

SEPTEMBER 2009

## Making Connections

Interview with Pablo de Greiff, ICTJ Research Unit Director

**Q. You and ICTJ Research Unit Associate Roger Duthie co-edited a newly released book, *Transitional Justice and Development: Making Connections*. What were you seeking to do with this project?**

A. This book is part of a broader research strategy that seeks to clarify the relationship between TJ and related fields. This is just one example of that. There are very concrete reasons to think about how TJ and development relate to each other, not least because most transitional societies are societies in which there are huge development deficits. TJ and development practitioners are working alongside each other, though not necessarily in a coordinated fashion.



**Q. Why is that?**

A. To some extent the reasons are historical. Development agencies, which came of age in the '60s and '70s, were created with a particular

mandate that had a lot to do with the improvement of economic conditions.

However, during the Latin American transitions that arguably gave rise to the practice of TJ, development was not one of the key priorities. Neither Chile nor Argentina, for example, was beset primarily by developmental questions. They were both relatively institutionalized countries. In fact, abuses there were based on the overreaching of institutions that had a very high degree of capacity and territorial coverage.

Even if you expand your frame of reference to include the experiences in Eastern Europe after the fall of the Soviet Union and the massively influential South African case, those cases share two primary similarities: a very high degree of institutionalization and human rights

violations that were primarily the result of the abuse of state power. It turned out that Santiago and Budapest, for all their differences, were similar in this way.

**Q. How has that changed?**

A. Most transitional contexts nowadays are far more like Kinshasa than Santiago or Budapest. They are characterized by very weak or nonexistent institutions, with large regions of some of these countries being completely uncovered by basic services of state institutions. In the contexts in which we work, poverty and chronic marginalization are much more serious problems now. This increases the urgency of thinking about how the fields of TJ and development can communicate.

There is also pressure from the ground. Local groups working in transitional countries think of themselves in many cases as working on justice issues writ large. They are not making distinctions between TJ on one side and development on the other; they are working for the general improvement of living conditions. In their minds—correctly I think—the work of TJ and development overlap with one another. I think we need to better respond to their aspirations.

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## INTERVIEW

### **Q. What are the main obstacles in bringing the fields of TJ and development together?**

A. So far there has been a huge degree of lack of awareness—it's not even indifference, but a pure lack of awareness about how the work of each field can meaningfully impact the other.

This is in some ways puzzling given the thematic overlap between the two areas. Both deal with the massive displacement of populations, with problems having to do with the chronic weakness of basic institutions, with all the consequences of massive human rights abuses, and with the analysis of the root causes.

What one needs to do is, given the state of the field, to start by being very clear about the links between TJ and development that can be established at the conceptual level, at the policy-making level, and at the operational level. This project concentrates on both the conceptual and the policy levels.

Operationally, it's an exercise that has yet to be done in a systematic way. What would it mean, for example, for a reparations program to fully integrate some of the lessons that have been learned in the development field about participatory design?

There are efforts in different countries where reparations programs have tried to involve local civil society. Peru has made great progress in this respect. Morocco is trying to do this with its community-based reparations program. But no one has thought about this in a systematic way. It's immensely complicated and important work that remains to be done.

### **Q. In the book's first chapter, you ask a provocative question: What justifies spending more than a billion dollars on the International Criminal Tribunal for Rwanda for the prosecution of, at most, 55 individuals, while the total domestic justice sector budget for Rwanda during the same time period was less than one-fifth of that amount? How does this project begin to answer that question?**

A. I think it's very important when you're tackling a new field like this to make sure that you're doing serious research, not propaganda. We're not trying to make life easy for ourselves by describing TJ work as relevant to development by definition. I tried to take the most difficult formulation of the issue: Why should development agents, who can be coarsely described as being future-oriented, care about past human rights abuses? If one hasn't articulated an answer to the question, one hasn't made the project take off.

Here's an attempt to answer that very serious question. Mass human rights violations are both a manifestation of and a cause of the breakdown of the most elemental norms by which societies try to run themselves. Unless you take that seriously, it's very hard to think about development in the future. With the possible exception of the grossest cases, in which a whole population has actually been eliminated, you will always have to confront victims who will take part in whatever new order you set up. Those victims will always call for some sort of recognition for what happened to them.

Those who coexist alongside the victims, knowing that it is possible to be victimized in the way that their fellow citizens were in the past, will never be able to take their own rights seriously, because everything is a matter of luck, of grace. "It was them before, it might be us next."

