prevents the prosecution of military officials for human rights violations committed during the 1973-1985 dictatorship. According to exit polls, the referendum was backed by 48 percent of voters, two points below the required 50 percent. Nevertheless, six days before the voting, the Supreme Court declared the law unconstitutional for contradicting international law and violating the principle of separation of state powers. The decision could be invoked in other trials.

- “Uruguay poll highlights Expiry Law,” *Al-Jazeera* (<http://english.aljazeera.net/programmes/riz-khan/2009/10/2009102665029624963.html>)
- “En un plebiscito, Uruguay decidió que la ley de amnistía siga vigente,” *Clarín* (http://www.clarin.com/diario/2009/10/26/el_mundo/i-02026905.htm)
- “Uruguay Supreme Court Rules Out Dirty War Amnesty,” *New York Times* (<http://www.nytimes.com/aponline/2009/10/19/world/AP-LT-Uruguay-Amnesty-Law.html>)

ASIA

Burma

Burmese authorities provided amnesty to several thousand prisoners, including more than 100 political prisoners. However, authorities have also arrested and sentenced more activists, and key political prisoners remain incarcerated. At least 30 monks have been arrested over the last two months. In a new report, ICTJ called on the international community to withhold support for Burma's 2010 elections unless the government amends the country's constitution to end impunity for human rights violations.

- "Many Burmese Monks Arrested," *The Irrawaddy* (http://www.irrawaddy.org/article.php?art_id=17002)
- "Burma: Government impunity for sexual crimes, forced labor and child soldiering," ICTJ (<http://ictj.org/en/news/press/release/3144.html>)
- "Burma constitution 'provides impunity' for abuses," *Democratic Voice of Burma* (<http://www.dvb.no/english/news.php?id=2940>)
- "Constitution entrenches junta's culture of impunity: Report," *Mizzima News* (<http://www.mizzima.com/news/inside-burma/2927-constitution-entrenches-juntas-culture-of-impunity-report.html>)

Cambodia

Cambodian government officials refused to provide testimony at the Extraordinary Chambers in the Courts of Cambodia (ECCC), a tribunal created to try Khmer Rouge leaders. On Oct. 7, the ECCC publicly released several letters issued by the Co-Investigating Judge Marcel Lemonde requesting that six high ranking government officials testify in the case against Deputy Secretary of the Communist Party of Kampuchea Chea Nuon, who is charged with crimes against humanity and grave breaches of the Geneva conventions. The government stated it would not comply with the request.

Judge Lemonde faces additional controversy as the U.S. lawyer defending Ieng Sary, former Khmer Rouge foreign minister, has filed a motion to disqualify him from the court on grounds of bias. The claim is based on an allegation that Lemonde instructed investigators to focus on inculpatory evidence, which supports the guilt of the accused.

- "Focus: Cambodia's Killing Fields, unfinished justice," *Kyodo News* (<http://home.kyodo.co.jp/modules/fstStory/index.php?storyid=465096>)
- "Second bias motion planned," *Phnom Penh Post* (<http://www.phnompenhpost.com/index.php/2009101228876/National-news/second-bias-motion-planned.html>)

- "KRouge lawyer demands judge's disqualification in Cambodia," *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5gdUY97CvXPY5usrtaK4PUnhpG-7w>)

Indonesia

Indonesia's parliament recommended the formation of an ad hoc court to investigate the disappearances of 13 human rights activists at the hands of the Suharto regime in 1998. They also recommended reparations for the families of the disappeared and ratification of the Convention for the Protection of all Persons from Enforced Disappearances. ICTJ continues to support victims' groups and civil society in Indonesia through trainings, workshops and exposure visits.

- "Right the past wrongs, groups urge govt," *The Jakarta Post* (<http://www.thejakartapost.com/news/2009/10/13/right-past-wrongs-groups-urge-govt.html>)
- "President asked to issue decree to form rights court," *Antara News* (<http://www.antara.co.id/en/news/1254911855/president-asked-to-issue-decree-to-form-rights-court>)

Nepal

Nepal's government has raised the official death toll from the country's 10-year civil war by more than 3,000, to at least 16,278. A nationwide taskforce also found that 70,425 people were displaced by the 1996-2006 conflict between Maoist rebels and the government, but most have now been able to return home.

A property loss and reparation committee headed by Nepal's peace minister will evaluate the loss of properties during the civil war and prepare a policy for providing relief to the victims. The government also decided to pay compensation of 300,000 rupees (\$4,000) each to the families of three people killed during the conflict, as recommended by the National Human Rights Commission.

