

OCTOBER 2010

## Engaging New Generations

Interview with Virginie Ladisch, Program Associate, Children's Project

**This year ICTJ's children's project collaborated with Harvard and UNICEF to publish two groundbreaking books on children and is currently working to complete a study of children in transitional justice processes based on four in-depth country studies.**



**Q. Why is it important for children to participate in transitional justice processes?**

A. I think there are two key reasons.

The first is that starting with the end of the Cold War the world saw an increasing number of civil wars rather than conflicts between states. With that shift children became increasingly engaged in, and affected by, conflict. Children act both as

direct participants—as members of or assisting fighting forces—and as witnesses to violations to their communities and families.

In many civil war-torn countries the population is very young so the recruiting base for militants is primarily comprised of children. In addition, there's often a sense that children are malleable and easily influenced, especially with the prevalent use of indoctrination and drugs.

In order to strengthen a victim-centered approach, it is essential that transitional justice address this key group which in many cases constitutes a majority of victims.

The second reason is preventative. Children are the future generation of citizens and leaders. And someone who has witnessed violence

as the only means of resolving conflict will be likely to turn to that in the future rather than more peaceful means. If the past remains unaddressed, there is then the potential that cycles of violence will repeat.

It's therefore very important to make sure that the experiences children suffered are acknowledged and the root causes that led to this are examined and addressed. For those who were directly involved in committing atrocities there needs to be some appropriate form of accountability, as well as a reintegration process that allows them to learn non violent means of resolving conflict.

**Q. How should transitional justice practitioners address this dilemma of children who participated as perpetrators of human rights violations?**

A. There's a clear international consensus that children under the age of 18 should not be held responsible the same way adults would for the commission of mass atrocity. Children who take part in armed conflict are victims of conditions that led to their participation, whether their participation occurred through forced recruitment, exposure to violations, or social or economic conditions.

### INTERACTIVE TABLE OF CONTENTS

Engaging New Generations	1
World Report	
<i>Africa</i>	3
<i>Americas</i>	4
<i>Asia</i>	6
<i>Europe</i>	8
<i>Middle East and North Africa</i>	8
Publications	9
Calendar	11
Making a Difference	12

---

However, if someone took part in mass atrocity, even if they were a child at the time, there must be some measure taken to address those actions. One of the people we worked with in Liberia noted that we have to be careful not to overly romanticize the idea of a child, but to respect and acknowledge their agency as well.

Drawing from the practice of restorative justice, transitional justice provides innovative and alternative mechanisms to prosecutions for pursuing accountability. For example, a truth commission can serve as an appropriate forum for children to speak about their experiences, and thus contribute to the public record. This also facilitates the commission's analysis into the factors contributing to child involvement in the conflict. These can be followed up by very intense and focused programs at the psycho-social level as well as in the form of reparations to help provide education, access to job training and other programs to prevent future recurrences of violence.

**Q. What are the challenges in merging transitional justice considerations and those of child protection?**

A. There is a lot to be gained by looking through the lens of child protection at transitional justice issues. It provides an alternative perspective, backed by extensive practical experience.

One challenge raised in country work, however, was an over-reliance on the partnership between transitional justice mechanisms and child protection agencies. There is the danger of delegating too much of the responsibility of children's issues to specialized agencies outside of the truth seeking or other process, which can lead to children being treated as side issues, to be dealt with by experts, rather than being incorporated into the overall transitional justice process.

Practitioners essentially need to find the balance in drawing on the resources and expertise of child protection agencies, but not to the detriment of their involvement.

**Q. What are some unexpected things you've encountered through conducting this project thus far?**

A. The child-youth gap was a more challenging issue than we anticipated. The children's project was, not surprisingly, designed to focus on children, but in all four countries where we did our research—DRC, Liberia, Nepal and Colombia—the same issue came up: How do you address those who were children at the time the violations were committed but are no longer children by the time justice mechanisms are in place? This is often the case. Imagine someone who is 17 at the time of the conflict; by the time the conflict ends and a truth commission is up and running and they're invited to testify, they might be 21 or older.

In Liberia several of the people we interviewed reflected on this issue and felt they had failed to adequately address that segment of youth. This group's needs weren't fully met by measures adopted for adults but also weren't considered in measures adopted for children.

Going forward, I think we would recommend that these mechanisms look at youth as well as children. However, it's important not to distill the category of children—and so jeopardize the special rights afforded to them and all the work child protection agencies have done. Perhaps one way around the dilemma is to recommend that those who were children at the time of the violations be given access to the special benefits provided for children, regardless of their present age.

**What have the main outcomes of the project been thus far?**

A. We're already seeing increased awareness of this issue, which is very encouraging. The children's project has learned a lot from the work that has already taken place, and is working to compile that into a set of best practices and lessons learned to guide future work. We have also identified many more gaps and areas in need of further research.

Most of our work has been based on four country assessments in DRC, Liberia, Nepal and Colombia. We are now in the process of finalizing a report capturing overall findings.

The report focuses on the key themes that came up in our field research in each of these four countries; notably the way in which children are victimized as well as different perceptions of childhood and how these should be incorporated within transitional justice strategies. The report then looks at truth commissions and children, criminal justice and reparations, and provides overarching analysis and recommendations.

Additionally, we collaborated with UNICEF to produce a landmark book on children and transitional justice, published earlier this year by Harvard. We just published a joint handbook with UNICEF on children and truth commissions, which will be launched in November. We've also been extensively involved in a discussion on and creation of a set of key principles, intended to inform the participation of children in transitional justice. This is an attempt to try to set certain standards and guidelines that practitioners can follow when thinking about children and transitional justice.

