

International Center for

t r a n s i t i o n a l

j u s t i c e

TABLE OF CONTENTS	Mission Statement 1	From the Chairman 2	From the President 3	Programs 5	Overview 7
Transitional Justice Toolkit 9	Where We Work 11	Global Justice 16	Country Profile: East Timor 18	Country Profile: Peru 20	
Program Review 22	The Transitional Justice Fellowship Program 24	ICTJ Staff 26	Recent Publications 28	Financial Statements 29	
2001—2002 Supporters 30	Partner Organizations 31	Board of Directors 32			

t r a n s i t i o n a l j u s t i c e

Mission Statement

What is Transitional Justice?

As a political transition unfolds after a period of violence or repression, a society is often confronted with a difficult legacy of human rights abuse. Countries as diverse as Bosnia-Herzegovina, Sierra Leone, Peru, and East Timor are struggling to come to terms with crimes of the past. In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider both judicial and nonjudicial responses to human rights crimes. These may include:

- Prosecuting individual perpetrators
- Offering reparations to victims of state-sponsored violence
 - Establishing truth-seeking initiatives about past abuse
 - Reforming institutions like the police and the courts
- Removing human rights abusers from positions of power

Increasingly, these approaches are used together in order to achieve a more comprehensive and far-reaching sense of justice.

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. It provides comparative information, legal and policy analysis, documentation, and strategic research to governments, nongovernmental organizations, and others. Its work focuses on five key elements of transitional justice: developing strategies to prosecute perpetrators, documenting violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and promoting reconciliation. The ICTJ is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so.

f r o m t h e c h a i r m a n

It has been a privilege to have been a part of the International Center for Transitional Justice during its first year. This has been a year of great progress, both for the organization and for the field of transitional justice.

I joined the board of the ICTJ after witnessing the transition from apartheid in South Africa, where I grew up. The extraordinary and inspirational political leadership of Nelson Mandela was crucial in making that transition as peaceful as it was, and in helping the South African people come to terms with the stark realities of the past. President Mandela's vision and example contributed immeasurably to the success of the South African Truth and Reconciliation Commission, led by Archbishop Desmond Tutu and Dr. Alex Boraine. Though imperfect, the truth commission provided the framework for the country to begin dealing with the consequences of years of brutality.

Alex Boraine not only contributed to the intellectual inspiration for the commission, he and Archbishop Tutu also provided the leadership necessary for it to work. As the commission gained international prominence, it became clear that many other countries were undergoing political transitions and looking for ways to address the past. They sought strategies for bringing perpetrators of human rights abuse to justice while recognizing the rights of the victims of such abuses to be heard.

As the ICTJ's founder and first leader, Alex has now taken his unique experience to help lead the world in the new and vital field of transitional justice. Across the world, the need has never been greater for new approaches to tackle past injustices and overcome the legacies of repression and abuse. From Ghana to East Timor, the former Yugoslavia to Northern Ireland, country after country, society after society is emerging from a bleak and divided history. And as they do so, they are trying to find ways, both through their existing legal systems and new approaches such as truth commissions, to examine the crimes of the past. The courageous individuals involved in these struggles made clear their need for expert advice and experience. This was the need the ICTJ was founded to meet.

And meet it we have. This year has seen not only the establishment of the core expert staff of the ICTJ and the founding of our offices, but also the ICTJ becoming engaged in many countries where the organization's assistance is sought and valued. Based on our first year of work, it is clear that the field of transitional justice has indeed been served by an institution dedicated to these issues and that the ICTJ has identified a place where it can make a contribution. Whether the issue is determining what needs to be done to reform a corrupt institution or exploring the legal complexities of a fair and effective reparations policy, the ICTJ is giving practical, hands-on advice and expert guidance.

One point needs to be stressed. The ICTJ works *with* local governments and human rights organizations. Our goal is to spread best practice and to share relevant experience, never to prescribe. The explosion in transitional justice is constantly creating new experiences and precedents. Our objective is to learn from that new experience and pass it on to others where it may be relevant.

I pay tribute to Alex Boraine and his staff for a founding year rich in achievement. On behalf of the ICTJ Board I thank all of you who have supported us throughout this first year. It has been an impressive start.



VINCENT MAI
CHAIRMAN OF THE BOARD OF DIRECTORS

f r o m t h e p r e s i d e n t

The past 13 months have been exhilarating, demanding, and a great learning experience for all of us at the ICTJ.

In this busy and hectic period of initiating a new international center, we have been reminded that political transitions are invariably messy, ambiguous, contradictory, and fragile.

The questions confronting countries in transition are not only diverse, but also sensitive and highly complex. The mechanisms and options that may apply in each case are informed by a country's history and culture, the extent of the conflict, and the nature of the transition itself. However, it has become equally obvious that there are lessons to be learned from the experiences, the successes, and the mistakes of countries that have undergone earlier transitions.

While we must never lose sight of the overarching demand for accountability, the sociopolitical climate will present certain priorities. For example, in Afghanistan the immediate priorities are security, food supplies, and good governance. Nevertheless, it may well be possible to deal with the central question of justice in the months and years to come.

What has been confirmed for us in the countries we are involved in is that a comprehensive strategy needs to be crafted for each situation. This has led us to focus on a much fuller and richer definition of justice.

We understand transitional justice to be both retrospective and prospective. This means, on the one hand, that countries require assistance to come to terms with a conflictual past and to deal effectively and fully with past atrocities and human rights violations. As far as it is possible, this involves bringing to justice the perpetrators of these crimes. Dealing with the past will also include truth-telling and truth-seeking, not only as a means to ensure accountability, but also to give victims an opportunity to tell their stories and to know, as much as is possible, the truth surrounding the death, disappearance, or torture of families and friends.

On the other hand, a comprehensive strategy must also deal with the challenges of the future. Therefore, a commitment to reconciliation and peace-building is an urgent requirement in deeply divided societies. This difficult and demanding process is part of the guarantee of future stability and the development of a human rights culture.

This reconciliation process cannot be promoted without institutional reform that includes specific reference to the rule of law and the transformation of security and military forces.

Finally, there must be a commitment to material and symbolic reparations for victims of serious violations.

This holistic strategy has informed our work in many countries, and the emphasis has been on both judicial and nonjudicial mechanisms. This approach will guide all our efforts in the future. The ever-growing and dynamic field of transitional justice offers many challenges. We will need to give attention to many questions, including the establishment of the permanent International Criminal Court, the relationship between truth commissions and prosecutions, and the need for capacity-building at every level, to mention only a few.

The ICTJ has grown very rapidly, and we now enter a period of consolidation during which we will place an even greater emphasis on substance and research, in addition to direct responses to specific requests. We are fortunate to have a professional and dedicated staff, good facilities, a very supportive board of directors, and resources that enabled us to launch our programs.

None of this would have been possible without the support and encouragement of major foundations. I am especially grateful to Susan Berresford for her enthusiastic support from the beginning and for the initial major grant from the Ford Foundation. The success of this first year gives me confidence that the Center will be equal to the challenges ahead of us.



ALEX BORAINÉ
PRESIDENT



According to the Guatemalan Historical Clarification Commission, up to 200,000 people were killed or disappeared during the civil war.

Nebaj, Quiche, Guatemala 2001. Woman witnesses exhumation conducted by the Office for Peace and Reconciliation, Quiche Diocese, Technical Forensic Team. Senior Associate Paul Seils traveled to Guatemala in March 2002 to advise the Center for Human Rights Legal Action (CALDH) legal team on prosecutions of former military officers for war crimes and crimes against humanity. | Photo by Mischa Prince

p r o g r a m s

In-Country Assistance

No two transitional justice projects are the same; each new endeavor yields a fresh set of lessons and best practices. The ICTJ draws on its wide experience to provide comparative information and expertise to government officials and human rights activists evaluating policy options during times of transition. The ICTJ assists these individuals and organizations by providing information, policy analysis, and legal and technical assistance, most often through in-country missions at the request of governments and civil society groups.

Research

The field of transitional justice is varied and covers a range of disciplines. It draws on law, public policy, forensics, economics, history, psychology, the arts, and other areas. The ICTJ works to develop a rich understanding of the field as a whole, and to identify issues that merit more in-depth research and analysis. Collaborating with colleagues in transitional societies and often commissioning outside studies, the ICTJ targets its research to address the complexities confronting policymakers and activists grappling with these issues. Identifying and addressing the most important gaps in scholarship, it provides the benefit of comparative information to practitioners worldwide.

Capacity Building

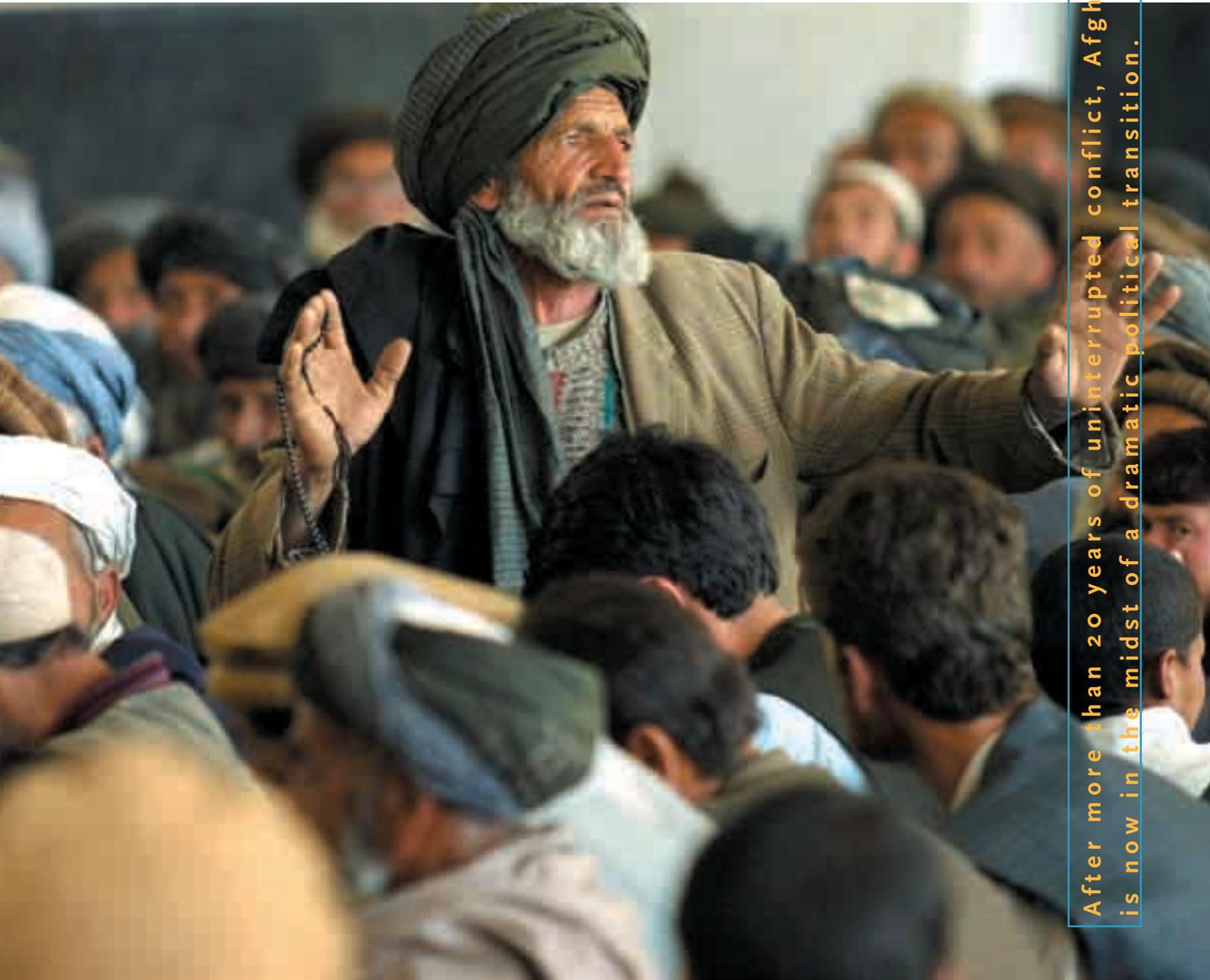
A core principle of the ICTJ is to empower local activists and officials to make informed decisions about justice in transition. To that end, the Center holds training sessions and seminars for those designing and implementing transitional justice programs. It has also launched an international fellowship program for human rights advocates.