To the extent that development is a matter of rights and requires institutions that can guarantee those rights—and this is a very popular conception these days—it is important for development to take seriously past human rights violations. Otherwise you have no rights.

### **Q. You have described reparations programs as being in part about restoring full citizenship to victims. How does that come into play here?**

A. The concept of restoring citizenship is a useful one because it helps development agents to see the point of reparations and other transitional justice measures immediately. With reparations programs, we are trying to restore the rights of people who in many cases have never been considered citizens before. This is also a reason why it is important to initiate criminal prosecutions and work on reforming systems of law, because the goal is that everyone be considered equal in the eyes of the law—or to state it negatively, that no one be considered to be above the law.

Describing transitional justice as a means to provide everyone with the minimum guarantees associated with the concept of citizenship, at least in my experience, has been compelling to those in the development field. This is a concept with which the development field has a great deal of experience—much more than TJ does.

This project on its own doesn't provide all the answers. But as we find ourselves working in an increasing number of situations in which we're facing massive developmental deficits, the urgency of how we justify investments in TJ only increases. We need to provide increasingly articulate answers. ♦

### AFRICA

#### Central African Republic / Democratic Republic of Congo (DRC)

Jean-Pierre Bemba Gombo, the former Congolese leader who is awaiting trial at the International Criminal Court (ICC) for crimes allegedly committed by his troops in the Central African Republic (CAR), was granted interim release by a pre-trial chamber of the court. Bemba's release is conditional on a country agreeing to host him. Public hearings will be held at the beginning of September where Bemba, potential host countries, the ICC prosecutor, and victims will express their views on his possible release. Bemba is on trial for alleged war crimes and crimes against humanity committed in the CAR from October 2002 to March 2003 while leader of the armed Movement for the Liberation of Congo. In the interim, the ICC Prosecutor has appealed the Pre-Trial Chamber's decision granting Bemba conditional release.

- "L'affaire Jean Pierre Bemba : la Cour pénale internationale a accordé vendredi la liberté provisoire sous condition au leader du MLC," *Radio Okapi* (<http://www.radiookapi.net/index.php?i=63&hi=16>)
- "Bemba Granted Interim Release but Still Faces ICC Trial," Coalition for the International Criminal Court ([http://www.iccnw.org/documents/CICCAAdvisory\\_BembaProvisionalReleaseDecision\\_Aug09\\_\\_FINAL.pdf](http://www.iccnw.org/documents/CICCAAdvisory_BembaProvisionalReleaseDecision_Aug09__FINAL.pdf))
- "ICC Prosecutor: Releasing Jean-Pierre Bemba would be an Error in Law," ICC (<http://www.icc-cpi.int/NR/exeres/4F21AF53-EDFC-44BD-A25E-0098D5238E99.htm>)

#### Kenya

A Kenyan government announcement that it would rely on ordinary courts to address the violence that followed December 2007 elections, rather than an earlier planned Special Tribunal, raised concerns that perpetrators of violence would not be brought to justice. Other planned accountability measures include the creation of a Truth, Justice, and Reconciliation Commission meant to address the broad history of human rights violations and economic crimes over the past 40 years and promote "healing and reconciliation." ICTJ warned that domestic courts "lack public trust and confidence," and that Kenya should refer the matter to the ICC if it is not going to form a Special Tribunal.

- "Truth commission 'unlikely to try suspects,'" *The Daily Nation* (<http://www.nation.co.ke/News/-/1056/637304/-/ulmjw7l-/>)
- "Kenyans Skeptical of Truth Commission," *Voice of America* (<http://www.voanews.com/english/2009-08-10-voa26.cfm>)
- "Kenya: 'Reconciliation' Should Not Promote Impunity," ICTJ (<http://ictj.org/en/news/press/release/2886.html>)

#### Liberia

A coalition of more than 30 Liberian civil society organizations wrote to the Liberian government asking it to reconsider its decision, taken along with other AU member countries on July 3, not to comply with the International Criminal Court's arrest warrant for Sudanese President Omar al-Bashir. Their request is part of a continent-wide civil society campaign calling on state parties of the ICC to reaffirm their commitment to the court and their obligation to cooperate with it in the arrest of Bashir on charges of war crimes and crimes against humanity in relation to the Darfur crisis.

The U.S. and the international community will support the establishment of an international war crimes court to prosecute warlords if the Liberian government requests it, said Stephen Rapp, Chief Prosecutor of the Special Court for Sierra Leone and U.S. Ambassador at Large for War Crimes Issues. The final report of the Liberian TRC, which investigated the two civil wars that took place in Liberia between 1989 and 2003, calls for the prosecution of nearly 100 people. Copies of the edited TRC report are due to be released in September.

