

ICTJ

Facing the Past to Prevent Future Abuses

An annual report magazine 2006/2007

THE ASIA ISSUE

Challenging Legacies of Impunity

International Center
for Transitional Justice



ICTJ

Facing the Past to Prevent Future Abuses

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ICTJ CORE PRINCIPLES

The core principles of the ICTJ 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 victims' 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 of 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 predetermine 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 development 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.

ICTJ MISSION STATEMENT

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past 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 remains unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches, including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through nonjudicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center 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. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments, and others.

Cover:
Pandur, Nepal, March 2007. Rachya Bahadur Gurung, a witness of his country's transition, stands in the mountainous landscape near his home. Photo by Paula Bronstein/Getty Images.

This page:
Rukum District, Nepal, April 2004. Dilmaya holds her daughter, Bissnu, inside her home in Gipu village. Her husband, a former Communist Party member, has been missing since being kidnapped 13 days earlier because he quit the party. Photo by Ami Vitale/Getty Images.



From the President

Dear Friends,

The period covered in this report has been a particularly exciting one for our institution. A growing need for our assistance in the field, the cross-border dimensions of our endeavors, and the importance of establishing the “pillars” of transitional justice in universal thematic approaches have presented us with significant strategic challenges. In response, we have embarked on a process of regionalization and decentralization of our country-based programs.

In an effort to maintain a constant presence in the areas in which we work, we have launched offices in Bogotá, Dili, Jakarta, and Kathmandu, adding to our already established offices in New York, Brussels, Cape Town, Geneva, Kinshasa, and Monrovia. To meet the increasing demand for our expertise around the world, under the leadership of our Board of Directors and our expanding donor community, we have grown from an original staff of three to a team of more than 100 staff working throughout the Americas, Africa, Asia, Europe, and the Middle East. In addition, we have hired a team of experienced regional directors to guide our offices around the world. I am pleased to direct your attention to the inside back cover to learn about the prodigious collective experience on human rights and justice accumulated by our new regional directors: Mariclaire Acosta, Suliman Baldo, Patrick Burgess, and Dick Oosting, who join MENA Director Hanny Megally. As a result of these exciting new hires, our strategies and projects are now more grounded in local realities and more strategically engaged with partners and stakeholders; our impact is thus enriched.

While regionally shifting our focus, we simultaneously organized our global staff of professionals in thematic teams that contribute specific expertise on each of the transitional justice mechanisms, to ensure that the universality of our principles combines effectively and holistically with the necessary adaptation of strategies to realities on the ground. We have, in fact, formed thematic teams equipped to address prosecutions, truth-seeking, reparations, security systems reform, memorials and museums, gender, and peace and justice.

We continue to cultivate relationships with a growing number of transitional justice practitioners and members of the informed public through conferences, fellowships, and trainings, as well as increasing engagement with members of the press. In early 2007 the Center launched a two-year, multinational media training initiative called Communicating Justice in conjunction with the BBC World Service Trust, to bring visibility to and coverage of transitional justice issues in the very countries where transitions take place.

Another important innovation is our ability to incorporate the victims' demands for justice in the context of peace negotiations. Through our thematic program on peace and justice, we organize and generate conversations on this difficult dilemma among human rights activists, conflict resolution specialists, and humanitarian organizations; we also apply these principles in specific peace processes such as the talks in Juba to end the conflict in northern Uganda. Transitional justice holds the key to effective post-conflict reconstruction, but it can also offer practical suggestions for peace arrangements that bear the promise of being durable precisely because they harmonize the interests of peace and the interests of justice.

This report focuses on Asia, as our presence there expands, deepens our relationship with civil society, and bolsters political will to address the past. In Asia, transitions from conflict to peace are often contested or incomplete, creating a growing desire for transitional justice, which is supported by an emerging generation of human rights activists working to persuade governments to examine the past and take action to ensure that human rights abuses are not repeated. This report highlights important challenges that activists, governments, and civil society in the region face, such as preparing for transition in Burma, working toward accountability in Timor-Leste, and confronting a shroud of denial in Indonesia.

Undeniably, the ICTJ has had a resounding impact on the field of human rights since its inception in 2001. I am proud to present you with this report, which vividly highlights our most notable and recent contributions to the field of transitional justice.