Transitional Justice Network

The ICTJ aims to strengthen the field of transitional justice by improving communication among the many scholars, legal professionals, activists, and policymakers engaged in this field. It also brings together professionals to share information and best practices with their counterparts in other countries as they confront similar challenges in pursuing truth and justice-seeking initiatives.

Policymaker Seminars

As they consider transitional justice policy options, decision-makers may seek additional information, policy analysis, or specific expertise. The ICTJ reaches out to government officials, diplomats, foreign policy experts, and senior staff of intergovernmental organizations to provide an overview of lessons learned from past transitional justice experiences.



After more than 20 years of uninterrupted conflict, Afghanistan is now in the midst of a dramatic political transition.

A man addresses a meeting to select representatives for the Loya Jirga in April 2002, in the Afghan town of Mahmood Raqi. The Loya Jirga, or Grand Tribal Council, is Afghanistan's traditional legal instrument. This meeting preceded a June 2002 session in Kabul to select Afghanistan's leadership for another 18 months. | Photo by Natalie Behring-Chisholm/Getty Images

o v e r v i e w

March 2001—March 2002

March 2002 marked the first anniversary of the founding of the International Center for Transitional Justice. When the Center opened its doors in early 2001, it consisted of four core staff members working out of temporary offices and serving as advisers to a range of countries on an ad hoc basis. Today, the ICTJ is a team of more than 20 international staff working out of a permanent office space in New York City, with ambitious and far-reaching plans and programs.

During its first year, staff members undertook 28 trips to 15 countries as part of the ICTJ's in-country assistance program. They worked with human rights groups, heads of state, attorneys general, and local and international organizations on nearly every continent. The Center was directly involved in the establishment of four new truth commissions and worked to strengthen prosecution efforts in half a dozen countries. It initiated programs at various points of political transition: in countries where a democratic transition is possible and hoped for, such as Burma, where an opposition movement continues to work toward democracy; countries like Afghanistan, newly emerging from a period of brutality; and long-standing democracies like the United States that have yet to contend with difficult periods in their past. The Center counts the following among its accomplishments over the past year:

- In Ghana, the ICTJ successfully argued against including an amnesty in the mandate of a newly established national truth and reconciliation commission. The removal of the amnesty has helped to ensure that the search for truth in Ghana is not at odds with prosecutorial efforts (see page 11).
- In order to assist the Special Prosecutor in Mexico to investigate human rights crimes effectively, the ICTJ brought together special prosecutors from a range of other countries to provide expertise and lessons learned (see page 12).
- The ICTJ is advising the Burmese democratic movement on transitional justice policies in preparation for negotiations with the ruling regime (see page 13).
- In Peru, the Center has been involved from the ground up in the process of establishing a truth commission compatible with justice efforts and leading toward a broad reparations program (see page 20).



Photo: Vincent Ricardell

The ICTJ formally introduced its work to friends and colleagues in New York City on November 5, 2001, with a launch party featuring Senator George Mitchell, attended by more than 350 guests.



Photo: Eric Darko

In January 2002 the ICTJ held a luncheon at the Ford Foundation to discuss its work in East Timor. Jose Ramos-Horta, the foreign minister of East Timor and a Nobel Laureate, spoke as the guest of honor. Nearly 80 members of the diplomatic, nongovernmental, and donor communities attended the luncheon, which was covered by the Associated Press.

The ICTJ has also launched a series of innovative research projects, with pro bono support from five New York law firms and three law schools on a number of them. Foremost among the ICTJ's initiatives

is an examination of reparations programs in 12 countries, the most ambitious global reparations study to date. Before the ICTJ's establishment, its founders worked with the Aspen Institute to convene leading actors in the human rights community to discuss the state of the field of transitional justice. The results of the exchange were published by the Aspen Institute and the NYU School of Law as a compilation of essays entitled *The Legacy of Abuse: Confronting the Past, Facing the Future*.

In order to carry out its research and assist others working in the field, the Center has built a documentation center containing specialized primary and secondary materials on transitional justice. And with Bard College it has helped launch a searchable online video archive of the historic trial of Slobodan Milosevic.

As part of ICTJ's commitment to capacity building, it has conducted scores of training seminars and workshops around the world. The Center recently convened representatives from a dozen countries in order to launch an international alliance of organizations working in the field of transitional justice. It also inaugurated a six-month international fellowship program for human rights activists, based in South Africa, with 21 participants from 11 countries. In New York, staff have worked with nearly 30 interns and externs over the past year in an effort to develop their skills and expertise.

Over the past year, staff members have made formal presentations to some 30 international conferences in 18 countries. As part of the ICTJ's policymaker program, they have addressed members of UN departments, governmental agencies, intergovernmental organizations, and others. The Center also worked with the UN High Commissioner for Human Rights to formulate transitional justice policies for Afghanistan, East Timor, and Sierra Leone.

In June 2002, Mr. Ian Martin joined the International Center for Transitional Justice as Vice President.

Mr. Martin has some 30 years of experience in the field of human rights, both with nongovernmental organizations and as a representative of the United Nations. He served as the Secretary General of Amnesty International from 1986 to 1992 and went on to play a central role in several international missions. He was the human rights director of the UN/OAS Mission to Haiti in 1993 and 1995, and served as Chief of the Human Rights Field Operation in Rwanda from 1995 to 1996. He was the Deputy High Representative for Human Rights in Bosnia and Herzegovina from 1998 to 1999. Most recently, he served as the Special Representative of the Secretary-General and Head of the UN Mission in East Timor in 1999, and from 2000 to 2001 as the Deputy Special Representative of the Secretary-General for the UN Mission in Ethiopia and Eritrea.

The ICTJ has attracted considerable media attention over the past year, with feature articles in *The New York Times*, *The Washington Post*, *The Miami Herald*, the *Financial Times*, and many other publications worldwide, as well as radio and television coverage. The publication of books by ICTJ President Alex Boraine (*A Country Unmasked*, about the South African Truth and Reconciliation Commission) and Program Director Priscilla Hayner (*Unspeakable Truths*, comparing 21 truth commissions around the world) spurred further media attention.

The following pages detail the Center's programs, goals, and successes to date.



ICTJ Online

The ICTJ launched its website in October 2001. Since then, it has received nearly half a million hits, with more than 15,000 visitors, an average of 2500 per month.

transitional justice

toolkit

The ICTJ believes that dealing with a legacy of violence requires a comprehensive range of responses that may include prosecutions, truth commissions, reparation programs, reform efforts, and reconciliation initiatives. The following are examples of approaches to human rights abuse that form part of a “Transitional Justice Toolkit.”

PROSECUTIONS

Domestic Trials—Trial of Eugene De Kock in South Africa As the leader of an infamous police hit squad in South Africa, Eugene De Kock was responsible for killings, disappearances, and torture. After a lengthy investigation and trial, De Kock was finally convicted in October 1996 and sentenced to life imprisonment. De Kock revealed further evidence of security force involvement in human rights abuse in an amnesty application to the Truth and Reconciliation Commission. He was denied amnesty.

International Criminal Tribunals—Trial of Slobodan Milosevic before the ICTY In 1993, a UN Security Council resolution created the International Criminal Tribunal for the former Yugoslavia in response to the serious violations of international humanitarian law committed during the war in the Balkans. Charged with war crimes, crimes against humanity, and genocide, former Yugoslav President Slobodan Milosevic is currently standing trial before the ICTY in The Hague. This is a landmark case in international criminal law.

“Hybrid Tribunals”—Sierra Leone Special Court In order to achieve justice for widespread human rights abuses committed during its civil war, the government of Sierra Leone entered into an agreement with the United Nations to create the Sierra Leone Special Court. Based in the capital, Freetown, this “hybrid” tribunal will include both national and international judges and prosecutors.

TRUTH COMMISSIONS

Chile Constrained by a powerful military that had granted itself an amnesty, President Patricio Aylwin created the National Commission on Truth and Reconciliation to address the abuses perpetrated under Augusto Pinochet’s 17-year rule. After nine months of hearing testimonies from victims’ families, the commission issued an 1800-page report documenting and ascribing responsibility for nearly 3000 cases of disappearances, executions, and torture ending in death.

South Africa As part of the process of transition from apartheid to majority rule, South Africa’s first democratic government established a Truth and Reconciliation Commission to uncover, document, and acknowledge past human rights abuses. Victims were able to testify about their suffering at public hearings and perpetrators could apply for amnesty by making full disclosure of their crimes.

Peru The Truth and Reconciliation Commission is investigating a 20-year period of human rights abuses by successive Peruvian governments and armed opposition groups. By identifying victims and responsible parties, the commission hopes to promote reform, make appropriate recommendations for reparations, and support justice efforts.

REPARATION & COMPENSATION

Argentina A virulent anti-communist campaign carried out by the military led to the forced disappearance of more than 10,000 people from 1976 to 1983. Eventually, the government established a program of monetary reparations for families of those disappeared and killed and for those imprisoned for political reasons or forced into exile. Other nonmonetary forms of reparations included housing credits and the waiver of military service for children of the disappeared.

USA Approximately 120,000 Americans of Japanese descent were unjustly interned during World War II. After decades of pressure from the Japanese-American community, the U.S. government passed the Civil Liberties Act of 1988, providing an official apology, as well as \$1.2 billion for payments of \$20,000 to each surviving internee.

Chile—Memorial to the Disappeared and Politically Executed In addition to monetary compensation paid out to victims and their families, this visually impressive commemorative space pays homage to those killed or disappeared during Chile’s authoritarian period (1973–1990). The site includes a rock memorial wall, a rock garden, and a series of sculptures. It has been used as a meeting place for activists, officials, and other visitors.

INSTITUTIONAL REFORM

Access to Information—Mexico’s Freedom of Information Law 2002 The legitimacy of Mexico’s government was weakened by corruption and secrecy for decades. The government of President Vicente Fox has sponsored legislation to enable citizens to access information necessary to protect their rights. Agencies are required to publish routine reports on their operations, and citizens have been granted the right to obtain relevant government information.

Judicial Reform—Colombia’s Superior Judicial Council Battling against a corrupt and inefficient judiciary, Colombia created a Judicial Council to strengthen the independence of the courts and improve the quality of the judiciary. The council is responsible for naming judicial candidates and promoting and disciplining judges.

Human Rights Training for Police—International Committee of the Red Cross (ICRC) The ICRC has produced a reference document to help prepare human rights training programs in police forces and to conduct internal audits to assess whether police codes of conduct comply with international standards. Local officials can use this document to help reform police practice and build a stronger commitment to human rights among law enforcement officials.

RECONCILIATION

The Journey of Healing—Australia The Journey of Healing is a community initiative to support all who suffered as a result of the Australian government’s policy to remove Aboriginal children from their families. It was conceived by members of the “stolen generations” in response to the 1998 national Sorry Day—a day in which hundreds of thousands of Australians gathered to express remorse for their country’s treatment of Aboriginal peoples.

PRIDE—Sierra Leone PRIDE is an organization based in Freetown that works closely with ex-combatants and aims to support government efforts to reincorporate them into communities. PRIDE has run an education campaign designed to inform ex-combatants about the work of the Truth and Reconciliation Commission and the Special Court, both of which play an important role in dealing with the consequences of armed conflict.

African Great Lakes Initiative—Burundi From April 2001, as part of its Trauma Healing and Reconciliation Service (THARS), the African Great Lakes Initiative has organized dozens of workshops for those directly and indirectly affected by violence and conflict in Burundi. The workshops help participants identify signs of trauma, understand the causes of violence, and develop constructive methods to handle grief and loss.