Our work has already begun to impact the discussion; a report released in August by Radhika Commaraswamy, UN Special Representative for Children and Armed Conflict, cites the key principles in a discussion on transitional justice and children. That it was picked up at this level signals the increasing recognition of the importance of this issue. ♦

## AFRICA

### Democratic Republic of Congo (DRC)

Between Jul. 30 and Aug. 4 over 300 men, women and children were sexually assaulted in 13 villages in eastern Congo, according to UN estimates. Margot Wallström, UN special representative on the prevention of sexual violence in conflict, stated that the Democratic Forces for the Liberation of Rwanda (FDLR) and the Congolese Mai-Mai militia were responsible for the attacks, and on Sep. 27 repeated a call for the prosecution of leaders of the rebel groups.

UN High Commissioner for Human Rights Navi Pillay acknowledged the failure of the Congolese army and the UN peacekeeping force operating in the DRC to prevent the attacks, and announced Sep. 24 that a panel of experts would hold hearings in the DRC in the coming weeks with survivors of sexual violence.

- “Rebels ‘must be prosecuted for DR Congo mass rape,’” *AFP* ([http://www.google.com/hostednews/afp/article/ALeqM5hNs9Nmpu0JEe\\_rbCIenXw-vqJSXA](http://www.google.com/hostednews/afp/article/ALeqM5hNs9Nmpu0JEe_rbCIenXw-vqJSXA))
- “Preliminary UN report confirms over 300 rapes by rebels in eastern DR Congo,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=36129>)

### Kenya

Kenya’s Truth, Justice and Reconciliation Commission (TJRC) officially launched a national statement taking exercise Sep. 9. The exercise seeks to collect information on human rights violations committed from 1963–2008. Public hearings before the TJRC are scheduled to begin in November.

Civil society organizations including ICTJ renewed the call for decisive action by Kenya’s chief justice, minister for justice, president and prime minister on the allegations of bias and misconduct by TJRC chairperson Bethuel Kiplagat.

An opinion poll published Sep. 21 indicated that over 50 percent of Kenyans want the International Criminal Court (ICC) involved in the prosecution of perpetrators of the post-election violence following the 2007 presidential elections, which left approximately 1,300 dead and 500,000 displaced. Twenty-two percent of respondents believed that those responsible should be forgiven, and 22 percent thought local

trials would be sufficient. ICC Chief Prosecutor Luis Moreno Ocampo announced Sep. 21 that his office would charge up to six suspects by the end of this year.

- “Kenya’s search for truth, justice gains ground,” *Daily Nation* (<http://www.nation.co.ke/News/Kenya%20search%20for%20truth,%20justice%20on%20course/-/1056/1006932/-/8t4aug/-/>)
- “Kenya: Decisive Action Needed on Kiplagat Allegations,” ICTJ (<http://www.ictj.org/en/news/press/release/4088.html>)
- “Kenyans back trials at The Hague’s ICC,” *Radio Netherlands Worldwide* (<http://www.rnw.nl/international-justice/article/kenyans-back-trials-hagues-icc>)

### Liberia

Current senator and former Liberian warlord Prince Johnson was cleared Sep. 22 as a candidate in the Liberia’s presidential elections, scheduled for October 2011. Johnson notoriously appears in a video taken in 1990 overseeing the torture and killing of former Liberian President Samuel Doe.

Liberia’s Truth and Reconciliation Commission (TRC) has recommended that Johnson be banned from holding public office for his participation in the 1989–2003 civil war. The TRC recommends the same of current president Ellen Johnson Sirleaf, who allegedly financially supported Charles Taylor—on trial for war crimes at The Hague—during the civil war.

Sirleaf sought the advice of Parliament and the National Bar Association Sep. 2 on the political sanctions suggested by the TRC, which include recommended prosecutions for six former warlords and a 30-year ban on occupying public office for Sirleaf. In her report to parliament, Sirleaf urged consideration of community reparations in the form of public facilities to victims of the civil war, as individual financial compensation would prove too expensive.

- “Liberia ex-warlord cleared for presidential bid,” *AP* (<http://www.google.com/hostednews/ap/article/ALeqM5i-v1HCmbRwiFoAYU7AMhrv2yoywD9ID20R80>)
- “Liberia’s Sirleaf to seek legal advice on war sanctions,” *AFP* ([http://www.google.com/hostednews/afp/article/ALeqM5gQq7\\_FtffXJnZN61ykgqQhAnsE0w](http://www.google.com/hostednews/afp/article/ALeqM5gQq7_FtffXJnZN61ykgqQhAnsE0w))

### Nigeria

The New York Court of Appeals 2nd Circuit ruled Sep. 17 in *Koibel v. Royal Dutch Petroleum* that Royal Dutch Petroleum (SPDC) could not be held liable under the Alien Tort Statute (ATS) for human rights abuses committed against Ogoni residents in 1993–1994.

According to the plaintiffs, SPDC enlisted the aid of the Nigerian military to suppress a protest to oil exploration in the Ogoni region. The repression, supported by SPDC, was reportedly characterized by extrajudicial killing, arbitrary arrest and torture, forced exile and other human rights violations. The court held that because corporations are not subject to liability under the customary international law of human rights, ATS cannot be applied.