Juan E. Méndez
President



Juan E. Méndez

EDITORS' NOTE

Producing this Annual Report has been the central task of the ICTJ's Communications Department in recent months, although by no means the only one. Along with launching a new Web site, redesigning our newsletter, and raising the Center's profile through numerous new collaborations with journalists throughout the world, we have also faced the challenge of keeping pace with the institution's global and substantive expansions.

This report is a deliberate departure from past incarnations. After much discussion about substantive necessity and desired visual impact, we have created a magazine-style piece, hoping that a more dynamic format will help you—our

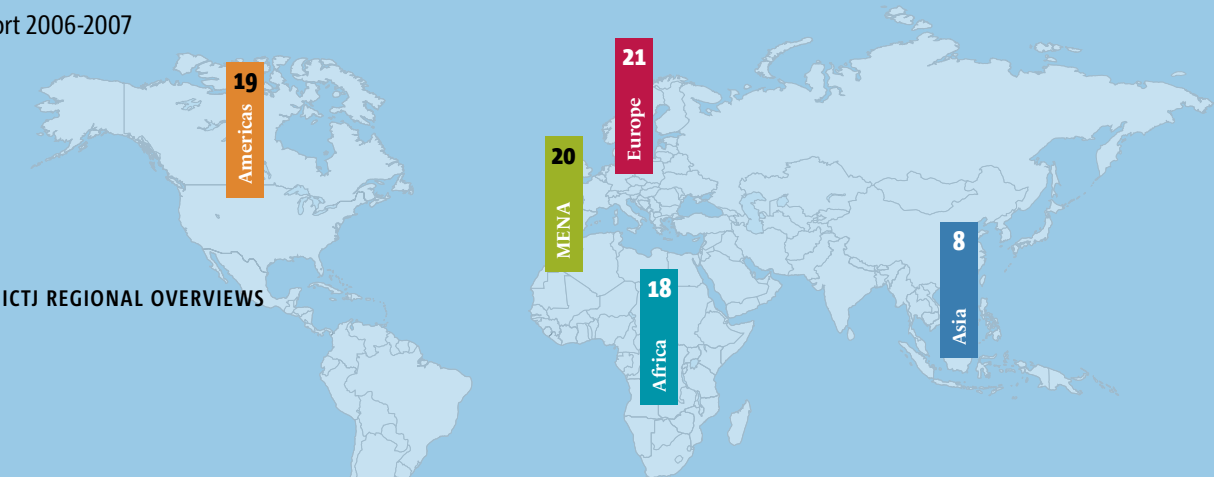
readers, supporters, and partners—engage more intimately with the very essence of how, where, and why the Center does what it does. To flesh out our highly specialized work, we've decided to stray from the more prosaic approach of years past and replace it with unique pieces that present the breadth of our work.

Through interviews, essays, analyses, and powerful photography, this report captures some of the most thought-provoking aspects of transitional justice, while also showing the human faces behind everything we do.

All the best,
ICTJ Communications

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Annual Report 2006-2007



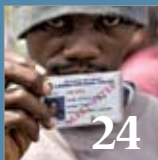
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Linking Peace and Justice

The imperatives of peace and justice are often juxtaposed, as if they pose a choice between two mutually exclusive options. As the ICTJ increasingly works in contexts with varying degrees of conflict or transition, we are sometimes confronted by the notion that justice must either wait or be sacrificed entirely for peace.

An Essay

The Center's work has affirmed that both peace and justice may be pursued simultaneously, including in countries where a transition may not have occurred yet or where conditions remain precarious.

The growing demand for our involvement at various stages of a peace process has expanded possibilities not only for *how* we engage, but also for the *temporal mandate* of our commitments. For example, in Indonesia, Liberia, Nepal, Sierra Leone, and the former Yugoslavia, efforts to pursue justice—constrained by the need to maintain the existing fragile peace—demand a long-term vision based on capacity building by civil society. In countries where conflict is ongoing and justice may be “held hostage” to peace talks, we are challenged by the urgent imperative to cease hostilities. Recent developments in Afghanistan, Burundi, Colombia, and the Democratic Republic of the Congo, for example, have required a delicate balancing act between peace and accountability. We have assisted by surveying victims' needs and opinions; advocating against measures, such as blanket amnesties, that would enshrine impunity; or laying the groundwork for future transitional justice (TJ) activities by providing targeted information to all those participating in peace talks.