Testimony was taken from over 23,000 victims and witnesses at the South African Truth and Reconciliation Commission.

A woman prepares to testify before the South African Truth and Reconciliation Commission, established in 1995 to examine apartheid-era crimes. Hearings began in April 1996 and the commission's five-volume report was published in October 1998. | Photograph courtesy of *Moments of Truth: The Truth and Reconciliation Commission at Work*, published by the Truth and Reconciliation Commission, Cape Town, 1998.

w h e r e w e w o r k

a f r i c a

G H A N A

As Ghana emerges from 45 years of intermittent authoritarian and military rule, its newly elected president, John Agyekum Kufour, has promised an active policy of national reconciliation. One year after assuming the presidency in January 2001, he signed into law a National Reconciliation Act designed to foster reconciliation by healing the wounds of the past. The attorney general of Ghana and local human rights organizations, particularly the Center for Democratic Development, asked the ICTJ to help craft a truth commission best suited to their country's needs. ICTJ staff members—including Documentation Officer Eric Darko, who originates from and has long been active in Ghana—have provided advice and assistance on the establishment of the nine-member National Reconciliation Commission.

The ICTJ provided commentary on the first drafts of legislation to establish the commission and stressed the importance of involving a broad spectrum of civil society in defining the commission's mandate. The ICTJ advocated against amnesty-granting powers for the commission, contributing to the removal of the amnesty clause from the commission's mandate. In October 2001, ICTJ staff attended a Parliamentary Committee retreat at Elmina, in the Central Region of Ghana, to assist in the final deliberations on the legislation. The ICTJ continues to work with the Center for Democratic Development to elicit wide public participation as the commission gets underway.

N I G E R I A

In May 1999, Nigerians held their first successful democratic presidential election in decades, choosing former military ruler Olusegun Obasanjo for office. Almost immediately, President Obasanjo established a Human Rights Violations Commission (known as the Oputa Panel, after its chairman, Justice Chukwudifu Oputa) to investigate human rights abuses committed during a series of military regimes from 1966 to 1999. ICTJ staff members have monitored the activities of the Oputa Panel, and Priscilla Hayner and Senior Associate Louis Bickford formed part of a delegation the ICTJ sent to Nigeria prior to the commission drafting its final report. The ICTJ delegation included nongovernmental representatives from Sierra Leone and Ghana—two

countries in the midst of creating their own truth commissions—who exchanged information about best practices with Nigerian civil society leaders and commission members. In preparation for the final stages of the commission's work, the ICTJ compiled the final reports of other truth commissions to aid in the panel's deliberations.

S I E R R A L E O N E

In July 1999, after nearly a decade of civil war, the government of Sierra Leone and the leadership of the main rebel group, the Revolutionary United Front (RUF), signed a peace agreement in Lomé, Togo. Sierra Leone's civil war was notorious for the atrocities committed against civilians, including the practice of hacking off limbs for the purpose of spreading terror. The peace accords included an unconditional general amnesty for all parties to the war, which was strongly criticized by local and international human rights groups and the United Nations. The parties also agreed to the establishment of a Truth and Reconciliation Commission to enable victims' suffering to be recognized. Priscilla Hayner was closely involved in the creation of this commission, working as a consultant to the UN Office of the High Commissioner for Human Rights before joining the ICTJ.

Despite the peace agreement, continuing abuses by rebel forces prompted the government of Sierra Leone to seek UN assistance to set up a Special Court to prosecute those bearing the greatest responsibility for violations of international humanitarian law. Over the past year, the ICTJ has developed strategies for defining the interrelationship between the Special Court and the Truth and Reconciliation Commission, including the issue of sharing information between them. Senior Associate Marieke Wierda, along with Program Directors Priscilla Hayner and Paul van Zyl, detailed these proposals in a report issued in December 2001, which emerged from a process of local consultation and legal analysis. The report was provided to UN agencies involved in setting up the bodies, such as the Office of the High Commissioner for Human Rights, the Office of Legal Affairs at the UN Secretariat, and the government of Sierra Leone, as well as to local and international nongovernmental partners.

S O U T H A F R I C A

Two of the ICTJ's founding members played central roles in the South African Truth and Reconciliation Commission (TRC), established in 1995: Alex Boraine served as its deputy chair and Paul van

Zyl as its executive secretary. They have continued to advise the commission under the auspices of the ICTJ. The Center has provided legal advice, research, and commentary to the commission as it prepares its final report and recommendations, due to be released in mid-2002. It has advocated for the enactment of key recommendations submitted in the commission's interim report, particularly the prosecution of accused perpetrators and the provision of reparations to victims and their families. As part of a larger strategy to press for the prosecution of those accused of apartheid-era crimes, Paul van Zyl and Senior Associate Vasuki Nesiah are heading up a comparative study of prosecution strategies that have proven effective in other countries.

The ICTJ has also established a Transitional Justice Fellowship Program, based in Cape Town, offering academic and practical training to 21 human rights activists from 8 African and 3 Southeast Asian countries (see page 24).

a m e r i c a s

ARGENTINA

From 1976 to 1983, Argentina was ruled by a series of military juntas that orchestrated a campaign of terror and disappearances. At least 10,000 people, and possibly up to 30,000, were forcibly disappeared. Prior to the return to civilian rule, the military granted itself immunity from prosecution and sought to destroy incriminating documents. Despite new laws allowing serious human rights crimes to be prosecuted, justice has been slow.

Years later, members of the armed forces began to demand access to the documentation collected from torture victims and family members of the disappeared. Having surveyed international law and state practice, Senior Associate Mark Freeman provided legal advice on how to resist such demands and how to set up systems to provide legal protection for future documentation. The ICTJ continues to follow ongoing efforts to bring perpetrators of past crimes to justice. Argentina is also included as a case study in the ICTJ's reparations research project (see page 22).

MEXICO

During 70 years of single-party rule, and particularly during the 1970s, Mexico suffered widespread human rights violations, including disappearances, torture, and political assassinations. Following the release of the National Human Rights Commission Report in 2001, the government of Vicente Fox appointed a Special Prosecutor to investigate and prosecute cases of disappearances. As justice and accountability issues gain increasing prominence in Mexico, the ICTJ and the Mexico City-based Universidad Iberoamericana are collabo-

rating on a project to help energize and inform public debate on truth and justice in the country.

A key goal of this project is to increase the effectiveness of the Special Prosecutor. In the early part of 2002, the ICTJ made preparations for a May 2002 meeting of former special prosecutors from Argentina, Peru, Colombia, and Belgium to share their experiences with their counterpart in Mexico. The ICTJ is also organizing a large public forum for journalists, human rights activists, and opinion-makers to discuss the issue of prosecuting perpetrators of human rights abuse. In addition, Louis Bickford and other ICTJ staff are working with Mexican partners to explore other ways of acknowledging past crimes, such as providing reparations to victims, creating memorials, and pursuing innovative means of establishing the truth about past violations.

PANAMA

In 1999, a mass grave was discovered in Panama, believed to contain the remains of opposition activists murdered during the period of military rule from 1968 to 1989. In March 2001, a truth commission was established to investigate such abuses, and Priscilla Hayner and Mark Freeman were invited to provide advice to its members. Working together with Douglass Cassel of Northwestern University School of Law, they surveyed the options available to the Panamanian commission based on their experience with previous commissions. The ICTJ provided other assistance to the commission prior to the release of its final report in April 2002.

PERU

To read about the ICTJ's work in Peru, see the Country Profile (page 20).

UNITED STATES

Greensboro, North Carolina On November 3, 1979, members of the Ku Klux Klan and the Nazi Party opened fire on a racially mixed gathering of political activists in Greensboro, North Carolina. The demonstrators—some of them affiliated with the Communist Workers Party—had planned to march in protest against the KKK. The police refused to intervene as 5 protesters were killed and 10 wounded. Despite video evidence and eyewitnesses, state and federal murder trials resulted in acquittals of those charged. The City of Greensboro has consistently denied any responsibility for the violence. Moreover, a full, impartial investigation of the "Greensboro Massacre" has never been conducted, leading to mistrust and resentment within the community.

Since late 2001, Senior Associate Lisa Magarrell and Priscilla Hayner have been providing advice and technical assistance to the Greensboro Massacre Reconciliation Project, which is working to engage the local community in a truth-seeking effort around the events of November

w h e r e w e w o r k

1979. This innovative project to incorporate truth commission elements into community reconciliation in the United States may offer a useful model for future initiatives.

a s i a

A F G H A N I S T A N

After more than 20 years of uninterrupted conflict, characterized by invasion, civil war, and extreme repression, Afghanistan is now in the midst of a dramatic political transition.

In early 2002, Alex Boraine joined a group of experts asked to advise UN High Commissioner for Human Rights Mary Robinson on policy options for transitional justice in Afghanistan. The High Commissioner's proposed Afghan program incorporated many of the suggestions he offered. Together with Human Rights Watch, the ICTJ then carried out an in-country assessment mission to gauge the current level of interest in confronting past crimes.

Senior Associate Paul Seils traveled to Afghanistan to meet government officials, civil society leaders, international representatives, and victims to hear their views on how to address the legacy of conflict and human rights abuse.

The ICTJ has identified two key areas of involvement in Afghanistan. First, before any policy decisions are made, the ICTJ is helping to design a process to consult the people of Afghanistan and their representatives on the most suitable justice policies. Second, the Center plans to run seminars with key Afghan experts and leaders on relevant transitional justice experiences.

In December, shortly after the removal of the Taliban, the ICTJ convened a group of international human rights organizations to discuss the best approach to justice in Afghanistan. Following these meetings, the Center prepared a detailed analysis of the international obligations in the Bonn Agreement relating to Afghanistan's legacy of human rights abuse. This analysis was submitted to Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan. With his encouragement, the ICTJ is continuing to engage with members of the Afghan Human Rights Commission and other key actors.

B U R M A

Although the military junta that seized control of Burma (renaming the country Myanmar) in September 1988 remains in power, the combination of internal opposition and international isolation has forced the ruling regime to consider change. The release of Nobel Peace Prize Laureate Daw Aung San Suu Kyi from house arrest in early 2002 represented a key breakthrough in this process.

The ICTJ is already involved in this country's transition. ICTJ staff have conducted dozens of training seminars on transitional justice in Thailand and India, working with leaders of the Burmese democratic movement in exile. In late February 2002 the Center gathered 13 international experts in New York to discuss models of democratic transition, with the goal of making this information available to both the National League for Democracy, led by Daw Aung San Suu Kyi, and the government. The project, Transitional Options for Burma, will continue to convene international experts and key Burmese organizations and individuals to discuss concrete plans for a democratic transition in Burma.

Paul van Zyl and Louis Bickford are providing information and expertise to decision-makers considering policy options for a potential democratic transition. Key among these possibilities is the establishment of a transitional constitution that takes into consideration the short- and long-term implications of accountability policies.

During its work in Burma, the ICTJ has engaged in discussions with the National Coalition Government of the Union of Burma; the National Council of the Union of Burma; the office of the UN Special Envoy for Myanmar, Ambassador Tan Sri Razali Ismail; and other key groups and individuals.

E A S T T I M O R

To read about the ICTJ's work in East Timor, see the Country Profile (page 18).

I N D O N E S I A

Indonesia has begun a political transition following 32 years of dictatorship by General Suharto, under whom the armed forces engaged in widespread human rights abuse. Although the first elected president, Abdurrahman Wahid, set up a Human Rights Court in 1999, there has been little progress toward addressing Indonesia's legacy of human rights abuse. In the meantime, there has been a wide range of civil society initiatives to confront the crimes of the past. The ICTJ is currently conducting a comprehensive survey of these accountability efforts in order to identify promising initiatives that may benefit from technical assistance or comparative policy analysis.