- “Koibel v. Royal Dutch Petroleum Co PLC,” *U.S. Court of Appeals, Second Circuit* (<http://caselaw.findlaw.com/us-2nd-circuit/1538603.html>)

### Sudan

On Sep. 21 UN Secretary-General Ban Ki-moon appointed members to a panel tasked with monitoring the upcoming referendum for southern Sudan secession, scheduled for Jan. 9, 2011. The panel, requested by both north and south Sudan, will be composed of former Tanzanian president Benjamin Mkapa, former Portuguese foreign minister Antonio Monteiro and former Nepalese election commission chairman Bhojraj Pokharel.

On Sep. 24 the African Union (AU) called on the UN to freeze for one year the ICC arrest warrants for Sudanese president Omar al Bashir in the interests of peace and stability. Malawi president Bingu wa Mutharika warned the UN General Assembly that the warrants jeopardize a peaceful outcome to the Jan. 9 referendum on southern secession. Al Bashir is accused of war crimes, crimes against humanity and three counts of genocide related to the conflict in the Darfur region of Sudan.

- “UN unveils members of a panel to monitor Sudanese referenda,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=36046>)
- “Africans ask UN to delay al-Bashir prosecution,” *AP* (<http://www.google.com/hostednews/ap/article/ALeqM5j0JmMNg-0Ta3xecVCu8Ist9F46wgD9IEKNOG0>)

### Uganda

The Lords Resistance Army (LRA) delegation to the halted Juba peace talks between the rebels and the Ugandan government wrote a letter to the UN Sep. 6, requesting that the negotiations be resumed. The last round of talks collapsed November 2008, when LRA leader Joseph Kony refused to sign the peace agreement. Kony and four other leaders of the LRA are subject to arrest warrants by the ICC for war crimes and crimes against humanity.

Meanwhile, villages in southern Sudan continue to report weekly attacks by LRA rebels. On Sep. 9, the Liberation and Justice Movement (LJM) in the Darfur region in western Sudan reported LRA attacks, indicating the rebel force is expanding the region in which it operates.

- “LRA wants peace talks resumed,” *The New Vision* (<http://www.newvision.co.ug/D/8/13/731872>)
- “Sudan’s Darfur rebels say attacked by Ugandan LRA,” *Reuters* (<http://af.reuters.com/article/topNews/idAFJJOE68902U20100910>)

### Zimbabwe

On Aug. 30 a group of 18 victims of alleged government-sponsored human rights violations filed a lawsuit against the Ministers of Justice, Interior, State Security, as well as the chiefs of police, secret services and prison services for torture, abduction and illegal detention in 2008. In the civil trial which began in the High Court Sep. 13, the plaintiffs are requesting a total of \$20 million in reparations from the government for their treatment during detention.

- “Zimbabwe: Des victimes de violence réclament des réparations des officiels,” *Afrique en ligne* (<http://www.afriquejet.com/afrique-australe/zimbabwe/zimbabwe-des-victimes-de-violence-reclament-des-reparations-des-officiels-2010090155340.html>)

---

## AMERICAS

### Argentina

El Pozo de Banfield in Buenos Aires, a prison used by the military dictatorship in 1976–1983 as a clandestine detention center, will become a site of memory, truth and justice, provincial minister of human rights Sara Derotier de Cobacho announced Sep. 16. The announcement was made at an event commemorating the 34th anniversary of “La Noche de los Lapices,” a series of kidnappings and forced disappearances of students in 1976.

On Sep. 7 an Argentine court postponed the trial of former dictators Jorge Rafael Videla and Reynaldo Bignone for the kidnapping and illegal adoption programs of children born into captivity during the 1976–1983 military dictatorship. A total of seven defendants are on trial for running the ESMA Navy Mechanics School, a clandestine detention center, and face charges of abduction and forced adoption of children, a practice which led to the formation of the Grandmothers of the Plaza de Mayo. The trial is now scheduled to begin Mar. 7, 2011.

- “El Pozo de Banfield es ahora un espacio para la Memoria,” *InfoRegion* (<http://www.inforegion.com.ar/vernota.php?id=214158>)
- “Aplazan juicio por robo de bebés contra Videla y Bignone,” *El Financiero* (<http://www.elfinanciero.com.mx/ElFinanciero/Portal/cfpages/contentmgr.cfm?docId=283906>)

### Brazil

On Aug. 30, the Brazilian Federal Prosecutor (OTP) formally requested that the government publically apologize to the entire Brazilian population for crimes committed during the military dictatorship of 1964–1985. The apology, requested in a lawsuit filed against military officials responsible for operating the main detention and torture facility, is meant to symbolically repair the damage caused by the conduct of government agents during the repression of political dissidents, the OTP said.

- “La fiscalía brasileña exige al Gobierno que pida disculpas por los crímenes de la dictadura,” *Agencia EFE* (<http://www.google.com/hostednews/epa/article/ALeqM5ieKBgSCmTLrfxMJs099Jv2r7xrUQ>)

### Chile

On Sep. 4 relatives of individuals who disappeared during the Pinochet dictatorship of 1973–1990 unveiled a memorial on the Bay of Quintero in remembrance of the 119 people who were killed during the 1974–1975 “Operation Colombo.” Operation Colombo, predecessor to Operation Condor, was a program run by the Chilean secret police to eliminate political dissidents.

Officials from the National Commissions on Political Imprisonment and Torture (Valech) and Truth and Reconciliation (Rettig) announced Sep. 14 that over 300 new cases of executions and disappearances and more than 28,000 additional cases of torture and political imprisonment during the Pinochet dictatorship have been filed since Feb. 17.

The commissions, charged with investigating human rights violations during the 1973–1990 military regime, reopened in February 2010 after initially ascertaining over 27,000 cases of torture and over 3,000 cases of disappearance or execution. The commissions are now charged with evaluating the new submissions to present a final number of victims in February 2011.