On Oct. 11, the discharge and rehabilitation of 4,008 Maoist combatants was resumed after being stalled since July due to non-cooperation from the combatants. The combatants are to be moved to temporary transit centers for orientation, training and rehabilitation, which includes support for higher education, business startup loans and vocational training. Maoist commanders are still pressing the government to come up with a comprehensive economic package for discharge.

- "Nepal raises conflict death toll," *BBC* (<http://news.bbc.co.uk/2/hi/8268651.stm>)
- "Discharge of disqualified combatants starts in Nepal," *Xinhua* (http://news.xinhuanet.com/english/2009-10/11/content_12212287.htm)

Solomon Islands

The Solomon Islands TRC began its work after the arrival of two commissioners: Sofia Macher, former commissioner from the Peruvian TRC, and Ratu Joni Madraiwiwi, former vice president of Fiji. The commission will provide a forum for victims and perpetrators to speak about the causes and impacts of violence during civil conflict on the islands from 1998 and 2003.

- “Solomon Islands Truth & Reconciliation Commission Does Not Have Power to Grant Amnesty,” Impunity Watch (http://www.impunitywatch.com/impunity_watch_oceania/2009/10/solomon-islands-truth-and-reconciliation-commission-does-not-have-the-power-to-grant-amnesty.html)
- “TRC is an international concept, says Tuhanuku,” *Solomon Star* (http://solomonstarnews.com/index.php?option=com_content&task=view&id=12228&change=71&changeown=78&Itemid=26)

British Prime Minister Gordon Brown and French President Nicolas Sarkozy jointly called on Israeli Prime Minister Benjamin Netanyahu to heed the report’s recommendation for an “independent, transparent investigation” into possible war crimes. Netanyahu said there would be no such inquiry, and formed a task force on fighting the Gaza report on legal, diplomatic and public relations fronts. Senior Hamas official Ahmed Yousef stated that the Gaza authorities would investigate the allegations in the report.

- “UN backs Gaza ‘war crimes’ report,” *BBC* (<http://news.bbc.co.uk/2/hi/8310754.stm>)
- “Israel rejects call for Gaza inquiry,” *New York Times* (<http://www.nytimes.com/2009/09/17/world/middleeast/17gaza.html>)
- “Netanyahu rejects inquiry, sets up special panel to counter Goldstone,” *Haaretz* (<http://www.haaretz.com/hasen/spages/1123551.html>)

EUROPE

Former Yugoslavia

Judge O-Gon Kwon of the International Criminal Tribunal for the Former Yugoslavia ruled that the war crimes trial of former Bosnian Serb leader Radovan Karadzic would proceed in Karadzic’s absence, after Karadzic failed to appear for two consecutive days at the start of the trial. Karadzic is facing 11 charges of genocide, war crimes and crimes against humanity, including for the 44-month siege of Sarajevo that left 10,000 people dead, and the July 1995 massacre of around 8,000 Muslim men and boys in Srebrenica.

- “Karadzic fails to appear for second day of trial,” *Radio Netherlands Worldwide* (<http://www.rnw.nl/int-justice/article/karadzic-fails-appear-second-day-trial>)

MIDDLE EAST AND NORTH AFRICA

Israel/Occupied Palestinian Territory

The United Nations Human Rights Council endorsed the recommendations of the UN Fact Finding Mission on the Gaza Conflict, led by jurist Richard Goldstone. The report documented violations of international law by the Israeli army, Hamas and other armed groups, and the Palestinian Authority, finding that some of those violations may constitute war crimes or crimes against humanity. The report was also endorsed by High Commissioner for Human Rights Navi Pillay.

PUBLICATIONS

Impunity Prolonged: Burma and Its 2008 Constitution

Although Burma is one of the most difficult places in the world to contest impunity, threats from the international community have been effective in provoking a response from the Burmese regime, even if its steps have been small. In this 40-page report, ICTJ examines Burma's patterns of abuse, asking for the international community to withhold support for Burma's 2010 elections and to reject vote results unless the government amends the country's constitution to end impunity for human rights violations. The report analyzes Burma's 2008 constitution and focuses on sexual violence, forced labor and the recruitment of child soldiers, all for which the regime has granted itself impunity.