Before the ICTJ was established, Priscilla Hayner and Paul van Zyl were invited to comment on an Indonesian initiative to establish a truth commission. They visited Jakarta several times to discuss the proposed commission with senior members of the Wahid government, civil society groups, university representatives, diplomats, and the media. They provided guidance on draft legislation to establish such a body and argued strongly against granting amnesty to perpetrators of human rights crimes. The ICTJ has also provided input on the mandate of the Human Rights Court to promote its conformity with international human rights law.

e u r o p e

THE FORMER YUGOSLAVIA

After the dissolution of the Socialist Republic of Yugoslavia in 1991, Croatia, Bosnia-Herzegovina, Kosovo, and Macedonia experienced extensive armed conflict and widespread human rights abuse. The International Criminal Tribunal for the former Yugoslavia (ICTY), formed in 1993, has made an important contribution to countering impunity in the region, most notably with the trial of former Yugoslav President Slobodan Milosevic. However, a general perception still persists that there has not been a sufficient accounting for the wars that plagued the region throughout the 1990s. As part of the effort to seek the truth and establish a common historical record, a number of truth-seeking initiatives have begun.

In November 2001, the ICTJ held a workshop in Prague that brought together a group of representatives from Bosnia-Herzegovina, the Federal Republic of Yugoslavia, and Croatia to discuss and debate truth commissions and other transitional justice initiatives being developed in each country. Following the conference, the ICTJ commissioned a survey of governmental and independent efforts to document war crimes in the region. The report was distributed to domestic civil society groups, staff of the ICTY, and international organizations. It also commissioned a survey of monetary and symbolic reparations in and among the four republics.

In February 2002, the ICTJ partnered with the Human Rights Project at Bard College to inaugurate a web-based audio, video, and text archive of the landmark trial of Slobodan Milosevic in The Hague. The archive is accessible on the Internet at hague.bard.edu, with audio in English, Bosnian/Croatian/Serbian, and Albanian.

The ICTJ's work in the former Yugoslavia is led by Mark Freeman, together with Paul van Zyl. The Center is also engaged in the following activities.

Bosnia-Herzegovina ICTJ staff have provided assistance to the individuals and organizations that are trying to establish a truth commission in Bosnia-Herzegovina. Discussions between these parties and the ICTY culminated in a cooperation agreement allowing for the establishment of a national truth commission with the support of the Tribunal. The ICTJ continues to provide support to nongovernmental organizations pursuing truth-seeking initiatives in the country.

Federal Republic of Yugoslavia (FRY) In Belgrade in early 2001, ICTJ staff met with senior Yugoslav and Serbian government ministers and representatives of organizations considering a commission for truth and reconciliation for the Federal Republic of Yugoslavia. A commission was established by President Vojislav Kostunica in March 2001. The Center urged the commission to establish protocols to allow

close cooperation with the ICTY, as well as with other human rights initiatives in the region. In June 2001, ICTJ staff organized a two-day workshop with members of the newly established commission. Since this time, the FRY commission has been criticized by both domestic and international actors for its lack of independence and slow pace of work. The ICTJ has actively encouraged a broad and independent mandate, a diverse membership, extensive public outreach, and collaboration with national and regional human rights organizations. The Center is also urging the commission to reach out to victims across the region, to hold public hearings, and to take an objective approach in its work.

NORTHERN IRELAND

For more than 30 years, the people of Northern Ireland have suffered violence arising from political disputes over the status of Northern Ireland. Between 1966 and 1998, more than 3500 people—mostly civilians—were killed and nearly 40,000 injured as the conflict spread beyond Northern Ireland's borders onto the British mainland and elsewhere. A historic ceasefire agreement was signed into law in April 1998, but the fragile peace is threatened by mutual suspicion and disagreements on a range of issues, including continued political violence and allegations of unfair treatment on all sides.

Since early 2001, Alex Boraine has played a central role in establishing a local nongovernmental organization, Healing Through Remembering, which has a mandate to work with government, religious representatives, and the public to respond constructively to past conflict. Healing Through Remembering has been developing a plan to account for past abuses while supporting the peace process. During several trips to the region, Dr. Boraine has met with key members of the Northern Ireland Assembly, prisoners' groups on both sides of the conflict, and local nongovernmental organizations. He, Paul Seils, and Priscilla Hayner have presented information on transitional justice options to civil society groups and government representatives on a number of occasions.

TURKISH-ARMENIAN RECONCILIATION COMMISSION

Simmering tension between Turks and Armenians has prevailed since a period of massive violence early in the 20th century. This was the impetus for an initiative by prominent citizens from each country to establish the Turkish-Armenian Reconciliation Commission. The commission was charged with promoting mutual understanding between Turks and Armenians and encouraging improved relations. In November 2001, the ICTJ was asked to conduct a seminar for the commission on international legal issues and models for reconciliation. The commission continues to face difficult questions on how best to fulfill its mandate. As it decides its next steps, the ICTJ has offered advice and continued technical support.



In August 2001, the Hague tribunal found a former Bosnian Serb general guilty of genocide for the murder of almost 8000 Muslim men and boys in Srebrenica.

Survivors of the 1995 Srebrenica massacre in Eastern Bosnia gather to commemorate the six-year anniversary of the fall of the UN “safe haven.” | Photo by Glenn Ruga

g l o b a l j u s t i c e

a sample of our work around the world

MEXICO
Brought together former special prosecutors from Argentina, Peru, Colombia, and Belgium to share their experiences with the newly appointed Special Prosecutor in Mexico.

PANAMA
Provided a comparative survey of the options available to the Panamanian truth commission.

PERU
Provided information and assistance to the Peruvian truth commission since its inception.

Worked with local human rights organizations to develop criminal prosecution strategies, including research on command responsibility and other legal questions.

Initiated research and gave policy advice on reparations.

UNITED STATES
GREENSBORO, NORTH CAROLINA

Provided assistance to local leaders on an innovative project to examine the November 1979 "Greensboro Massacre."

NORTHERN IRELAND

Helped to establish a local nongovernmental organization, Healing Through Remembering, which is developing a plan to account for past abuses.

SIERRA LEONE

Developed strategies to help stimulate a complementary inter-relationship between the Special Court and the Truth and Reconciliation Commission.

GHANA

Assisted the attorney general and human rights groups working to establish a nine-member National Reconciliation Commission.

Provided commentary on the first drafts of legislation to establish the commission and stressed the importance of involving a broad spectrum of civil society in defining the commission's mandate.

Provided technical assistance to the commission in the preparatory phases of its work.

THE FORMER YUGOSLAVIA

Brought together representatives from Bosnia-Herzegovina, the FRY, and Croatia to discuss and debate truth commissions and other transitional justice initiatives in the region.

Commissioned a survey of governmental and independent efforts to document war crimes in the former republics, as well as a report on symbolic and monetary reparations to date.

Provided assistance and training to the FRY Truth Commission: encouraged a broad and independent mandate, diverse membership, cooperation with the Hague Tribunal, and extensive public outreach.

NIGERIA

Compiled the final reports of other truth commissions to assist the Oputa Panel (truth commission) in drafting its own report.

Invited nongovernmental representatives from Sierra Leone and Ghana—two countries in the midst of creating their own truth commissions—to discuss best practices with Nigerian civil society leaders and commission members.

SOUTH AFRICA

Provided legal advice, research, and commentary to the Truth and Reconciliation Commission as it prepared its final report and recommendations.

Advocated for the prosecution of perpetrators who were denied or failed to apply for an amnesty.

Established a Transitional Justice Fellowship Program, based in Cape Town, offering academic and practical training to 21 human rights activists from 11 countries.

AFGHANISTAN

Advised UN High Commissioner for Human Rights on policy options for transitional justice in Afghanistan.

Conducted an assessment mission to gauge the Afghan people's current level of interest in confronting past crimes.

Prepared an analysis of the international obligations in the Bonn Agreement relating to Afghanistan's legacy of human rights abuse.

BURMA

Conducted training seminars on transitional justice for leaders of the Burmese democratic movement in exile.

Convened international experts and key Burmese organizations to discuss concrete plans for a democratic transition in Burma, including drafting a transitional constitution.

INDONESIA

Provided guidance on draft legislation to establish a truth commission and argued strongly against the granting of amnesty to perpetrators of human rights crimes.

Commented on the mandate of the Human Rights Court to ensure its conformity with international human rights law.

EAST TIMOR

Provided assistance during the establishment of the Commission for Reception, Truth and Reconciliation.

Advised the UN Transitional Administration on ways in which the commission could complement efforts to prosecute those responsible for serious crimes. Assisted the commission's interim office to plan the structures of the commission; trained commissioners and other high-level staff members.

On May 20, 2002 East Timor became the world's newest nation-state. After nearly 25 years of brutal occupation by Indonesia and a period of widespread violence that followed a vote for independence in 1999, the small island nation finally achieved sovereignty.

Self-determination is an unquestionable triumph for the people of East Timor and its leaders, like the new president, Xanana Gusmao, and Nobel Laureate Jose Ramos-Horta, who for years called attention to the plight of their country. However, the consequences of decades of abuse threaten to undermine the opportunities accompanying independence. Much of East Timor's infrastructure was destroyed in the most recent wave of violence, and the repatriation of refugees from West Timor has been slow. The lack of accountability for past crimes threatens to destabilize communities that have only recently started to rebuild. As East Timor takes its first steps as an independent nation, and as a United Nations mission deployed there in 1999 begins a phased withdrawal, the need for sustainable peace takes on increasing importance.

ICTJ staff have worked with the East Timorese since the first gestures were made toward a national process of accountability and reconciliation in 2000. At that time, East Timorese civil society representatives and the United Nations Transitional Administration in East Timor (UNTAET) recognized the importance of responding to past abuses, but they faced significant challenges to taking action.

Paul van Zyl and Priscilla Hayner initially traveled to Dili in 2000, prior to the Center's founding, to work with the East Timorese to develop strategies for addressing the vast number of crimes committed. Since that first visit, the ICTJ has worked with the UN and a steering committee of Timorese organizations to design some of the most innovative transitional justice projects to date. The successes and failures of these initiatives are sure to be instructive for policymakers and activists pursuing similar efforts in other countries.

The challenge for East Timor, as in so many transitional countries, lies in the difficult task of holding individual perpetrators responsible while addressing the vast number of cases that need to be heard. The ultimate goal is to facilitate rebuilding the country by creating

stability in communities that have been destroyed by violence. While prosecutions are essential, particularly for serious crimes, East Timor does not have the infrastructure to prosecute the majority of the perpetrators: the country is poor, the criminal justice system is extremely weak, and there are few people with formal skills and training. Trials must be complemented with other measures to address the full range of violations committed and to embrace the majority of victims.

To help ensure this balance, the ICTJ has supported UNTAET's decision to establish a special court to try those responsible for the gravest violations, such as murder and rape. Those who committed lesser crimes will fall under the purview of an innovative form of truth commission called the Commission for Reception, Truth and Reconciliation. The model that has emerged requires low-level criminals to confess, apologize, and agree to perform community service to avoid prosecution. In this way, East Timor is going beyond most countries by using its truth commission as a tool to assist in reintegrating perpetrators into their communities.

According to Paul van Zyl, "Low-level perpetrators are returning to communities that are seething with anger. If they are to be welcome, and avoid private acts of retribution, they need to do more



than merely take up residence in their homes. There needs to be a process of reintegration.”

In one case that serves as an example of the link between justice and reparations, a local school was burned down during the violence. The perpetrator of this act returned from West Timor to find that the community had set up a new school in his family’s home. He was allowed back into the community only on the condition that he live in a relative’s house and help rebuild the school.

For van Zyl, the ICTJ’s work in East Timor has been particularly compelling because the truth commission’s community-service component provides a form of direct reparation to victims who have lost property and have been displaced by the violence. “It’s an approach to justice that doesn’t focus solely on punishing the perpetrator, but aims to put the victim at the center of the equation by encouraging perpetrators to take responsibility. Both of these components of the justice process are critical to fully acknowledging the crimes that took place and creating the conditions necessary to rebuild the country.”