- “Inauguran en Chile un memorial en recuerdo de las víctimas de la ‘Operación Colombo,’” *Agencia EFE* ([http://www.google.com/hostednews/epa/article/ALeqM5iLuU3uT03C2\\_MV-AhOzWGw1cfW6g](http://www.google.com/hostednews/epa/article/ALeqM5iLuU3uT03C2_MV-AhOzWGw1cfW6g))
- “Nuevos casos de víctimas dictadura presentados en comisiones Rettig y Valech,” *Agencia EFE* ([http://www.google.com/hostednews/epa/article/ALeqM5jdDeSE\\_bsrjySEr5vr8vNKj-Q6zw](http://www.google.com/hostednews/epa/article/ALeqM5jdDeSE_bsrjySEr5vr8vNKj-Q6zw))

### Colombia

On Sep. 27 President Juan Manuel Santos presented a bill on victims’ rights to congress, which establishes a program of reparation and assistance for civilians affected by human rights and humanitarian law violations. Under the draft law, victims of violence perpetrated by guerrillas, paramilitaries and government forces will be eligible to receive health and education assistance, debt relief and land and financial restitution. The law also provides for humanitarian assistance for future acts of violence, and establishes a national system of reparations.

The Colombia Supreme Court ruled Sep. 16 that land re-acquired from militias demobilized through the Justice and Peace Law must be returned to its original owners rather than assigned to fund reparations programs for all victims of paramilitaries.

“Mono Jojoy,” alleged second in command of the Revolutionary Armed Forces of Colombia (FARC), was killed on Sep. 23 in a bombing raid by Colombian security forces. The FARC has been operating in Colombia since 1964, and is responsible for egregious crimes in the country.

- “Gobierno Nacional radicó la Ley de Víctimas,” *Sistema Informativo del Gobierno* ([http://wsp.presidencia.gov.co/Prensa/2010/Septiembre/Paginas/20100927\\_06.aspx](http://wsp.presidencia.gov.co/Prensa/2010/Septiembre/Paginas/20100927_06.aspx))
- “Colombia High Court Orders Militia-Seized Land Returned to Owners,” *Latin American Herald Tribune* (<http://www.laht.com/article.asp?ArticleId=366794&CategoryId=12393>)



- “Rebels’ Second in Command Has Been Killed, Colombia Says,” *New York Times* ([http://www.nytimes.com/2010/09/24/world/americas/24colombia.html?\\_r=1&cscp=1&sq=jojoy&st=cse](http://www.nytimes.com/2010/09/24/world/americas/24colombia.html?_r=1&cscp=1&sq=jojoy&st=cse))

### Guatemala

On Sep. 6 President Alvaro Colom issued a formal letter of apology on behalf of the government and financial compensation to over 1,000 families of victims of the 1960–1996 civil war, which left over 200,000 people dead.

Colom announced Sep. 16 that he would request that the UN extend the mandate of the International Commission against Impunity (CICIG), scheduled to close September 2011. The CICIG, established by the UN in 2006, is charged with investigating and prosecuting the activities of illegal armed groups, as well as working with the government to support and strengthen national judicial mechanisms.

Gilberto Jordan, a former Guatemalan soldier, was sentenced to 10 years imprisonment Sep. 16 by a U.S. court for failing to reveal his role in a 1982 massacre of 162 Guatemalan civilians when he applied for U.S. citizenship. The Guatemalan government publically acknowledged responsibility for the massacre in 2000, and promised compensation to the victims’ families. Local human rights groups representing the families are seeking Jordan’s extradition to Guatemala to face trial.

- “Estado pide perdón a más de 1 mil familias víctimas de guerra interna,” *Prensa Libre* ([http://www.prensalibre.com/noticias/politica/perdon-familias-victimas-guerra-interna\\_0\\_330567172.html](http://www.prensalibre.com/noticias/politica/perdon-familias-victimas-guerra-interna_0_330567172.html))
- “Colom pedirá a Ban Ki-Moon extender por dos años más el mandato de la Cicig,” *Agencia EFE* (<http://www.google.com/hostednews/epa/article/ALeqM5hOszwnB6cwKIxTFH7i0EXKi0V1bA>)
- “Ex-Guatemalan soldier gets maximum U.S. prison term,” *Reuters* (<http://www.reuters.com/article/idUSTRE68F4U620100916>)

### Honduras

On Sep. 21 President Porfirio Lobo formally requested that the UN create a commission against impunity to investigate human rights violations in Honduras and the potential implication of government officials in those violations. The human rights climate in Honduras has been of international concern since the June 2009 coup that removed former president Manuel Zelaya from power.

- “Lobo pide a la ONU crear una comisión contra la impunidad que analice las violaciones contra DDHH en Honduras,” *Europa Press* (<http://www.europapress.es/latam/honduras/20100922162502.html>)

### Peru

On Sep. 13 at President Alan Garcia’s request, the Peruvian Congress repealed a controversial decree which stated that prosecutions for human rights abuses must be halted if they don’t lead to a court verdict within 16 months of opening. Decree 1097, which came into effect Sep. 1, was denounced by rights organizations, including ICTJ, that argued it went against Peru’s obligation to prosecute perpetrators of human rights crimes and would effectively amount to amnesty for officials accused of atrocities during the 1980–2000 civil war.