- "Liberia: 'International Community Will Support Prosecution of Warlords' - New US Envoy For War Crimes Discloses," *AllAfrica* (<http://allafrica.com/stories/200908190847.html>)
- "Liberia: TRC Report on Ice - Legislature Tables It for Time, Incompleteness," *AllAfrica* (<http://allafrica.com/stories/200908280758.html>)
- "Gov't Reconstitutes Human Rights Commission," *The Analyst* (Liberia) ([http://www.analystliberia.com/govt\\_reconstitute\\_human-right\\_commission\\_aug18\\_09.html](http://www.analystliberia.com/govt_reconstitute_human-right_commission_aug18_09.html))

#### Rwanda

Gregoire Ndahimana, the former mayor of the Rwandan town of Kivumu, was arrested on Aug. 12 in the Democratic Republic of the Congo. Ndahimana was wanted by the International Criminal Tribunal for Rwanda (ICTR) on charges of genocide and crimes against humanity for allegedly helping to orchestrate the massacre of over 1,000 Tutsis taking refuge at the Nyange parish during the 1994 genocide. Rwanda's National Prosecuting Authority said the arrest showed increased cooperation between Rwanda and the DRC at a time when 12 genocide suspects wanted by the ICTR are believed to be hiding in the DRC.

- "Rwanda: Govt, ICTR Welcome Genocide Fugitive's Arrest," *AllAfrica* (<http://allafrica.com/stories/200908130010.html>)
- "Rwanda genocide suspect arrested in DR Congo," *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5jP-8FAWipvBBc1CErJqmV1EQ08tlw>)

### South Africa

After a campaign by ICTJ and more than two dozen South African civil society organizations and prominent individuals, the South African government reversed course and affirmed that it would cooperate with the ICC in the arrest of Sudanese President Omar al-Bashir.

As South Africa changed its position, the campaign expanded across Africa. More than 160 civil society and human rights groups from more than 30 African countries have called on African states that are state parties to the ICC to reaffirm their commitment and their obligation to cooperate with the court. The campaign followed July 3 declaration by a meeting of heads of state of the African Union that AU member states “shall not cooperate” with the ICC in the arrest of Bashir.

- “SA will enforce Bashir warrant,” *The Times* (South Africa) (<http://www.thetimes.co.za/News/Article.aspx?id=1042521>)
- “African Civil Society Groups Rebuke AU Stand on Bashi,” *Voice of America* (<http://www.voanews.com/english/Africa/2009-07-31-voa5.cfm>)
- “Accountability in Africa,” ICTJ (<http://ictj.org/en/news/features/2985.html>)

### Sudan

Two Sudanese pro-government groups, the Sudan Workers Trade Unions Federation and the Sudan International Defence Group, asked ICC judges to dismiss the ICC prosecutor’s appeal requesting that charges of genocide be entered against Sudanese President Omar al-Bashir. Earlier this year, an ICC pre-trial chamber endorsed charges of war crimes and crimes against humanity against Bashir but rejected charges of genocide. Bashir continued to disparage the court following its Mar. 4 arrest warrant for him, calling the ICC a “tool to terrorize countries that the West thinks are disobedient” and a “tool of neocolonialism.”

- “Pro-Sudan groups ask ICC judges to reject genocide appeal,” *Sudan Tribune* (<http://www.sudantribune.com/spip.php?article31957>)
- “Sudan’s Bashir Addresses ICC Charges, Darfur’s Woes,” *PBS News Hour* ([http://www.pbs.org/newshour/bb/africa/july-dec09/bashir\\_08-13.html](http://www.pbs.org/newshour/bb/africa/july-dec09/bashir_08-13.html))

## AMERICAS

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### Argentina

Santiago Omar Riveros, a former general who commanded the Campo de Mayo barracks where some 5,000 prisoners were illegally held during Argentina’s dictatorship, was convicted to life in prison for the kidnapping, torture and disappearing of Floreal Avellaneda, and the kidnapping of his mother, Iris Avellaneda. Four other former military personnel and a police officer were also condemned to lesser penalties for the same crime. The convictions were the first judgments against state agents for the Campo de Mayo crimes. A separate trial, of former dictator Jorge Videla for the deaths of 32 people in Córdoba, started in mid-August.