The East Timorese flag is raised during Independence Day celebrations on May 19, 2002 in Dili, East Timor.

| Photo by Edy Purnomo/Getty Images

In two extensive in-country missions, Paul van Zyl and Paul Seils advised on the structure and work plan of the truth commission and conducted training seminars with commissioners and other high-level staff members. The ICTJ has also continued to work toward facilitating a strong relationship between the commission and the institutions responsible for prosecuting human rights abuse. It continues to provide direct assistance as the commission begins taking testimonies and preparing for eventual public hearings.

After 25 years of brutal occupation by Indonesia, East Timor became the first new nation of the 21st century.

THE PROMISE OF A POLITICAL TRANSITION

From 1980 through the fall of the regime of Alberto Fujimori in November 2000, an estimated 30,000 Peruvians—primarily rural peasants—were killed in political violence. As part of a campaign to suppress insurgent groups, military and paramilitary forces targeted, disappeared, and killed many innocent civilians. Insurgent violence, particularly by the “Shining Path,” also took a heavy toll on the population. According to official estimates, as many as 6000 Peruvians were forcibly disappeared and 600,000 were displaced from their homes. These violations were regularly documented and publicized by Peruvian organizations and international rights groups, but the extent of the violence by state forces was always vigorously denied.

In late 2000, President Fujimori fled to Japan after clear evidence of widespread government corruption was revealed in the press. Since then, Peru has begun to examine the abuses of the past two decades, both through a truth and reconciliation commission and by judicial and congressional investigations.

The Peruvian Truth and Reconciliation Commission was founded in June 2001 by interim president Valentín Paniagua and expanded by Alejandro Toledo when he assumed the presidency in July of that year. For up to two years, the commission expects to take private statements from an estimated 12,000 individuals, conduct investigations, and hear testimony in public from hundreds of victims and witnesses. It will issue a final report at the conclusion of its mandate. The truth commission’s open public hearings are the first in Latin America, where other commissions conducted all interviews behind closed doors.

Peru is also unique in the region because its past amnesty laws have already been struck down, making prosecution of some human rights offenders a real possibility even as the truth commission carries out its work. Peruvian human rights groups have launched a campaign pressuring the Japanese government to extradite Fujimori to Lima to stand trial for human rights and corruption crimes, a step the current Peruvian government is also pursuing. Special prosecutors have been appointed to investigate and bring to justice others responsible for human rights abuses.



Above: Ms. Julia Najarro lost her family in 1985.

The “Shining Path” kidnapped her husband and three of her children. She later discovered that they died of anemia in the jungle. She and one of her children were also arrested and detained by the Peruvian military. | Photo by Nelly Plaza, courtesy of Instituto de Defensa Legal, Peru

“For us, the collapse of the Fujimori regime presented the challenge of understanding how to deal with the past in terms of truth and justice. The ICTJ was able to provide us with ideas and expertise from previous truth commissions not only in Latin American but also Africa and other parts of the world. From this process, the truth commission was eventually established with the decision to hold hearings open to the public. For us, this was one of the most important features of the commission because it represented an opportunity to bring the voice of victims and their families to the public, for all of society to hear what they had to say.”

—Francisco Soberon, Executive Director, Coordinadora Nacional de Derechos Humanos, Peru

THE ICTJ IN PERU

The ICTJ’s involvement with Peru’s truth commission dates from its early stages, when a coalition of Peruvian organizations invited Paul van Zyl and Priscilla Hayner to present information on other countries’ truth-seeking experiences at a conference in Lima. As the idea for a commission took shape in Peru, the newly created ICTJ provided advice on the design of the commission mandate and met with commissioners soon after their appointment. ICTJ staff members have since continued to provide support and have facilitated assistance from experts in the region on investigation methodology, database systems, and other issues. The ICTJ also provided information, videos, and analysis about the role of public hearings in other countries and engaged in a two-day working session during which Paul van Zyl shared his hands-on experience from the South African context.

Lisa Magarrell, who heads up the ICTJ’s programs in the country, works directly with Peruvian human rights organizations as well as the commission itself. “Nongovernmental groups have played a crucial role in the commission by supplying it with documentation, case information, and regional expertise,” says Magarrell. “Their relationships with victims and witnesses have helped to create the climate of trust and respect necessary for the success of public hearings. Some of those testifying have spent the last 20 years seeking information and acknowledgment from the state. The importance of this moment—when victims can speak openly about what they have suffered and address the nation as a whole—cannot be overstated.”

Lisa Magarrell and Research Director Pablo de Greiff are also providing research and policy advice on reparations in Peru. The Peruvian government has already agreed to provide reparations to some victims of human rights abuse. But given the vast number of victims expected to be identified through the truth commission process, it is essential that a long-term, sustainable reparations program be designed from the outset. The ICTJ is working with local and international experts to help the commission devise recommendations for a fair and workable reparations plan that addresses the needs of a broader victim population. Ms. Magarrell and Paul Seils have also provided the human rights organization APRODEH with research on command responsibility and other legal issues.

As Peruvians grapple with the difficult questions involved in developing and implementing strategies for accountability, truth, and reparations, they will contribute new ideas to the field of transitional justice. As such, they help further the ICTJ’s core mission: not only to assist the Peruvians in their efforts, but also to convey those new lessons to others around the world.

The Truth and Reconciliation Commission will investigate crimes committed by both insurgent groups and Peruvian government forces.



Photo provided by Empresa Editora El Comercio S.A.

April 8, 2002. It is the first truth commission hearing of the day in Huamanga, the provincial capital of Ayacucho, high in the Peruvian Andes. Angelica Mendoza describes how soldiers took her son, Arquimedes, from home one day in July 1983, held him in the local military base, and then silently added him to the ranks of the forcibly disappeared. As she speaks, Ms. Mendoza holds up a yellowed scrap of paper in a trembling hand. This scribbled note, smuggled out of the local army garrison, says, “Mother, I’m inside the garrison. Get a lawyer. Get money and please get me out. I am desperate.”

Angelica Mendoza never saw her son again, but her persistent search to uncover his fate led her to form an organization of family members of the disappeared and to seek justice—without success—in the courts. She was able to give her sworn testimony at the first public hearings held by the Truth and Reconciliation Commission of Peru.

program review

RESEARCH PROJECTS

Under the leadership of Pablo de Greiff, the ICTJ's director of research, the Center has launched an extensive **global analysis of reparations** in collaboration with 12 research teams worldwide. This research project, the most comprehensive study of the subject to date, will examine a broad range of topics, including legislative history, administrative design, criteria of access and distribution, and economic impact. In addition to conducting case studies, the project will examine systematic issues that arise in the creation and implementation of reparations programs.

The ICTJ has also begun a worldwide **Transitional Justice Research Map** to track ongoing research in a field that has grown rapidly in the past few years. It will offer an overview of current projects, enabling the Center to provide assistance to studies already under way and to identify areas where new research is needed.

In a long-term global study, **Countering Amnesties: Preserving the Right to Justice**, Mark Freeman is examining laws enacted in more than 40 countries that bar prosecution of persons who have committed human rights crimes and related violations. The research is intended to help lawyers and activists prevent, challenge, and overturn amnesties. Associates at the New York City law firm of Cleary Gottlieb Steen & Hamilton carried out the initial research for the project, assisted by interns, externs, and students working under the direction of Professor Ron C. Slye at Seattle University School of Law.

As truth commissions receive increasingly broad mandates—which may include robust investigative powers, the ability to hold public hearings, and the authority to identify individual perpetrators—questions about standards for procedural fairness often arise. Under the direction of Mark Freeman, associates at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, together with interns, externs, and students at Columbia Law School, are undertaking a study of **Due Process Considerations for Truth Commissions**. The study compares past practices of truth commissions with practices in analogous nonjudicial proceedings, such as event-specific commissions of inquiry or special congressional committees. The goal is to develop a handbook on questions of due process for truth commissions or other nonjudicial inquiries focused on widespread human rights violations.

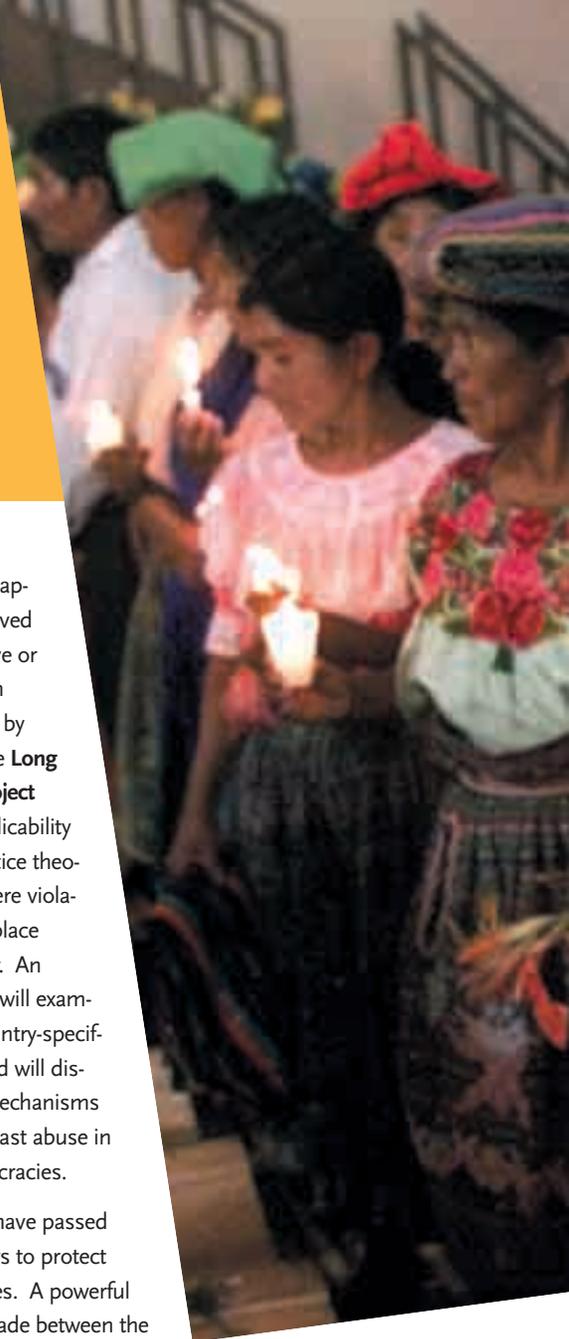
The ICTJ is undertaking a broad study of how democracies like the United States, Australia, Canada, France, Germany, Japan, and

Switzerland are grappling with unresolved legacies of massive or systematic human rights abuse. Led by Lisa Magarrell, the **Long Term Legacies Project** examines the applicability of transitional justice theory to societies where violations have taken place many years earlier. An exploratory paper will examine a series of country-specific case studies and will discuss a range of mechanisms used to address past abuse in established democracies.

Most U.S. states have passed “press shield” laws to protect journalistic sources. A powerful analogy can be made between the role of journalists and that of human rights monitors or advocacy organizations. The **Press Shield Laws for Human Rights Monitors** project considers the prospect of enacting analogous legislation in order to enable human rights organizations to better protect their sources and serve the public interest. Mark Freeman is conducting the research with assistance from lawyers at Davis Polk & Wardwell.

Several countries have established child-abuse prevention and treatment statutes that create mandatory reporting obligations for certain professionals and corresponding immunity from liability for any reporting done. The **Mandatory Reporting for Human Rights Abuse** project explores whether similar statutory regimes could be developed and applied in environments that are particularly susceptible to gross human rights violations, such as prisons. This project is also being led by Mark Freeman, with the assistance of Davis Polk & Wardwell.

In societies emerging from a period of mass human rights abuse, there is often a need for reforms that establish democratic accountability for military, police, and intelligence services. The ICTJ's





Independent Oversight of Intelligence study is exploring the promises and challenges of reform initiatives that have taken place in a range of countries emerging from authoritarian rule. This project is led by Senior Associate Vasuki Nesiah.

As part of a detailed study into constitutional approaches to transitions, the ICTJ has worked closely with the law firm of Latham & Watkins to research a host of issues related to transitions to democracy. The 900-page compilation of source material that resulted from the study examines transitional constitutions, legal and constitutional transitional mechanisms, power-sharing arrangements, federalism, and transitional justice. The study was an indispensable resource during a meeting of constitutional experts discussing democratic transition in Burma in early 2002. It forms the basis of the ICTJ's continued commitment to ensure justice during political transitions.