- “Peru: Impunity Measure Repeal an Important Step, But More Needed for Accountability,” ICTJ (<http://www.ictj.org/en/news/press/release/4099.html>)

### United States

A Polish prosecutor announced Sep. 22 that Poland has opened an investigation into the alleged detention and torture of a Saudi national at a CIA-run “black site” in Poland. Abd al-Rahim al-Nashiri, accused of planning the 2000 attack on the USS Cole, was allegedly held in Poland for two months before being transferred to the Guantanamo Bay detention center. Poland opened an ongoing investigation in 2008 into the country’s involvement in the U.S. system of secret prisons used in the “war on terror.”

- “Polish prosecutors to probe CIA prison acts,” *AP* (<http://www.google.com/hostednews/ap/article/ALeqM5je7nwMRcExNQtyMHkIgyZ-5kcWqAD9ID071O0>)

---

## ASIA

### Afghanistan

On Sep. 28 the government announced members appointed to an Afghan peace council responsible for reconciliation efforts and dialogue with the Taliban opposition. The list of 70 members has come under criticism for including many notorious warlords and only eight women.

- ““Afghan civil leaders slam Karzai’s peace council,” *Reuters* (<http://www.reuters.com/article/idUSTRE69341120101004>)

### Burma

A junta official announced Aug. 28 that the largest restructuring of the Burmese armed forces since 1988 had taken place, with more than 70 senior military officers' posts changed. The officer tipped to become the new commander-in-chief allegedly ordered a massacre in Burma's Christie Island in 1998. Some senior leaders retired, reportedly to run in the elections scheduled to take place Nov. 7.

Over 40 parties are registered to participate in the polls, and the Election Commission has announced that elections will not be held in up to 3,000 villages in ethnic minority-controlled areas, citing inability to guarantee "free and fair" elections in the locations.

Pressure on the UN to establish a commission of inquiry into crimes against humanity and war crimes in Burma increased in September. France, Canada, the Netherlands and New Zealand announced their support for a commission, drawing on a recommendation made in March 2010 by the Special Rapporteur on the situation of human rights in Myanmar. Australia, the Czech Republic, Hungary, Slovakia, the UK, and the US have also announced support for the establishment of a commission.

- "Understanding Burma's Military Reshuffle," *The Irrawaddy* ([http://www.irrawaddymedia.com/opinion\\_story.php?art\\_id=19391](http://www.irrawaddymedia.com/opinion_story.php?art_id=19391))
- "Myanmar deprives 'millions' of vote in ethnic areas" (<http://www.google.com/hostednews/afp/article/ALeqM5iTxesLHghnG2LCpdMH4s7UjWBcVw>)
- "Burma War Crimes Commission Receives Growing Support," *The Irrawaddy* ([http://www.irrawaddy.org/article.php?art\\_id=19527](http://www.irrawaddy.org/article.php?art_id=19527))

### Cambodia

On Sep. 15 the Extraordinary Chambers in the Courts of Cambodia (ECCC) formally indicted four former Khmer Rouge leaders for crimes against humanity, grave breaches of the Geneva Conventions and genocide. Ieng Sary, Ieng Thirith, Khieu Samphan and Nuon Chea were all high ranking officials during the Democratic Kampuchea regime of 1975–1979, which was responsible for the deaths of approximately 1.7 million Cambodian civilians. The four have been in detention since 2007, and will appear in court for a procedural hearing in January 2011.

- "Four former Khmer Rouge Leaders to face trial before the ECC," *Hague Justice Portal* (<http://www.haguejusticeportal.net/smartsite.html?id=12060>)

### Indonesia

The anniversary of the Tanjung Priok massacre Sep. 12 was marked with renewed calls by victims' families and human rights organizations for the prosecution of those responsible. In 1984, soldiers fired on Muslim demonstrators protesting a government proposal that required all groups to adopt the state ideology of Pancasila. The National Commission on Human Rights (Komnas HAM) estimates that 24 individuals were killed, although only four bodies were recovered. In 2003, 14 suspects were prosecuted and all subsequently acquitted by an ad hoc human rights tribunal.

- "Justice Urged for Victims of Tanjung Priok Massacre," *Jakarta Globe* (<http://www.thejakartaglobe.com/indonesia/justice-urged-for-victims-of-tanjung-priok-massacre/396158>)

### Solomon Islands

The Solomon Islands TRC held its fourth regional hearings Sep. 9, where 17 victims of the 1998–2003 ethnic tensions shared their stories and appealed to the government for some form of compensation for the property they lost in the violence. The TRC, which began its work in January 2010, is scheduled to close January 2011, but has requested a one year extension of its mandate from the Prime Minister.

Also on Sep. 9 TRC chairman Fr. Sam Ata called on the newly elected government to financially support the TRC. The previous government never delivered on the proposed budget of approximately \$640,000 for operations, providing only the commissioners' salaries.

- "More victims tell stories," *Solomon Star* (<http://www.solomonstarnews.com/news/national/7936>)
- "TRC want[s] new Govt to support its work," *Solomon Star* (<http://www.solomonstarnews.com/news/national/7928>)

### Sri Lanka

The Lessons Learnt and Reconciliation Commission (LLRC) held public hearings Sep. 18–19 in the former Tamil capital of Kilinochchi in northern Sri Lanka, attended by over 500 civilians. Many testified about their experiences during the 1983–2009 civil war and requested assistance in finding relatives displaced by the conflict or demobilized by Sri Lankan security forces. The LLRC is scheduled to present its findings to President Mahinda Rajapaksa in November.