The need for more comparative information and conceptual clarity on these complex dynamics—coupled with a growing demand for technical assistance to mediators and other peacemakers—motivated the ICTJ to launch a new Peace and Justice Program in 2007. The program will operate out of our Geneva office under the direction of ICTJ cofounder Priscilla Hayner, who spent several months last year researching peace negotiations in a number of countries, including Liberia and Sierra Leone. Results will be published in forthcoming months, detailing the interplay between TJ measures and several prominent transitions toward peace over the past decade. ♦

NORTHERN UGANDA

Over the past two years, ongoing peace talks and attempts to resolve the conflict in northern Uganda, coupled with the International Criminal Court's (ICC) pursuit of top Lord's Resistance Army (LRA) leaders, have made it a pivotal case study of the tensions between justice and peace. Since the ICC released arrest warrants in 2005, the talks have been framed partly by this dilemma. Although it is widely believed that the warrants themselves drew the LRA to the peace table after more than 20 years of waging a brutal campaign against the people of northern Uganda, the rebel leaders have threatened not to sign any peace deal until the indictments are dropped.



Gulu, Uganda, August 2007. Young resident at Koch Goma Internally Displaced Persons (IDP) camp. Photo by Nisma Zaman/ICTJ.

Outside the options of either prosecutions or blanket amnesty, a third way is being explored in the peace negotiations. According to the ICC's complementarity principle, if a rigorous and serious national plan for accountability were established, the arrest warrants could be legitimately dropped without sacrificing either peace or justice. The ICTJ has given presentations to the parties at the peace talks detailing what these requirements could and should entail in order to uphold international legal standards. A strong push from Ugandan civil society—parts of which have advocated truth-seeking, reparations, and traditional conflict resolution—has also led the Center to survey public views of justice and peace in the hope of contributing to these discussions.

A Holistic Approach to TJ

The following interview with Alex Boraine, founding president of the ICTJ and current chairman of the Board, was conducted in mid-2007. Boraine was president of the Center from its opening in March 2001 until June 2004 and has provided institutional direction and vision ever since.

An Interview

Question: *How did you get the idea to establish an organization dedicated to transitional justice (TJ)?*

Answer: The ICTJ was the result of a number of converging streams, starting with the South African TRC, which, because it was the first commission to hold public hearings, sparked international curiosity. The result was that we started receiving requests to assist other countries that were undergoing transitions from conflict and authoritarian rule. I realized that there should be one organization dedicated to providing this assistance on a more holistic

basis, especially one that focused its work on victims. After the TRC, I came to NYU to write a book about my experience. There I started talking about these issues with colleagues like Paul van Zyl—who was the TRC’s executive secretary—and Priscilla Hayner—who was with the Ford Foundation and doing research on truth commissions. With Ford’s support, Priscilla convened a group of people from diverse backgrounds to discuss

the possibilities of establishing an institution devoted to TJ. We were extraordinarily fortunate to have Ford’s president, Susan Berresford, participate in the discussion. She called me the next day and said that Ford was ready for our proposal. The rest, thanks to her, is history....

Q: *Is our holistic approach one of the most important aspects of our unique mandate?*

A: Absolutely. If the ICTJ ever loses that, it will lose its reason for being. Many in the human rights field were worried that retributive justice was going to lose out to restorative justice. In fact, the latter is a complementary approach,

not a substitute for the former, except that it places a far greater emphasis on the needs of victims and the transformation of institutions. In other words, it is simply not enough merely to punish people. You need to equip societies to help get new democracies running and to establish a human rights culture. But how do you go about helping deeply divided societies to live together with some promise of sustainable peace? The ICTJ exists to answer that question.

Q: *How would you summarize the impact of Ford’s investment in the ICTJ over the past six years?*

A: We have some extraordinary people here and the combination of our varied expertise—not only in law, but also in politics, sociology, and communications, for example—helps us develop an informed and nuanced approach to each and every country in which we work. Our approach is to listen very carefully and to help countries to understand how important addressing the past is to assisting victims of abuses and ultimately building promising futures and peaceful societies that respect the rule of law. It is this future-focused mission and our commitment to helping societies in transition do just that, that have made Ford’s investment very worthwhile.