- “Argentine general sentenced to life for rights abuses,” *AFP* ([http://www.google.com/hostednews/afp/article/ALeqM5gj\\_Jw6Zg-mn2gW5zBWVUp5IbR\\_Elg](http://www.google.com/hostednews/afp/article/ALeqM5gj_Jw6Zg-mn2gW5zBWVUp5IbR_Elg))
- “Argentina ajusta cuentas con la dictadura,” *El País* ([http://www.elpais.com/articulo/internacional/Argentina/ajusta/cuentas/dictadura/elpepiint/20090814elpepiint\\_2/Tes](http://www.elpais.com/articulo/internacional/Argentina/ajusta/cuentas/dictadura/elpepiint/20090814elpepiint_2/Tes))

### Canada

On Aug. 10, the United Church of Canada held an event at which survivors of Indian Residential Schools testified about their experiences there. Nearly 150,000 aboriginal children were forcibly enrolled in the schools over nearly a century, facing abuse and forced assimilation. Marie Wilson, one of the three recently appointed commissioners of the Indian Residential Schools TRC, said at the event that the commission must document and report the history of the schools no matter how shameful or disturbing it may be.

- “General Council to Reflect on Truth and Reconciliation,” United Church of Canada (<http://www.marketwire.com/press-release/The-United-Church-Of-Canada-1026909.html>)
- “United Church delegates in Kelowna hear from residential school survivors,” *Kelowna* (<http://www.kelowna.com/2009/08/10/united-church-delegates-in-kelowna-hear-from-residential-school-survivors/>)

### Colombia

The Supreme Court annulled the conviction of former paramilitary fighter Wilson Carrascal Salazar, alias “El Loro,” who was convicted last March to six years in prison for murder, fraud and extortion. He was the first former combatant sentenced under the special Justice and Peace jurisdiction, passed four years ago to promote demobilization of combatants. The court based its decision on the fact that Carrascal had not been accused of conspiracy in spite of being a member of a paramilitary organization.

Fundación Social released a poll in which 20 percent the respondents, most of them rural inhabitants, said they had been affected by the conflict. The poll was released during an international seminar on reparations and truth-seeking organized by ICTJ, in association with Dejusticia, Corporación Nuevo Arcoris and Fundación Social.

On July 5, during the first of three public events held by the Colombian government to announce administrative reparations to victims of human rights violations, President Álvaro Uribe Vélez said that reparations were an expression of solidarity and an important part of national security policy. Victims’ groups characterized the statement as improvised and incomplete. Of 245,000 who have asked for financial reparations, 4,000 have received them.

- “Unidad de Justicia y Paz: ¿volver a empezar?” *Cambio* ([http://www.cambio.com.co/paiscambio/842/ARTICULO-WEB-NOTA\\_INTERIOR\\_CAMBIO-5892128.html](http://www.cambio.com.co/paiscambio/842/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-5892128.html))
- “Seminario internacional: presentan resultados de encuesta nacional sobre verdad, justicia y reparación,” ICTJ (<http://www.ictj.org/es/news/press/release/2979.html>)
- “Uribe pidió perdón a víctimas de la violencia, en un hecho sin precedentes en su gobierno,” *El Tiempo* ([http://www.eltiempo.com/colombia/politica/uribe-pidio-perdon-a-victimas-de-la-violencia-en-un-hecho-sin-precedentes-en-su-gobierno\\_5585650-1](http://www.eltiempo.com/colombia/politica/uribe-pidio-perdon-a-victimas-de-la-violencia-en-un-hecho-sin-precedentes-en-su-gobierno_5585650-1))

### Mexico

On Aug. 13, 22 persons accused of killing 45 indigenous people in Ac-teal (Chiapas) in 1997 were released from prison, following a Supreme Court ruling that prosecutors had fabricated evidence and used false testimony, and that judges had violated due process. The court also ordered the review of sentences against 31 other persons and a reduction

in the sentences of four others. A total of 79 people had been convicted of these crimes. Critics said the case was emblematic of the weaknesses of Mexico’s judicial system.

- “Mexico Court Orders 22 Tied to ‘97 Killings Freed,” *The New York Times* ([http://www.nytimes.com/2009/08/13/world/americas/13mexico.html?\\_r=1](http://www.nytimes.com/2009/08/13/world/americas/13mexico.html?_r=1))

### U.S. Accountability

On Aug. 24, the CIA and Department of Justice (DOJ) released important new documents relating to the CIA’s counterterrorism interrogation program and the abuse of detainees, including newly declassified portions of the 2004 CIA Inspector General’s report on the interrogation of detainees. Simultaneously, Attorney General Eric Holder appointed Assistant U.S. Attorney John Durham to lead a preliminary investigation into detainee abuse cases. The DOJ also released recommendations from a special task force on interrogation and transfer policies that Obama had appointed in January and whose report had been awaited since July.