---

## WORLD REPORT

- “Hundreds of war-affected in Sri Lanka’s North testify before Reconciliation Commission,” *Colombo Page* ([http://www.colombopage.com/archive\\_10B/Sep20\\_1284967283CH.php](http://www.colombopage.com/archive_10B/Sep20_1284967283CH.php))

### Timor-Leste

On Sep. 21 the Timor-Leste parliament began debating a law to establish an “Institute for Memory” that will oversee implementation of the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission for Truth and Friendship (CTF) recommendations relating to victim reparations, the search for persons missing as a result of the conflict and human rights documentation and education. After several days of debate, however, parliament delayed further discussion of the bill until February 2011. ICTJ provided a detailed submission to parliament on both laws, highlighting potential issues and suggesting revisions.

- “Timor-Leste: Draft Laws on a National Reparations Program and Institute for Memory,” ICTJ (<http://www.ictj.org/en/news/features/3933.html>)

---

## EUROPE

### Former Yugoslavia

On Sep. 28 the International Criminal Tribunal for the former Yugoslavia (ICTY) launched an 18-month “War Crimes Justice Project,” a program aimed at strengthening the capacity of regional judiciaries. The program is designed to transfer the institutional knowledge and skills of the ICTY to national jurisdictions, as well as facilitate trainings on international criminal and humanitarian law. The ICTY is scheduled to close in early 2014.

Vlastimir Goljan, on trial with three other defendants for genocide committed in Srebrenica in 1995, pleaded guilty Sep. 10 to participating in the massacre of approximately 800 men and boys by the 10th Commando Unit of the Bosnian Serb Army.

- “Tribunal launches ‘War Crimes Justice Project,’” *Radio Netherlands Worldwide* (<http://www.rnw.nl/international-justice/article/tribunal-launches-war-crimes-justice-project>)
- “Bosnian Serb commando pleads guilty to genocide,” *Global Times* (<http://world.globaltimes.cn/europe/2010-09/571580.html>)

### Spain

On Sep. 7 the Supreme Court of Spain rejected an appeal by Baltasar Garzón to hear testimony from judges to the effect that certain crimes have no statute of limitations. Garzón was indicted in April for allegedly knowingly bypassing a 1977 amnesty law to investigate crimes committed during the Franco regime.

Meanwhile, on Sep. 4 an Argentine court reopened an investigation under the principle of universal jurisdiction into the crimes committed during Spain’s 1936–1977 Franco regime. The court overturned a previous ruling that closed investigations requested by Argentine relatives of two Spanish nationals executed during the regime, and sent a diplomatic request to Spain asking what action was being taken to probe these crimes.

- “Spanish judge indicted over Civil War probe loses appeal,” *AP* (<http://www.google.com/hostednews/canadianpress/article/ALeqM5hEoBpoMtRQ8pvPqvNKm7HniV7T9g>)
- “Argentine court reopens Franco probe,” *BBC News* (<http://www.bbc.co.uk/news/world-latin-america-11189926>)

---

## MENA

### Israel/Occupied Palestinian Territory

A Committee of Experts, appointed by the UN High Commissioner for Human Rights in the aftermath of the Gaza Conflict, issued a final report in late September. Mandated to monitor Israeli and Palestinian investigations into the serious violations of international law during the 22-day conflict, the body issued a report finding that those investigations to date had been inadequate. Christian Tomuschat, the Committee’s chair, stated that the investigations “remain incomplete in some cases or fall significantly short of meeting international standards in others.”

A UN Human Rights Council-appointed investigation into alleged violations during a raid by Israeli commandos of a Gaza-bound aid flotilla submitted a final report to UN Secretary-General Ban Ki-moon Sep. 15. The investigation found that actions of the Israeli military in intercepting one of the ships were “clearly unlawful.” The report stated there was evidence to support prosecutions of crimes such as willful killing and torture or inhuman treatment. Israeli authorities, who had established the Turkel Committee to investigate the incident,



refused cooperation with the body. The UN Secretary-General has also established a panel to investigate the incident; a final report is still pending.

- “Committee following up on “Goldstone Report” says investigations by Israel and de facto Gaza authorities inadequate,” *OHCHR* (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10357>)
- “Israeli raid on Gaza aid flotilla broke law - UN probe,” *BBC* (<http://www.bbc.co.uk/news/world-middle-east-11393836>)

### Lebanon

Marking the International Day of the Disappeared Aug. 30, a two-day event was held in a square in downtown Beirut where families of missing persons have been holding an open-ended sit-in since 2005, to demand the truth about their relatives. The event, organized by Act for the Disappeared, featured a reading of the names of the missing persons, live concerts, photo exhibitions, documentary screenings and installations.

- “Neither dead, nor alive,” *NowLebanon* (<http://www.nowlebanon.com/NewsArticleDetails.aspx?ID=199504>)

### Morocco

As part of implementing the recommendations of Morocco’s truth commission, the Advisory Council on Human Rights (CCDH) and the Ministry of Culture signed a framework agreement Sep. 15 for the preservation of memory and archives. The agreement establishes an archival institution and proposes a national strategy to preserve and maintain the archive. The agreement also includes the preservation of former secret detention centers including Agdz, Kelaat M’Gouna and Derb Moulay Cherif.

- “CCDH and the Ministry of Culture to sign a partnership convention on the preservation of memory and archive,” *CCDH* (<http://www.ccdh.org.ma/spip.php?article3388&lang=en>)

## PUBLICATIONS

### Assessing a Transitional Justice Approach for Kyrgyzstan

In early June ICTJ undertook a weeklong mission in Kyrgyzstan to assess how Kyrgyzstan might deal with rights abuses from the past 15 years, including the period leading up to the April 2010 revolution as well as political and ethnic violence that erupted in June. This report, based on the findings of that mission, considers interim government initiatives on truth-seeking, prosecutions, reforms, and reparations for victims. It raises concerns about some of these measures, and makes recommendations for further and more effective progress in these areas.