The ICTJ is collaborating with New York University's Law School on a **Lessons Learned** project on the truth commissions in Guatemala and South Africa. Based on short, policy-focused papers written by commissioners and staff from these two commissions, the project documents specific operational lessons learned. These papers will serve as a resource to future commissions that confront similar challenges.

Zacualpa, Guatemala, July 5, 2001. Guatemalan Maya-Ki'iche women pray as they burn candles around 41 coffins found in a 1980s clandestine cemetery. | Photo by Andrea Nieto/Getty Images

According to the Guatemalan Anthropology Forensic Foundation, there are nearly 700 unmarked mass graves in Guatemala as a result of the civil war.

POLICYMAKER SEMINARS

The ICTJ places particular emphasis on engaging individuals who make policy decisions related to transitional justice. Whether reaching out to government officials, senior staff of intergovernmental organizations, or diplomatic representatives, the Center aims to provide the comparative information and expertise needed to make informed decisions on transitional justice options.

To this end, in December 2001, Alex Boraine, Paul van Zyl, and Vasuki Nesiah presented a daylong briefing on transitional justice to UN High Commissioner for Human Rights Mary Robinson and her staff in Geneva. The ICTJ is also working with the UN Office of the High Commissioner for Human Rights (OHCHR) in field missions to East Timor, Sierra Leone, and Peru. This has led to a commitment by both institutions to extend their collaboration to other parts of the world.

As a former consultant to the OHCHR, Priscilla Hayner addressed the UN Security Council in March 2002 on the outlook for the Sierra Leone Truth and Reconciliation Commission. The ICTJ also made presentations on current trends in the field of transitional justice to key UN departments and permanent missions. The Center continues to reach out to other international institutions and policymakers.

CAPACITY-BUILDING PROJECTS

The ICTJ's capacity-building program, coordinated by Louis Bickford, seeks to enhance the ability of local organizations to discuss and design strategies for transitional justice. Among the activities it has launched to further this goal is the **Transitional Justice Fellowship Program**, based in South Africa. This six-month pilot fellowship program began in January 2002 with 21 human rights practitioners from Burma, Burundi, the Democratic Republic of Congo, East Timor, Ghana, Indonesia, Nigeria, Sierra Leone, South Africa, Uganda, and Zimbabwe. The program is based at the Institute for Justice and Reconciliation in Cape Town and works closely with local universities, including the University of Cape Town and the University of the Western Cape. It is primarily funded by the Open Society Institute.

Participants in the Fellowship Program combine rigorous theoretical study at a local university with practical experience working on human rights projects with nongovernmental organizations, including the Centre for the Study of Violence and Reconciliation, the Legal Resources Centre, and the Trauma Centre For Victims of Violence. Participants who successfully complete the fellowship receive a certificate in transitional justice.

As another strategy for developing local capacity, the ICTJ is establishing the **Transitional Justice Alliance**, a coalition of like-minded human rights organizations and individuals working together to advance the field of transitional justice. As a global network of human rights organizations directly engaged in this area, the Alliance will enhance the expertise of its members by facilitating information sharing and fostering collaboration.

Finally, the ICTJ develops **training seminars and workshops** at the request of partner institutions interested in exploring specific aspects of transitional justice in more depth. These workshops aim to strengthen the ability of partners to design and implement transitional justice strategies over the long term.

The Transitional Justice Fellowship Program

2002 Fellows



Kyaw Lin, a Burmese student activist during the late 1980s, left Burma for Thailand, where he served as a radio communications officer for eight years. Since 2001 he has been director of the Foreign Affairs Department of the All Burma Students' Democratic Front.



Moses Chrispus Okello of Uganda is a refugee policy researcher at Makerere University, in Kampala.



Sonny C. Onyegbula of Nigeria has worked as a solicitor and advocate of the Supreme Court of Nigeria since 1986. The author of the monograph "Lessons from South Africa," he was a coordinator of the public hearings of the Nigeria Truth Commission.



Justin Balegamire of the Democratic Republic of Congo is a teacher who co-founded GEAPO, a branch of the Exchange Center for Democracy and Development.



Shupikayi Chimhini, a lawyer with the Zimbabwe Human Rights NGO Forum, has interviewed and advocated for victims of organized violence, instituting legal proceedings on their behalf.



Valnora Edwin of Sierra Leone supervised the documentation of testimonies for the Truth and Reconciliation Commission and Special Courts in Sierra Leone. She broadcasts a weekly human rights program on the national FM 99.9 radio station.



Sidonio Freitas, a social activist from East Timor, coordinates programs for the International Republican Institute (IRI) and for the development of political parties in East Timor.



Marie Inamuganuro of Burundi is a human rights activist who has been working since 1988 as a journalist, producer, and broadcaster for Burundi's National Radio and Television Station (RTNB).



Carine Kaneza of Burundi is a journalist and a legal consultant at African Public Radio in Bujumbura.



Eunice Mafundikwa of Zimbabwe is a journalist with more than 10 years' experience working for national daily newspapers. Recently, she has been involved in civil rights lobbying and advocacy in Zimbabwe.



Wynoma Michaels of South Africa is the former chairperson of the Student Representative Council at the University of Stellenbosch, where she received her Ph.D.



Karabo Moloko is a South African student activist who is involved in reconciliation efforts there.



Ingjin Naing, an activist in the All Burma Federation of Student Unions, has worked at the Foreign Correspondent Club of Thailand and recently completed an internship at the Burma Fund in Washington, DC.



Ijeoma Nwachukwu, a Nigerian lawyer and judiciary correspondent for Channels Television, has worked for Nigeria's prominent Civil Liberties Organisation, monitoring the Human Rights Violations Investigations Commission and coordinating a law-enforcement project.



Franklin Oduro of Ghana is a program assistant at the Ghana Center for Democratic Development.



Felix Ordartey-Wellington of Ghana is a barrister/solicitor and broadcast journalist with a long history of work in the field of human rights.



Agung Putri of Indonesia has been working for the Institute for Policy Research and Advocacy (ELSAM) since 1994. She is currently coordinator of ELSAM's Programme on the Promotion of Settlement for Past Human Rights Violations.



Joseph Rahall, a leading Sierra Leonean human rights defender, was involved in setting up that country's Truth and Reconciliation Commission. He is the board chairman of the National Forum for Human Rights and executive director of Green Scenery, an advocacy organization.



Sri Suparyati, an Indonesian human rights advocate, works with KONTRAS (Commission for Involuntary Disappearances and Victims of Violence), facilitating the interactions of victims of human rights abuse and their families with government institutions.



Sai Myint Thu is a former general secretary of the All Burma Students' Democratic Front and now supervises several programs for the Network for Democracy and Development.



Nai Yeup of Burma is a social worker who has worked for the Mon National Democratic Front, Mon National Education School, and the National Catholic Commission on Migration in Thailand. He is an executive member of Mon Unity League.

ICTJ staff members come from diverse national backgrounds and bring with them broad professional experience and expertise. They include nationals or dual-nationals of Canada, Colombia, Croatia, Ghana, The Netherlands, South Africa, Sri Lanka, the United Kingdom, the United States, and Zimbabwe. Among them, 17 languages are spoken. Program staff members' expertise includes law, international affairs, political science, public communications, theology, business administration, library science, and philosophy. All program and executive staff hold advanced degrees and one-third hold doctoral degrees.

SENIOR STAFF

Alexander Boraine President

The founding president of the ICTJ, Dr. Boraine was deputy chair of the South African Truth and Reconciliation Commission (TRC) from 1995 to 1998, serving under Archbishop Desmond Tutu. His book about the experience, *A Country Unmasked*, was published by Oxford University Press in 2000. Previously, he headed two South African organizations concerned with ending apartheid and addressing its legacy. An ordained Methodist minister and long-time opposition Member of Parliament in South Africa, he continues to teach law at the New York University Law School's Justice in Transition Program.

Ian Martin Vice President

See page 8.

Louis Bickford Senior Associate

Dr. Bickford, a political scientist, leads the capacity-building program at the ICTJ, coordinating the Transitional Justice Fellowship Program and the Transitional Justice Alliance. He also manages the Center's programmatic work in Mexico and Burma. Previously, he was associate director of the Global Studies Program at the University of Wisconsin at Madison, where he coordinated the Legacies of Authoritarianism Project and taught regular seminars on human rights.

Eric O. Darko Documentation Officer

A lawyer and librarian from Ghana, Eric O. Darko heads the documentation department of the ICTJ. Mr. Darko served as the organizing secretary of the

University of Ghana branch of the Movement for Freedom and Justice, a pressure group that advocated a return to democratic rule in Ghana. Mr. Darko has worked as a reference librarian at The New York Public Library, and was head of circulation and bibliographic instruction at the College of Mount Saint Vincent, Riverdale. He is admitted to practice law in New York and Ghana.

Pablo de Greiff Director of Research

Dr. de Greiff heads the ICTJ's research program, currently focusing on a comprehensive study of reparations to victims of human rights abuse. A native of Colombia, he is also an expert on that country's political system. Most recently, he was an associate professor of philosophy at the State University of New York at Buffalo and a Rockefeller fellow at Princeton University. He has written extensively on transitions to democracy, democratic theory, and the relationship between morality, politics, and law.

Mark Freeman Senior Associate

Mr. Freeman, a Canadian lawyer, has been with the ICTJ since its inception. His program work at the Center is focused on the Balkans, as well as a number of major research projects. He also manages the Center's policymaker program. He previously worked with the UN Office of the High Commissioner for Human Rights in New York. Mr. Freeman has participated in a wide range of human rights projects in Canada and Latin America over the past decade, and has published work in a number of books and law journals.

Priscilla Hayner Program Director, Research and Technical Assistance

Ms. Hayner is a co-founder of the ICTJ and directs its work on Sierra Leone, Peru, Ghana, and a number of other countries. An expert on truth commissions and transitional justice initiatives around the world, she has written widely on the subject of official truth-seeking in political transitions. She is the author of *Unspeakable Truths* (Routledge, 2001), which surveys 21 truth commissions worldwide. Prior to joining the ICTJ, she was a consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organizations.

Karmen Jelincic Director of Communications and Outreach

An independent filmmaker and journalist, Croatian-born Karmen Jelincic co-directed the Emmy award-winning documentary film *Calling the Ghosts*, about the search for justice by survivors of rape in the former Yugoslavia. She served as special adviser to the United Nations Permanent Mission of Bosnia-Herzegovina from 1997 to 1999 and as a consultant to the Center for Constitutional Rights for *Doe v. Karadzic*, a federal civil action against the former Bosnian Serb leader.

Andrew Ludwick Director of Finance and Administration and Chief Financial Officer

Mr. Ludwick, a certified public accountant, has led the financial and administrative operations of several nonprofit organizations, including the Council on Foreign Relations and the Trust for Public Land. He has also served as treasurer for a municipality and a

large school district on Long Island and has worked with an international "Fortune 500" company and a "Big Five" international accounting firm. He teaches nonprofit management courses at Hofstra University.

Lisa Magarrell Senior Associate

Ms. Magarrell, a lawyer with more than 20 years' experience in the human rights field, heads the ICTJ's work on Peru and on truth and justice initiatives in "consolidated democracies" such as the United States. After seven years as the director of international legal work at the nongovernmental Human Rights Commission of El Salvador (CDHES), she went on to work with the UN Verification Mission in Guatemala from 1995 through May 2000, overseeing compliance with the peace accords. Ms. Magarrell's work at the ICTJ throughout this reporting period was sponsored by an Andrus Family Fund fellowship.

Vasuki Nesiiah Senior Associate

Originating from Sri Lanka, Dr. Nesiiah has a background in public international law, comparative constitutionalism, feminist theory, and postcolonial studies. She leads the ICTJ's work on Ghana and South Africa and is also involved with projects related to Sri Lanka and the U.S. Dr. Nesiiah joined the ICTJ after completing a teaching fellowship with the Human Rights Institute at Columbia Law School. She has published and lectured widely.