ICTJ and other prominent civil society organizations said Holder’s decision to initiate a preliminary investigation was as a positive step toward justice and accountability, but that a far broader investigation was needed to uncover systematic interrogation abuses that took place at multiple detention sites, involved a range of agencies and responsibilities, and responded to a high-level policy.

- “C.I.A. Abuse Cases Detained in Report Detainees,” *New York Times* ([http://www.nytimes.com/2009/08/26/us/politics/26intel.html?\\_r=1&hp](http://www.nytimes.com/2009/08/26/us/politics/26intel.html?_r=1&hp))
- “U.S. Accountability: Detainee Abuse Investigation Welcome First Step,” ICTJ (<http://www.ictj.org/en/news/press/release/2986.html>)
- ICTJ Video Interview: Patty Blum on Disclosure of Alleged U.S. Abuses in the “War on Terror” (<http://www.youtube.com/watch?v=P2AlvFSYhHA>)
- ICTJ Video Interview: Marieke Wierda on Prosecuting Abuses Resulting from U.S. “War on Terror” Policy ([http://www.youtube.com/watch?v=7qGzA\\_X5bO4](http://www.youtube.com/watch?v=7qGzA_X5bO4))

### ASIA

#### Bangladesh

A Second International Conference on Genocide, Truth and Justice was held in the Bangladeshi capital as part of the government's effort to try Bangladeshi perpetrators of war crimes during the country's 1971 struggle for independence. The conference involved historians, academics and international legal experts, and culminated in a call for the UN to declare the mass killings as genocide. There was also a call for the international community to provide support for Bangladeshi efforts to try perpetrators. Following the conference, the British government offered legal and logistical support to the effort.

- "UK willing to help Bangladesh in war crimes trial," *Daily Star* (<http://www.thedailystar.net/newDesign/news-details.php?nid=100359>)
- "Call for UN recognition of 1971 genocide," *Daily Star* (<http://www.thedailystar.net/newDesign/news-details.php?nid=99583>)
- "Dhaka seeks evidence from international community," *Daily Star* (<http://www.thedailystar.net/newDesign/news-details.php?nid=99429>)

#### Burma

A Burmese court sentenced pro-democracy leader Daw Aung San Suu Kyi to three years of hard labor and subsequently commuted her sentence to 18 months of house arrest. The sentence attracted the condemnation of human rights organizations around the globe, which have called for the activist's release along with the release of an estimated 2,100 other political prisoners.

- "Pro-Democracy Leader in Myanmar Is Convicted," *New York Times* ([http://www.nytimes.com/2009/08/12/world/asia/12myanmar.html?\\_r=1&chp](http://www.nytimes.com/2009/08/12/world/asia/12myanmar.html?_r=1&chp))

#### Cambodia

UN and Cambodian officials appointed independent counselor Uth Chhorn to oversee anti-corruption efforts at the Extraordinary Chambers in the Courts of Cambodia (ECCC). The ECCC was set up to try perpetrators of the Khmer Rouge regime, which killed between 1.2 and 1.7 million people through execution, starvation, and forced labor during its four years in power, though allegations of corruption have dogged the court.

Public interest in the court's first trial, of former Khmer Rouge prison guard Kaing Guek Eav (alias Duch), remained high. As of Aug. 26, more than 20,000 visitors had attended court hearings since the trial began on Mar. 30. Final statements in the trial will begin on Nov. 23.

- "Anti-corruption watchdog to join UN-backed genocide court in Cambodia," *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=31750&Cr=Khmer+Rouge&Cr1>)
- "Attendance at Duch trial exceeds 20,000," ECCC ([http://www.eccc.gov.kh/english/news.view.aspx?doc\\_id=304](http://www.eccc.gov.kh/english/news.view.aspx?doc_id=304))

#### Nepal

On Aug. 30, International Day of the Disappeared, ICTJ joined other civil society and human rights organizations in calling on the Nepalese government to amend the draft Disappearances of Persons bill to make it comply with international law and standards. The organizations said that making enforced disappearances a criminal offence and establishing a Commission of Inquiry into disappearances would help victims and their families, by promoting disclosure of the truth and promoting justice and reparations.

ICTJ also joined a coalition calling on the Nepalese government to publicize the whereabouts of citizens forcibly disappeared in the course of the country's decade-long armed conflict and to take action against those responsible. Three years after the end of fighting between government forces and Maoist rebels, 1,200 people are still missing, according to the International Committee of the Red Cross.