- “Assessing a Transitional Justice Approach for Kyrgyzstan,” ICTJ ([http://www.ictj.org/static/Publications/ICTJ\\_KG\\_TJinKyrgyzstan\\_pb2010\\_en.pdf](http://www.ictj.org/static/Publications/ICTJ_KG_TJinKyrgyzstan_pb2010_en.pdf))
- Russian Translation of Report ([http://www.ictj.org/static/Publications/ICTJ\\_KG\\_TJinKyrgyzstan\\_pb2010\\_ru.pdf](http://www.ictj.org/static/Publications/ICTJ_KG_TJinKyrgyzstan_pb2010_ru.pdf))
- “ICTJ Briefing: Kyrgyzstan in Transition,” ICTJ ([http://www.ictj.org/static/Publications/ICTJ\\_KG\\_KyrgyzstanTransition\\_bp2010.pdf](http://www.ictj.org/static/Publications/ICTJ_KG_KyrgyzstanTransition_bp2010.pdf))

### The Rabat Report: Concept and Challenges of Collective Reparations

Collective reparations programs have been implemented in many post-conflict and post-authoritarian countries, including Liberia, Sierra Leone, Morocco, Peru, Colombia, Indonesia and Timor-Leste. The Rabat Report, released by ICTJ and Morocco’s Advisory Council on Human Rights, is a study of collective reparations based on a pioneering conference held in 2009 in Rabat, Morocco. The report evaluates how these programs impact individual human rights, intersect with state obligations to victims, overlap with development programs, impact marginalized communities, and overcome financial or other capacity constraints.

- “The Rabat Report: Concept and Challenges of Collective Reparations,” ICTJ ([http://www.ictj.org/static/Publications/ICTJ\\_Reparations\\_RabatReport\\_pb2010\\_en.pdf](http://www.ictj.org/static/Publications/ICTJ_Reparations_RabatReport_pb2010_en.pdf))
- Arabic ([http://www.ictj.org/static/Publications/ICTJ\\_Reparations\\_RabatReport\\_pb2010\\_ar.pdf](http://www.ictj.org/static/Publications/ICTJ_Reparations_RabatReport_pb2010_ar.pdf))
- French ([http://www.ictj.org/static/Publications/ICTJ\\_Reparations\\_RabatReport\\_pb2010\\_fr.pdf](http://www.ictj.org/static/Publications/ICTJ_Reparations_RabatReport_pb2010_fr.pdf))
- Spanish ([http://www.ictj.org/static/Publications/ICTJ\\_Reparations\\_RabatReport\\_pb2010\\_sp.pdf](http://www.ictj.org/static/Publications/ICTJ_Reparations_RabatReport_pb2010_sp.pdf))

---

## PUBLICATIONS

### **Reparar el destierro: Lecciones para la reparación a las víctimas del desplazamiento forzado en Colombia desde la experiencia comparada**

Multiple obstacles remain in the way of effectively and comprehensively guaranteeing the right to reparation for the displaced in Colombia. This publication draws from the experiences of other countries that have developed programs to address the needs and rights of the displaced, such as Turkey, South Africa, Kosovo and Peru. The book provides information on how these programs were designed and developed, as well as on their successes and failures, in order to ensure that these lessons are applied in the implementation of reparations in Colombia.

- “Reparar el destierro: Lecciones para la reparación a las víctimas del desplazamiento forzado en Colombia desde la experiencia comparada,” ICTJ (<http://www.ictj.org/images/content/2/1/2194.pdf>)

### **¿Y qué fue de las mujeres? Género y reparaciones de violaciones de derechos humanos**

Women often face additional marginalization under authoritarian regimes as well as during and after violent conflicts. Nonetheless, reparations programs are rarely designed to address the needs of women victims. Now available in Spanish, ICTJ’s *What Happened to the Women?* argues for the introduction of a gender dimension into reparations programs. The volume explores gender and reparations policies in Guatemala, Peru, Rwanda, Sierra Leone, South Africa, and Timor-Leste.

- “¿Y qué fue de las mujeres? Género y reparaciones de violaciones de derechos humanos,” ICTJ (<http://www.ictj.org/images/content/2/1/2192.pdf>)

### **Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions, 2nd Edition**

In a sweeping review of forty truth commissions, ICTJ co-founder Priscilla Hayner delivers a definitive exploration of the global experience in official truth-seeking after widespread atrocities. This second edition is expanded to cover 20 new commissions formed in the last ten years, analyzing new trends and comparisons and offering a detailed assessment of the impact of truth commissions to date. The book challenges many widely-held assumptions, based on hundreds of interviews and comprehensive literature review.

- “Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions,” *Routledge* (<http://www.routledge.com/books/details/9780415806350/>)

### **Making the difference? What works in response to crises and security threats**

In June 2009, the European Union (EU) held a conference entitled “Making the difference? What works in response to crises and security threats” to explore best practices and identify effective approaches to strengthen the crisis response capacities. Sari Kouvo, ICTJ Afghanistan Program Head, and Laura Davis, senior advisor to the ICTJ Europe and Africa Programs, contributed a chapter on “Lessons from Afghanistan and the Democratic Republic of the Congo.”