- *Impunity Prolonged: Burma and Its 2008 Constitution*
(http://www.ictj.org/static/Asia/Burma/ICTJ_MMR_Impunity-2008Constitution_pb2009.pdf)

Protecting the Mission and Mandate of the ICC

This briefing paper has been developed through consultations with a number of African civil society groups, including activists from Sierra Leone, Uganda, Nigeria, Kenya, South Africa and Liberia, as well as international organizations with a presence in Africa. It builds upon the statement that was signed by more than 160 African civil society groups in July calling on African ICC states parties to reaffirm their support for the ICC after the AU adopted a decision on non-cooperation with the ICC at its July 2009 summit. The paper is intended to be used in advocacy by civil society across Africa with their respective governments and domestic media before the AU meeting in Addis Ababa on Nov. 3-6 to prepare for the 2010 ICC Review Conference.

- *Protecting the Mission and Mandate of the ICC*
(http://www.ictj.org/static/Africa/Briefing_AU_ICCReview.pdf)

CALENDAR AND COURSE OFFERINGS

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November 2-20

Cape Town Transitional Justice Fellowship Program

ICTJ Cape Town, South Africa

For more information, visit <http://ictj.org/en/news/event/2767.html>

November 3

Expert Round Table on Reparations Within the Canadian Project

Bogota, Colombia

For more information, contact Santiago

Martínez at smartinez@ictj.org

November 10

Workshop on Reparations with the Office of the Provedore

Timor-Leste

For more information, contact Ari Bassin at

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November 11

National Consensus Dialogue Workshop on Reparations

Timor-Leste

For more information, contact Ari Bassin at

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November 11-13

Judicial Exchange: Colombia Supreme Court Justices Visit Argentina

Buenos Aires, Argentina

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November 18

Seminar: “Southern Sudan and Darfur: Between Conflict and Peace”

Centre for the Book

Cape Town, South Africa

For more information, visit <http://ictj.org/en/news/event/3133.html>

November 25-27

Workshops: Argentine Experts Lecture on Prosecution of Human Rights Violations

Bogota, Colombia

For more information, contact Nicolás Arana

at narana@ictj.org

December 2-4

ICTJ Conference on Transitional Justice Remedies

European Court of Human Rights

Strasbourg, France

For more information, contact Nadia Siddiqui

at nsiddiqui@ictj.org

December 17

Presentation of Final Report of Palace of Justice Truth Commission

Paipa, Colombia

For more information please contact Catalina

Uprimny at cuprimny@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.

Three years after the Democratic Republic of Congo (DRC) held its first elections, the country is only beginning to grapple with how to address the human rights atrocities that have occurred during more than a decade of fighting. Since 1998, Congo's wars have led to more than 5.4 million excess deaths, most of them from war-induced deprivation. Clashes continue in eastern Congo between government forces and competing militias, some of them supported by neighboring states. All sides have committed flagrant violations of international humanitarian law, including targeting civilians for murder and rape, forced displacement and recruitment of child soldiers.

ICTJ is helping lay the essential groundwork for an informed national debate in the DRC on how best to address these abuses. ICTJ is building civil society capacity for engaging directly with the Congolese government to advocate for a meaningful transitional justice process to begin. At the same time, ICTJ works with Congolese institutions to incorporate transitional justice awareness in ongoing governance reforms. ICTJ works with the Ministry of Justice and major international donors pursuing judicial sector reform, with the goal of strengthening the national judicial system to allow it to prosecute those most responsible for human rights atrocities and end impunity for perpetrators.

In recent weeks, ICTJ organized and participated in a number of training sessions, including for Congolese journalists in Kinshasa, tribal leaders from throughout the country and civil society groups in eastern Congo, on transitional justice tools such as prosecutions, truth-seeking measures and effective information gathering and archiving of human rights documentation.

ICTJ is also committed to promoting the special needs and concerns of women and girl victims in the country's dialogue on justice and accountability. ICTJ supported the Permanent Framework for Congolese



ICTJ Kinshasa program officers. From left to right: Godefroid Mpiana, program officer for training and capacity building; Mirna Adjami, head of ICTJ Kinshasa Office; Guy Mushiata, legal officer; and Pélagie Ebeka, gender justice officer.

Women's Coordination in a two-day meeting focused on amending army reform legislation that would otherwise minimize effective oversight of defense and security matters. ICTJ is advising local NGOs in their analysis of the legislation and supporting their advocacy in favor of vetting current members of the armed forces for serious human rights abuses and ensuring consideration of gender issues in perspective on army reform—provisions absent from the proposed legislation. ICTJ's outreach efforts include the dissemination of its partners' findings to its wide network of national and international policymakers, in addition to its civil society partners.

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 or contact Carol Skyrms, Director of Development, at 917-637-3840, or cskyrm@ictj.org.

About ICTJ

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

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