On Aug. 28, the representative of the UN High Commissioner for Human Rights in Nepal, Richard Bennett, expressed concern over a lack of progress toward holding the Nepalese army accountable for serious human rights crimes it committed during the conflict. Bennett recommended comprehensive vetting of army personnel and Maoist cadres as part of the country's peace process.

- "West piles pressure on Nepal over war disappearances," *Reuters* (<http://www.reuters.com/article/asiaCrisis/idUSDEL469680>)
- "Nepal: 'Disappearances' Law Must Meet International Standards," ICTJ (<http://ictj.org/en/news/press/release/3012.html>)
- "Nepal: Enforced Disappearances Should Be Criminalized," ICTJ (<http://ictj.org/en/news/press/release/3014.html>)
- "OHCHR calls for human rights vetting," *EKantipur* (<http://ekantipur.com/kolnews.php?&cnid=211958>)

### Timor Leste

In an Aug. 30 speech marking the tenth anniversary of the Timorese vote for independence from Indonesia, President Ramos Horta refuted calls for an international tribunal to deal with the violence that preceded and followed the vote. Another blow to accountability was the recent release of a militia leader who had been indicted by the former Serious Crimes Unit for crimes against humanity, but was released by executive order following pressure from the Indonesian government. Domestic trials held in Indonesia and a UN supported Serious Crimes Process in Timor Leste have failed to bring those most responsible for planning the 1999 violence to justice. More than 1400 killed and hundreds raped during a campaign of retributive violence by Indonesia in 1999, and approximately 250,000 people were displaced to the neighboring province of West Timor.

- “Forgive Indonesian crimes, Ramos-Horta urges East Timorese,” *The Sydney Morning Herald* (<http://www.brisbanetimes.com.au/world/forgive-indonesian-crimes-ramoshorta-urges-east-timorese-20090830-f402.html>)
- “Timor violence victims to renew call for justice,” *The Age* (<http://www.theage.com.au/world/timor-violence-victims-to-renew-call-for-justice-20090901-f5fw.html>)
- “E.Timor releases suspected Indonesian militia,” *Reuters* (<http://in.reuters.com/article/worldNews/idINIndia-42102720090831?sp=true>)
- “‘Still no justice’ in East Timor,” *BBC* (<http://news.bbc.co.uk/2/hi/asia-pacific/8223686.stm>)

## EUROPE

### Former Yugoslavia

In late July, judges at the International Criminal Tribunal for the Former Yugoslavia (ICTY) called on the prosecutor to speed up the trial of former Bosnian Serb leader Radovan Karadzic. Karadzic faces 11 charges of war crimes and crimes against humanity, and the prosecution currently intends to call about 500 witnesses.

Also in late July, the ICTY sentenced Serbian nationalist leader Vojislav Seselj to 15 months in jail for disclosing in a book the names and personal details of protected witnesses. The trial chamber, characterizing the disclosure as “serious interference with the administration of justice,” said the sentence was intended both as punishment for the defendant’s conduct and a deterrent against any similar future transgressions.

- “Call to speed up Karadzic trial,” *BBC* (<http://news.bbc.co.uk/2/hi/europe/8165136.stm>)
- “Seselj Convicted of Contempt of Court,” *IWPR* ([http://www.iwpr.net/?p=tri&cs=f&co=354717&apc\\_state=henptri](http://www.iwpr.net/?p=tri&cs=f&co=354717&apc_state=henptri))

## MIDDLE EAST AND NORTH AFRICA

### Israel/Occupied Palestinian Territory

U.N. High Commissioner for Human Rights Navi Pillay issued a report denouncing violations of international law by Israeli forces and Palestinian militants during the recent conflict in Gaza and southern Israel, and condemning the “near total impunity” that remains. Pillay recommended a lifting of the blockade on Gaza, a halt to settlement expansion, an investigation of alleged violations of international law and implementation of accountability mechanisms, and an end to impunity.

In mid-July, an Israeli organization released a report containing 54 testimonies of soldiers who had served in “Operation Cast Lead”—the name of the attack on Gaza earlier this year—describing abuses committed by the Israeli military during the operation. The organization, Breaking the Silence, is composed of veteran Israeli soldiers who want to inform the public as to the reality of military service in the OPT. In response, the Israeli Foreign Ministry began a campaign to halt foreign funding for the organization.

The human rights organization Adalah has launched a new interactive map and database which provides detailed information on land confiscation by the Israeli authorities since 1948, as well as an assessment of the value of the refugee properties that are now under Israel’s control. It gathers primary information from Israeli governmental, Palestinian and UN sources.