- “Making the Difference? What works in response to crises and security threats,” *European Union* ([http://ec.europa.eu/external\\_relations/ifs/publications/book\\_5\\_en.htm](http://ec.europa.eu/external_relations/ifs/publications/book_5_en.htm))

oct

---

**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>

---

**October 6–7**

**Workshop: The Role of the Church in the TRC and Transitional Justice Process**

Malaita, Solomon Islands

For more information, contact Daniela Gavshon at [dgavshon@ictj.org](mailto:dgavshon@ictj.org)

---

**October 14**

**Reconciling Race, the Church, and Sexual Violence: Canada's Truth-seeking Experience**

New York, NY

For more information, visit <http://www.ictj.org/en/news/event/3971.html>

---

**October 19–21**

**Training: Reporting on Transitional Justice and the TRC**

Honiara, Solomon Islands

For more information, contact Daniela Gavshon at [dgavshon@ictj.org](mailto:dgavshon@ictj.org)

---

**October 23–28**

**Disparus, ils survivent dans nos mémoires**

Paris, France

For more information, contact Lynn Maalouf at [lmaalouf@ictj.org](mailto:lmaalouf@ictj.org)

---

**October 26**

**A Conversation with Luis Moreno Ocampo, Chief Prosecutor of the ICC**

New York, NY

For more information, contact Kelly Ryan at [ryank@exchange.law.nyu.edu](mailto:ryank@exchange.law.nyu.edu)

---

---

**October 26**

**Workshop: The Role of the Church in the TRC and Transitional Justice Process**

Honiara, Solomon Islands

For more information, contact Daniela Gavshon at [dgavshon@ictj.org](mailto:dgavshon@ictj.org)

---

**October 28–29**

**Complementarity after Kampala: The Way Forward**

Long Island, New York

For more information, contact Marieke Wierda at [mwierda@ictj.org](mailto:mwierda@ictj.org)

---

**November 4–5**

**Good Governance and Security: The Role of Parliament**

Rabat, Morocco

For more information, contact Julie Guillerot at [jguillerot@ictj.org](mailto:jguillerot@ictj.org)

---

**November 10**

**The Fifth Annual Emilio Mignone Lecture on Transitional Justice: The Dilemmas of Human Rights Fact Finding**

New York, NY

For more information, contact Kelly Ryan at [ryank@exchange.law.nyu.edu](mailto:ryank@exchange.law.nyu.edu)

---

nov

---

## Making a Difference

ICTJ's President Emeritus Juan E. Méndez was appointed United Nations Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment on Sep. 29, 2010.

ICTJ staff, board, and partners are celebrating the appointment. President of ICTJ from 2004 to 2009, Mr. Méndez oversaw the development of much of ICTJ's programming, including the development of its field office network.

"It's a wonderful appointment," said current ICTJ president David Tolbert. "Juan has extensive and varied experience in human rights, and will bring a wealth of knowledge and personal understanding to the position." ICTJ published a press release Sep. 30 to mark the event.

The Special Rapporteur on torture is responsible for: transmitting appeals to states regarding risk of torture or alleged past cases of torture; conducting fact-finding country visits; and submitting annual reports on activities and information regarding the practice of torture globally.

The position was created in 1985 by the UN Commission on Human Rights, predecessor to the Human Rights Council. A number of distinguished experts have filled the position, including Manfred Nowak of Austria, Theo van Boven of the Netherlands, and Sir Nigel Rodley of the United Kingdom.

The field of transitional justice and the work of the Special Rapporteur on torture intersect in several fundamental ways.

First, every act of torture is a crime under international law. The high profile work of the Special Rapporteur contributes significantly to documenting and mobilizing political pressure against current human rights violations. It also builds a strong foundation for investigation, analysis, and legal action in the future.

Second, the Special Rapporteur has the capacity to address the impact of torture on victims, and to make recommendations on the most appropriate form of redress, directly shaping an area of ICTJ's own expertise.

Third, the Special Rapporteur is responsible for recommending legal and administrative measures to ensure the prevention of future occurrences of torture. This policy oriented aspect of the Special Rapporteur's mandate significantly overlaps with ICTJ's goal of preventing human rights abuse.



"Juan's work with ICTJ and in the field of transitional justice generally will be a defining characteristic of his continued human rights work as Special Rapporteur on torture," said David Tolbert. "Torturers around the world should take note: they will not be able to act with impunity."

Mr. Méndez is an Argentinean lawyer who was imprisoned and tortured by the military dictatorship for his representation of political prisoners. After being expelled from Argentina in 1977, he became a leading global human rights advocate, working for Human Rights Watch for 15 years (1982–1996) and as executive director of the Inter-American Institute of Human Rights in Costa Rica.

From 1999 to 2004, Mr. Méndez was Professor of Law and Director of the Center for Civil and Human Rights at the University of Notre Dame. During part of this time, he also served as a member of the Inter-American Commission on Human Rights of the Organization of American States, and as its president in 2002.

From 2004–2007, he served as United Nations Special Adviser to the Secretary-General on the Prevention of Genocide, holding that appointment simultaneously with his role as President of ICTJ. After presiding over ICTJ's development from a small northern-based organization to its current global structure, Mr. Méndez left ICTJ in 2009, and is currently a visiting professor at the American University Washington College of Law. The highly regarded law school is well known for its expert research in international criminal and human rights law, and includes many distinguished luminaries in the human rights and transitional justice fields.

---

### 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.

### Contact

ICTJ New York Headquarters  
5 Hanover Square, Floor 24  
New York, NY USA 10004

Tel: +1 917 637 3800  
Fax: +1 917 637 3901  
[www.ictj.org](http://www.ictj.org)