Paul Seils Senior Associate

Mr. Seils is a Scottish lawyer whose work at the ICTJ centers on Afghanistan, East Timor, and Northern Ireland. From 1997 to

2001, he was legal director for the Center for Human Rights Legal Action (CALDH) in Guatemala City, focusing on prosecutions against the Military High Command on charges of genocide and crimes against humanity. His publications address the role of civil and criminal justice in the context of transition.

Carol Skyrn
Director of Development

A seasoned fundraiser, Ms. Skyrn has worked since 1981 in communications and development with international organizations, including the American University in Cairo, International House in New York, the UN Department of Public Information, and Interlink Press Service. Prior to joining the ICTJ, she was development director for the Population Council.

Paul van Zyl
Program Director, Legal and Technical Assistance

Mr. van Zyl is a co-founder of the ICTJ and directs the Center's work on East Timor, the Balkans, South Africa, and a number of other countries. He has acted as an adviser and consultant to international organizations, governments, and foundations on transitional justice issues in many countries. From 1995 to 1998, he served as executive secretary of the Truth and Reconciliation Commission in his native country, South Africa, helping to establish the commission's structures and procedures. He currently teaches law at both Columbia and New York University Law Schools.

Marieke Wierda
Senior Associate

Ms. Wierda is a Dutch national born and raised in Yemen and trained as a lawyer in the U.S. and the UK. She leads the ICTJ's work on Sierra Leone and the Middle East, as well as the International Criminal Court. A specialist in international law and human rights, she worked as an associate legal officer for the International Criminal Tribunal for the former Yugoslavia from 1997 to 2000. She previously served as a legal intern with the Office of Legal Affairs at the United Nations in New York and the UN High Commissioner for Refugees in London.

SUPPORT STAFF

Lorraine Belgrave
Executive Assistant to the President

Lorraine Belgrave received her B.A. in Mathematics with a minor in Education. She worked for the New York City Public School System teaching third and fourth grades, before joining the Ford Foundation as assistant to Fred Friendly, considered the dean of broadcast journalism. Upon Mr. Friendly's retirement, Ms. Belgrave became assistant to Ellen Futter, the President of Barnard College and later of the American Museum of Natural History. Ms. Belgrave is a member of the Seraphic Society.

Amelia Betancourt
Program Assistant

Amelia Betancourt received her B.A. in Sociology from Boston College in 1996. She then continued on to Columbia University where she received her M.A. in Latin American Literature. After teaching Spanish for a year, she joined the United States Peace Corps where she served in the highlands of Guatemala for 27 months.

Rachel Madenyika
Management and Research Assistant

Rachel Madenyika previously worked at the Quaker United Nations Office, where her main focus was on the UN's Financing for Development. A native of Zimbabwe, she graduated from Guilford College, North Carolina, with a B.A. in Business Management and International Studies, Latin America concentration. While at Guilford, she studied in Guadalajara, Mexico.

Jim McGarry
Accountant

Jim McGarry has more than 30 years' experience in various non-profit organizations, including serving as CFO of City Harvest Inc. and the American Ballet Theatre. For the past eight years he has taught courses in financial management for not-for-profit organizations at the NYU School of Professional Development.

Jennifer McHugh
Program Assistant

Jennifer McHugh obtained her B.A. in Spanish from the University of Minnesota in 1997 and spent a semester at the University of Seville, Spain. Following graduation, she worked in Barranquilla, Colombia, for just under a year. She moved to New York in 1999, and worked in marketing communications in the international financial services sector before joining the ICTJ.

Kelli Muddell
Program Assistant

With a B.A. in Sociology, M. Kelli Muddell graduated from North Park College of Chicago in 1996. She then earned an M.A. in International Political Economy and Development with a concentration in Development Studies at Fordham University. While in graduate school, Kelli interned in the Africa Division of Human Rights Watch, and was a contributing writer for its World Report 2000.

Dawn Page
Development Coordinator

Dawn Page earned a B.A. in History from Swarthmore College and focused most of her coursework in the areas of Latin American studies and international relations. While at Swarthmore, Dawn studied in Meridia, Venezuela. She has also attended the University of Salamanca in Spain. She has worked at Swarthmore College, where she planned events for the president of the college. Most recently, she organized fundraising events and assisted in the development office at New School University.

recent publications

RECENT ICTJ STAFF PUBLICATIONS

Louis Bickford, "Preserving Memory: The Past and the Human Rights Movement in Chile," in *Democracy and Human Rights in Latin America*, eds. Richard S. Hillman, John A. Peeler, and Elsa Cardozo Da Silva (Westport: Praeger Publishers, 2001).

Alex Boraine, Editorial, "Reconciliation in the Balkans?" *New York Times*, 22 April 2001, A17.

Alex Boraine, *A Country Unmasked* (Oxford: Oxford University Press, 2000).

Eric Darko, *New Remedy Meets Old Resistance: The Constitutionality of the Proposed National Reconciliation in Ghana*, Critical Perspective Series (Accra: Centre for Democratic Development, forthcoming).

Pablo de Greiff and Ciaran Cronin, eds., *Global Justice and Transnational Politics* (Cambridge: MIT Press, 2002).

Pablo de Greiff, "Deliberative Democracy and Punishment" *Buffalo Criminal Law Review* 5, 2 (2002): 101–130.

Pablo de Greiff, "Universal Jurisdiction and Transitions to Democracy," in *Frontiers of Universal Jurisdiction*, ed. Stephen Macedo (forthcoming).

Mark Freeman, "Doing Well By Doing Good: Linking Human Rights With Corporate Self-Interest," *International Business Law Journal* 6 (2001): 741.

Mark Freeman, "Transitional Justice: Fundamental Goals and Unavoidable Complications," *Manitoba Law Journal* 28 (2001): 113.

Mark Freeman, "Lessons Learned from Amnesties for Human Rights Crimes" (Les leçons des amnesties pour atteinte aux droits de l'homme), *Transparency International Newsletter* (Winter 2001).

Mark Freeman, "The United Nations and the Promotion and Protection of Human Rights: Identifying Strengths, Weaknesses and Limitations in a Complex System," *Vierteljahresschrift für Sicherheit und Frieden* 3 (2001): 110.

Mark Freeman and Priscilla Hayner, "Understanding Truth Commissions," *Democracy and Reconciliation Handbook* (International IDEA, forthcoming 2002).

Mark Freeman and Paul van Zyl, "Conference Report: The Legacy of Abuse" in *The Legacy of Abuse* (New York: The Aspen Institute, 2002).

Mark Freeman, "The Challenge of Implementing International Human Rights Law: An Overview of the Role Played by the United Nations System," in *Menschenrechtsschutz: Demokratie, Sicherheit, Frieden*, eds. Erwin Müller, Patricia Schneider, and Kristina Thony (Baden-Baden: Nomos, forthcoming).

Mark Freeman and Marieke Wierda, "The ICTY and the Pursuit of Justice in the Balkans," in *With No Peace to Keep: UN Peacekeeping and the War in the Former Yugoslavia*, ed. George Stamkoski (London: Volatile Media Ltd., 2002).

Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London & New York: Routledge, 2001).

Priscilla Hayner, "The Challenge of Truth and Justice after Mass Atrocity," *Earlhamite* (Winter 2002): 16–17.

Vasuki Nesiah and Paul van Zyl, "Response to 'Challenging Restorative Justice' by Richard Wilson," *Human Rights Dialogue* 7 (Winter 2002): 17.

Vasuki Nesiah, "The Ground Beneath Her Feet: Third World Feminist Debates," *The Third World and International Law Journal* 1 (forthcoming 2002).

Vasuki Nesiah, "From Berlin to Bonn: Militarization and Multilateral Decision-Making," in *The Faultlines of Legitimacy in International Law*, eds. Hilary Charlesworth and Jean-Marc Coicaud (Tokyo: United Nations University, forthcoming 2003).

Paul Seils, "Reconciliation in Guatemala: The Role of Intelligent Justice" in *Race and Class* (forthcoming 2002).

Paul Seils, "The Limits of Truth Commissions in the Search for Justice: An Analysis of the Truth Commissions of El Salvador and Guatemala and Their Effect in Achieving Post Conflict Justice," in *Post-Conflict Justice*, ed. M. Cherif Bassiouni (Ardsley: Transnational Publishers, forthcoming 2002).

Marieke Wierda and Judge Richard May, "Is There a Hierarchy of Crimes in International Law?" in *Essays in Honor of Antonio Cassese*, ed. Judge Lal Chand Vohrah (forthcoming).

Marieke Wierda and Judge Richard May, *International Criminal Evidence* (Ardsley: Transnational Publications, forthcoming 2002).

Marieke Wierda, "Lessons from the ad hoc Tribunals," *UC Davis Journal of International Law and Policy* (forthcoming 2002).

Marieke Wierda, "Procedural Developments in International Criminal Courts," *The Law and Practice of International Courts and Tribunals* 1, no. 2 (forthcoming 2002).

Paul van Zyl, "Dealing with the Past in East Timor," in *History and Memory in Contemporary Southeast Asia*, eds. Mary Zurbuchen and Geoffrey Robinson (Los Angeles: UCLA Press, forthcoming).

Paul van Zyl, "Reality Demands? Truth and Justice in Kosovo," *Columbia Journal of Transnational Law* 39 (2000): 283–297.

Paul van Zyl, "Unfinished Business: The Truth and Reconciliation Commission's Contribution to Justice in Post-Apartheid South Africa," in *Post-Conflict Justice*, ed. M. Cherif Bassiouni (Ardsley: Transnational Publishers, forthcoming 2002).

f i n a n c i a l s t a t e m e n t s

The International Center for Transitional Justice was incorporated in March 2001. The Center received its tax-exempt status from the Internal Revenue Service in March 2002. While the Center waited for a tax determination letter, the ICTJ was a project of the Tides Center, a 501(c)(3) tax-exempt organization. The Tides Center maintained the legal and fiscal structure of the ICTJ and enabled the Center to receive tax-deductible contributions. The Tides Center also performed all accounting and financial reporting functions until the ICTJ's spin-off as an independent 501(c)(3) organization on May 1, 2002. These unaudited financial statements, shown as of the end of the Tides Center's fiscal year on December 31, 2001, were compiled from reports provided by the Tides Center for the ICTJ. The ICTJ ended the calendar year with revenues in excess of expenses by almost \$2.2 million, partly because the ICTJ's expenses did not reflect a full year of operations. The ICTJ did not move into its permanent offices until August, and was not fully staffed until September 2001.

During the first quarter of 2002 (January through March), the ICTJ spent approximately \$1.2 million and received approximately \$1.5 million in foundation support. These numbers are unaudited and still being reconciled by the Tides Center.

The ICTJ became fully operational in March 2002 with 21 employees and will continue to expand both its staff and its infrastructure in the year ahead.