- “UN human rights chief accuses Israel of war crimes,” *The Guardian* (<http://www.guardian.co.uk/world/2009/jan/10/un-human-rights-gaza-zeitoun>)
- *Breaking the Silence: Soldiers’ testimonies from Operation Cast Lead, Gaza 2009* ([http://www.shovrimshatika.org/oferet/booklet\\_e.asp](http://www.shovrimshatika.org/oferet/booklet_e.asp))
- “Group that exposed ‘IDF crimes’ in Gaza slams Israel bid to choke off its funds,” *Haaretz* (<http://www.haaretz.com/hasen/spages/1102793.html>)
- “Adalah Launches New Internet-Based Interactive Map and Database on Land Expropriations by Israel,” Adalah ([http://www.adalah.org/eng/pressreleases/pr.php?file=09\\_06\\_22](http://www.adalah.org/eng/pressreleases/pr.php?file=09_06_22))

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## THEMATIC REPORT

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### Children

On Aug. 4, the UN Security Council unanimously adopted Resolution 1882 on Children and Armed Conflict. The resolution calls on the Secretary General to include annexes in his annual report which name countries that have strategically killed and maimed children, or perpetrated sexual violence against children, in violation of international law. The resolution was the first time that the Secretary General was urged to consider a broader spectrum of violations of children beyond the recruitment and use of children.

- “Press Conference on Security Council Resolution on Children and Armed Conflict,” *UN Public Information Center* ([http://www.un.org/News/briefings/docs/2009/090804\\_1882.doc.htm](http://www.un.org/News/briefings/docs/2009/090804_1882.doc.htm))
- “UN Security Council Breaks New Ground to Protect Children in War,” *UN Public Information Center* (<http://www.un.org/children/conflict/pr/2009-08-04218.html>)

### Gender Justice

From Aug. 20-21, ICTJ hosted a meeting in Johannesburg aimed at reviewing mechanisms to address gender-based human rights violations in recent conflicts in southern Africa. Rashida Manjoo, UN Special Rapporteur on Violence against Women, provided the keynote address. The meeting explored ways to strengthen the voice of African civil society organizations concerned with gender and transitional justice.

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## PUBLICATIONS

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### Children and Transitional Justice

Children and youth are often severely affected by the social, economic, political and psychological dislocation of conflict and legacies of abuse. Yet transitional justice tools—including truth commissions, institutional reform and reparations—have historically paid limited attention to their experiences. In a new fact sheet, ICTJ presents the challenges of involving children in transitional justice, along with ways forward. Ultimately, transitional justice initiatives can raise awareness about crimes against children, contribute to ending impunity for these crimes and prevent recurring abuse.

- “Children and Transitional Justice” ([http://ictj.org/static/Factsheets/ICTJ\\_Children-TJ\\_fs2008.pdf](http://ictj.org/static/Factsheets/ICTJ_Children-TJ_fs2008.pdf))

### Negotiating Peace in Indonesia: Prospects for Building Peace and Upholding Justice in Maluku and Aceh

Indonesia’s history is littered with episodes of mass violence, whether state-sponsored, communally driven, or separatist in nature. A decade into democratic reform, the Indonesian government has successfully negotiated several peace agreements and brought an end to mass human rights violations. This report by Scott Cunliffe, Eddie Riyadi, Raimondus Arwalembun, Hendrik Boli Tobi examines the peace negotiations for Maluku and Aceh. It describes the dynamics of peace negotiations, identifies how transitional justice mechanisms were addressed by negotiators, and assesses post-agreement implementation of justice-related provisions.

- *Negotiating Peace in Indonesia* ([http://www.ictj.org/static/Publications/ICTJ-IFP\\_IDN\\_Negotiating-Peace-Indonesia\\_pb2009.pdf](http://www.ictj.org/static/Publications/ICTJ-IFP_IDN_Negotiating-Peace-Indonesia_pb2009.pdf))

### Negotiating Peace in Nepal: Implications for Justice

With the removal of the king from the political sphere, Nepal began a peace process that would ultimately bring the Maoists into government, draft a new constitution, and declare the country a republic. Despite commitments to truth and accountability for serious crimes committed during the ten-year conflict, impunity remains a considerable challenge. This report by ICTJ co-founder Priscilla Hayner and ICTJ Nepal Program Associate Warisha Farasat analyzes how justice issues were addressed in the negotiations, and how they have been implemented since the signing of the Comprehensive Peace Agreement.

- *Negotiating Peace in Nepal* ([http://www.ictj.org/static/Publications/ICTJ-IFP\\_IDN\\_Negotiating-Peace-Indonesia\\_pb2009.pdf](http://www.ictj.org/static/Publications/ICTJ-IFP_IDN_Negotiating-Peace-Indonesia_pb2009.pdf))

### Reparar en Colombia and Recordar en conflicto

ICTJ Colombia presents a pair of new volumes on memory and reparations developed over two years in partnership with the European Commission. Both volumes include academic texts, articles based on field work, and comparative experiences. The latter volume also includes emotional accounts of victims’ experiences written by victims themselves.

- *Recordar en conflicto: iniciativas no oficiales de memoria en Colombia* (<http://www.ictj.org/images/content/1/6/1656.pdf>)
- *Reparar en Colombia: los dilemas en contextos de conflicto, pobreza y exclusión* (<http://www.ictj.org/images/content/1/6/1655.pdf>)

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**September 2**

**International Conference: Land restitution, comparative experiences**

*ICTJ Colombia, Bogotá*

*For more information, contact Angelica*

*Zamora at [azamora@ictj.org](mailto:azamora@ictj.org)*

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**September 11**

**After Guantanamo: The Way Forward**

*Case Western Reserve University School of Law*

*Cleveland, Ohio*

*For more information, visit <http://gsmcneal.com>*

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**September 15**

**Whistle-Blowers: A Conversation with Daniel Ellsberg and John Dean**

*New York Society for Ethical Culture, New York*

*For more information, visit [http://www.soros.org/initiatives/usprograms/focus/security/](http://www.soros.org/initiatives/usprograms/focus/security/events/ellsberg_20090915)*

*events/ellsberg\_20090915*

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**September 28 - October 9**

**ICTJ Intensive Course on Truth, Memory, and Justice**

*Castell de Montjuïc, Barcelona, Spain*

*For more information, visit <http://ictj.org/en/news/event/2714.html>*

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**September 29**

**ICTJ Reparations Workshop for Mexican Federal Homeland Secretariat**

*Mexico City, Mexico*

*For more information, contact María Cristina*

*Rivera, [mrivera@ictj.org](mailto:mrivera@ictj.org)*

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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>*

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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.

On July 3, 2009, a meeting of the African Union (AU) heads of state declared that its members should not cooperate with the International Criminal Court's arrest warrant against Sudanese President Omar al-Bashir for alleged war crimes and crimes against humanity. South Africa supported the AU's decision, which threatened to block justice for victims of some of the world's worst crimes.

Within days, ICTJ and dozens of civil society organizations in South Africa publicly criticized the decision. Together with influential public figures, including Archbishop Desmond Tutu and ICTJ board member Richard Goldstone, the organizations called on the South African government to respect its obligations to the International Criminal Court (ICC). As a state party to the court's founding statute, the Rome Statute, South Africa is obligated to arrest Bashir if he enters South African territory. ICTJ and its partners also reminded the government that since the Rome Statute has been incorporated into South African law, a decision by the government not to act would be unlawful and unconstitutional.

The civil society campaign had a powerful effect. On July 30, Ayanda Ntsaluba, director-general of South African International Relations, announced that though the government had reservations about the case against the Sudanese president, authorities would indeed arrest Bashir if he entered the country. The announcement sent a powerful signal about respect for the rule of law and the values underlying the South African constitution. Ntsaluba also dispelled the belief that the ICC was somehow anti-African, since all its current cases arise from the continent. Ntsaluba pointed out that three of the four cases before the ICC were referred by African governments themselves, and the case of Sudan was referred to the ICC by the UN Security Council.



*Supporters of South African President Jacob Zuma rallying in Kwazakhele township, South Africa. Photo from the BBC World Service Flickr photostream.*

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ICTJ and its partners have since expanded their campaign across the continent, calling on all African states that are party to the Rome Statute to commit themselves to enforcing the ICC arrest warrant against. To date, more than 160 civil society groups from across Africa have endorsed the call.

Bashir must now plan his travel with care to avoid the risk of arrest—a testament to the power of sustained civil society action as a tool to combat impunity for the world's worst crimes.

ICTJ provides expertise that transforms the lives of victims and creates healthy judicial systems and sustainable societies. International demand for our assistance increases each year, and your support has never been more important. Learn more at [www.ictj.org](http://www.ictj.org) or contact Carol Skyrms, Director of Development, at 917-637-3840, or [cskyrm@ictj.org](mailto:cskyrm@ictj.org).

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### About ICTJ

The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

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