STATEMENT OF REVENUE AND EXPENSES

YEAR ENDED DECEMBER 31, 2001

REVENUES

DIRECT PUBLIC SUPPORT	
Grants & Contributions—Foundations	\$ 4,898,965
Grants & Contributions—Corporations	208,333
Grants & Contributions—Individuals	<u>1,000</u>
TOTAL DIRECT PUBLIC SUPPORT	5,108,298
OTHER REVENUE	930
TOTAL PROGRAM REVENUE	<u>5,109,228</u>
TOTAL INTEREST INCOME	67,692
TOTAL REVENUE	<u>5,176,920</u>
EXPENSES	
PERSONNEL	1,394,249
PROFESSIONAL SERVICES	371,022
TRAVEL AND RELATED EXPENSES	209,730
COMMUNICATION AND OUTREACH	83,874
OPERATING EXPENSES	510,462
RENOVATION AND OCCUPANCY	400,581
TOTAL EXPENSES	<u>2,969,919</u>
CHANGE IN NET ASSETS	2,199,424
ENDING NET ASSETS	<u>\$ 2,199,424</u>

STATEMENT OF FINANCIAL POSITION

DECEMBER 31, 2001

ASSETS

CURRENT ASSETS	
Cash	\$ 178,471
Accounts Receivable	8,456
Other Receivables	<u>2,624</u>
TOTAL CURRENT ASSETS	189,551
TOTAL INVESTMENTS	1,784,897
Total Property and Equipment	296,535
Less Accumulated Depreciation & Amortization	<u>(30,159)</u>
TOTAL NET PROPERTY AND EQUIPMENT	266,376
OTHER ASSETS	120,000
TOTAL ASSETS	<u>2,360,825</u>
LIABILITIES AND NET ASSETS	
ACCOUNTS PAYABLE	49,806
ACCRUED EXPENSES	111,596
TOTAL LIABILITIES	<u>161,402</u>
NET ASSETS	
Unrestricted Net Assets	2,199,423
TOTAL NET ASSETS	<u>2,199,423</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 2,360,825</u>

2 0 0 1 — 2 0 0 2

s u p p o r t e r s

The field of transitional justice draws on law, public policy, forensics, economics, history, psychology, the arts, and other areas.

“Working as an intern for the ICTJ was a life-changing experience that has profoundly transformed my career objectives. The ICTJ work ethic was one of dedication and compassion, and I was continually inspired by the example set by my peers. Thanks to this program, I have decided to devote my life to the protection and promotion of human rights in emerging democracies around the world.”

—Jean-Marc Gorelick, Bard College alumnus

As a project of the Tides Center, the ICTJ's fiscal sponsor while awaiting its own nonprofit, IRS 501(c)(3) status, the ICTJ received support for its activities during the period January 2001 through March 2002 from the following donors:

INDIVIDUALS

(gifts of \$1000 or more)

John A. Levin

Anne P. McHugh

FOUNDATIONS

Andrus Family Fund

The Atlantic Philanthropies (USA) Inc.

Carnegie Corporation of New York

The Ford Foundation

The William and Flora Hewlett Foundation

The John D. and Catherine T. MacArthur Foundation

Charles Stewart Mott Foundation

OSI Development Foundation

The Philanthropic Collaborative, Inc.

Rockefeller Brothers Fund

The ICTJ expresses its gratitude to the following organizations and individuals for their generous in-kind support between January 2001 and March 2002.

Agency.com

Cleary Gottlieb Steen & Hamilton

Consulate of South Africa, New York

Davis Polk & Wardwell

Proskauer Rose LLP

Fross, Zelnick, Lehrman & Zissu, P.C.

Latham & Watkins

Marc USA New York

Paul, Weiss, Rifkind, Wharton & Garrison

Sara Portnoy, Attorney

The Witkoff Group and Steve Witkoff

INTERNS AND EXTERNS

Anitha Abraham

Chelsea Catto

Jane Desnoyers

Djordje Djordjevic

Jean-Marc Gorelick

Kathleen Gunerante

Bunafsha Gualakova

Vanessa Hawkins

Lisa Howley

Nausheen Iqbal

Matthew Jones

Melissa Lee

Jesse Lerner

Stefan Matiation

Ariel Meyerstein

Constance Morrill

Diana Nan

Rebecca Nordhaus

Sara Saad El-Dein

Rashid Shabazz

Sara Tollefson

Ernesto Verdeja

Karlijn van der Voort

Alice Wang

Elizabeth Wickeri

Gwen Young

Veronica Zeitlin

Elizabeta Zelinka

partner organizations

In carrying out its program work, the ICTJ collaborates with dozens of excellent national organizations around the world. Over the past year, the ICTJ has worked particularly closely with the following groups, among others:

The Association for Human Rights (APRODEH), Peru, was founded in 1983 to respond to widespread and systematic human rights violations occurring in Peru. Since then, it has documented, researched, and litigated thousands of cases of forced disappearances, torture, summary executions, and other acts of violence. APRODEH has been instrumental in calling for the establishment of the Peruvian Truth and Reconciliation Commission and supporting its work. www.aprodeh.org.pe

The National Human Rights Coordinating Group (CNDDHH), of which APRODEH is a member, is a coordinating body for more than 60 national human rights organizations working toward justice and accountability in Peru. ICTJ works closely with the CNDDHH as well as a broader civil society coalition that has shaped and followed the truth commission process from its inception. www.dhperu.org

The Association for Truth and Reconciliation was founded in Sarajero in April 2000 with the primary objective of establishing a Truth and Reconciliation Commission in Bosnia and Herzegovina. The Association hopes to gain a national consensus that acknowledges the abuses of the past in order to begin the process of reconciliation. For more information, go to www.angelfire.com/bcz/kip/

B92, based in Belgrade, Serbia, is a multifaceted media production company that began as a student radio station known for its mix of alternative music and independent news reporting and later expanded into television, film, music, and the Internet. B92 led the fight for freedom of information in order to report human rights violations under the Milosevic regime. It recently launched a project aimed at exposing the horrors of Yugoslavia's past decade through a series of publications, television

and radio programs, and international conferences. www.b92.net

The Burma Lawyers Council (BLC) is an independent human rights organization that aims to facilitate the return to democracy in Burma by undertaking legal training and research. The BLC has helped develop constitutional models and options for Burma, produced research reports on complex legal questions, and undertaken scores of training workshops on various legal issues for members of the democracy movement. For more information, go to www.karen.org/knl/links.html

The Centre for Democracy and Development (CDD) in Nigeria is a nongovernmental, research, information, and training institution dedicated to policy-oriented scholarship on questions of democratic development and peace building. Established in 1997, CDD works towards conflict prevention and management for sustainable regional security, promotion and consolidation of democracy, and responsive development. The CDD has worked closely with the Oputa Commission, created to examine human rights violations in Nigeria's recent history. www.cdd.org.uk

The Ghana Center for Democratic Development (CDD) is one of the country's most important nonprofit research organizations, working in partnership with various segments of government, business, and nongovernmental organizations. As an independent and nonpartisan organization, the CDD promotes justice and human rights by conducting research on democratic governance, monitoring the democratic progress in Ghana and elsewhere in Africa, and offering training workshops in conflict management and resolution. It has worked to assist the National Reconciliation Commission in Ghana. www.cdd-ghana.org/index.html

Founded in 1989, the **Centre for the Study of Violence and Reconciliation (CSVR)** is dedicated to making a meaningful contribution to a peaceful transition in South Africa by helping to shape policy through capacity-building workshops, research, and other consulting services. The Centre has established ties with trade unions, press, legal and professional organizations, government, and other institutions. It also operates a trauma clinic providing counseling services for both victims and perpetrators of violence. www.wits.ac.za/csvr

The East Timor Steering Committee on the Truth Commission played a pivotal role in conceptualizing and advocating for the establishment of the Commission for Reception, Truth and Reconciliation in East Timor. The Steering Committee consists of representatives of political parties and key civil society organizations, particularly those working with women, youth, and ex-political prisoners. Together with the United Nations Human Rights Unit, it undertook a national consultation process prior to the establishment of the commission and provided commentary on various drafts of legislation establishing the commission.

The Healing Through Remembering Project grew out of discussions between Alex Boraine and members of the Northern Ireland community who were seeking to mend the wounds of their society. Two organizations, Victim Support Northern Ireland and the Northern Ireland Association for the Care and Resettlement of Offenders, first met with Dr. Boraine while he was deputy chair of the Truth and Reconciliation Commission in South Africa. Central to the project is the idea that those damaged by conflict must be included in the process of finding a solution. For more information, go to www.communityrelations.org.uk/progs/victims/victims.htm

The Institute for Justice and Reconciliation (IJR) was formed in May 2000 on the idea that reflecting on the past is a critical basis for understanding the present and building a better future in South Africa. Seeking to ensure that a constitutional democratic society exists for all citizens, the IJR facilitates and encourages dialogue among South Africans of diverse backgrounds. With the aid of multimedia kits on the issues of justice and reconciliation, the IJR shares its experiences to assist other countries in transition. www.ijr.org.za

The National Forum for Human Rights is a coalition of local and national human rights organizations in Sierra Leone. Its aim is to ensure the maximum protection, promotion, and preservation of human rights. The National Forum advocated for an official truth-seeking process prior to the signing of the Lomé Peace Agreement, which established the Truth and Reconciliation Commission in July 1999. It has been centrally involved in the Commission's development over the past few years. For more information, go to www.sierra-leone.org/trc.html

The Human Rights Program of the Universidad Iberoamericana in Mexico City organizes forums, workshops, courses, and seminars on human rights and other issues, working in collaboration with civil society organizations, national and foreign universities, and governmental agencies. The program is a member of the Mexican Coalition for an International Criminal Court and the Human Rights Network of Civil Society All Rights for Everyone. Working with these groups, program staff and students have participated in a series of meetings and assemblies about torture and other human rights issues. www.uia.mx/ibero



BOARD OF DIRECTORS

Vincent A. Mai, Chairman

*Chairman,
AEA Investors, Inc.*

Alex Boraine

*President,
International Center
for Transitional Justice*

David Hamburg

*President Emeritus,
Carnegie Corporation of New York*

Kati Marton

*Author
Chief Advocate, Office of Children and
Armed Conflict, UN Secretariat*

Ambassador Donald F. McHenry

*Former U.S. Permanent
Representative to the United Nations
Distinguished Professor,
School of Foreign Service,
Georgetown University*

James H. Ottaway, Jr.

*Senior Vice President,
Dow Jones & Company
Chairman and CEO,
Ottaway Newspapers*

Minna Schrag

*Retired Partner,
Proskauer Rose LLP
Senior Attorney,
International Tribunal
for the former Yugoslavia
(1994–95)*

Theodore C. Sorensen

*Senior Counsel,
Paul, Weiss, Rifkind, Wharton & Garrison*

Jose Zalaquett

*Professor of Human Rights,
Law School of the University of Chile*

ICTJ Core Principles

THE CORE PRINCIPLES OF THE CENTER ARE REFLECTED IN THE FOLLOWING FIVE OPERATIONAL GUIDELINES:

Prioritize the interests and perspectives of victims and survivors. The Center will always assess and respect the interests of victims, often working closely with victim organizations and human rights advocacy groups.

Promote compliance with international obligations. The Center will promote understanding and acceptance of the obligations of states in responding to rights violations, especially those established in international law.

Shape policy and advice based on a rigorous analysis of the national and international context and circumstances. The Center will undertake each assignment with a focused assessment of local conditions and relevant international circumstances, rather than approaching its work with prior blueprints or rigid guidelines that pre-determine options.

Promote local involvement and empowerment. The Center will prioritize the training and empowerment of local actors so that skills and expertise are transferred to nationals. The Center will always involve local actors in policy developments so that initiatives are shaped and ultimately decided by nationals.

Support and facilitate the work of organizations and individuals in the transitional justice field. The Center will aim to facilitate communication, networking, and collaboration among those working in the transitional justice field.

“The ICTJ has been with us since we first started discussing ways to remedy the damage caused by years of violence and repression in East Timor. Without the ICTJ’s timely and practical advice, we would still be grappling with the enormity of the task. The ICTJ brought the lessons learned from truth commissions around the world and helped us put together a commission that is appropriate to East Timorese needs—in particular, a commission that complements the work of a serious crimes court with jurisdiction over international crimes.”

— Galuh Wandita, Co-Program Manager, Commission for Reception, Truth and Reconciliation in East Timor

“The ICTJ helped to connect the CDD-Civil Society Coalition on National Reconciliation to high caliber expertise and a rich trove of literature on transitional justice. The comparative insights provided by the ICTJ on the subject greatly enriched Ghanaian discussions and debates on transitional justice and national reconciliation at an important moment in Ghana’s history.”

— E. Gyimah-Boadi, Executive Director, Center for Democratic Development, Ghana



20 Exchange Place, 33rd floor, New York, NY 10005

TEL 917.438.9300 FAX 212.509.6036

ONLINE www.ictj.org E-MAIL info@ictj.org