Q: *There are many who would argue that TJ promotes peace. So isn’t the question one of sequencing rather than a question of choosing either peace or justice?*

A: The peace/justice question has been quite neglected in the past, and that of sequencing even more so. There are some things you can do immediately and other things that you may have to delay to bring about disarmament, reintegration, and some degree of peace. That is why justice is really the art of the possible. We must ask ourselves what is possible now and do that as best as we can, always reserving the hope that more can be done in the future. You can’t go into a society assuming everything is possible at that particular moment in time—you really must ask the hard political questions.



New York, July 2007.
Alex Boraine at ICTJ
headquarters. Photo
by Nisma Zaman/ICTJ.

New York, August 2007.
Alex Boraine at ICTJ
headquarters. Photo by
Veerle Opgenhaffen.



Q: *We've talked about some of your proudest moments in your experience. What were some of your most difficult?*

A: The most disappointing experience of my life was the unwillingness of many white South Africans to come to terms with their role in apartheid. They found it easy to plead ignorance but rarely accepted responsibility. That stood in stark contrast to the generosity of spirit of many black victims who were ready to speak about forgiveness as long as the truth was revealed and acknowledged.

Q: *What do you think accounts for this difference?*

A: One of the reasons for this is that apartheid worked extremely well in separating people, so that many whites had never entered a township in their lives. They could then claim they didn't know. A more honest answer would have been that they didn't want to know. So they closed their eyes because it was too uncomfortable to look. But why so few were able to reach the point of admitting they could have done something about it, still baffles me.

Q: *Given the current prospect of prosecutions in South Africa, what do you think the chances are for greater social harmony in your country?*

A: As a country we have been derelict in our duties. The Commission recommended to the state that those who applied for amnesty and were refused, or those who should have applied and did not should be prosecuted—with the proviso that there was sufficient evidence to justify the indictment.

For years the prosecution authorities stalled on this recommendation, and now they are essentially engaged in plea bargaining. The Department of Justice and the state itself have missed a critical opportunity and are now belatedly trying to address these crimes. But they are not allowing any cross-examination of those indicted and have made no provision for the participation of victims. This is a backward step that has bred more distrust and made it even more difficult to imagine a reconciled South Africa.

Q: *It has been nine years since the TRC ended its work. What do you see as its most important legacy?*

A: It was vital to conduct our hearings in public, because it gave people around the world access to our experience on a daily basis through radio, television, and print. Many of those watching forecasted disaster, yet through the negotiation and TRC process we were able to steer an extremely frail craft through stormy seas, despite grave doubts that it would work. The crucible in which we were working was so fragile that people said, "Despite all of the entrenched problems, the 300 years of colonialism and terrifying racism, they've come through it all." A lot of people were astonished that there was so little revenge-taking.

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The most disappointing experience of my life was the unwillingness of many white South Africans to come to terms with their role in apartheid.

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Alex Boraine

Q: *A Country Unmasked was your book about the TRC, but we hear that you've written a new one, due to be published in April 2008.*

A: It's been quite a journey. What started as a chronicle of the TJ field has essentially turned into a story about my own life, at the insistence of my publishers. Writing it has helped me realize that struggle, perseverance, and vision have characterized the whole of my life. I've tried to channel those strengths into making some small contribution to the struggle for justice, which remains a large and complex issue of global proportions that I hope we never stop trying to address for as long as it persists. ♦

WHERE THEORY AND PRACTICE INTERSECT: How the ICTJ's Research Unit Informs the Field

In a recent conversation Pablo de Greiff, director of our Research Unit, commented extensively about the evolution of the unit and the ways its work both informs and is shaped by developments and technical practices in the field. What follows are some excerpts.

An Interview

The Importance of Normative Research

I have always insisted that the work of the research unit in an institution such as the ICTJ cannot be a philosophical exercise alone—that the Center is not mainly a think tank, but rather a place where issues are thought through, including their policy implications.

Having said this, I was intrigued early on by how conceptions of justice could illuminate debates about policymaking, and conversely how policymaking debates should affect conversations about general conceptions of justice. Because policymakers operate in a complex and dynamic environment without access to perfect information, they need more than empirical

research alone to make sound judgments and have durable effects.

It is critical that we develop a justice-based conception of what we do, because satisfying victims' expectations means satisfying expectations that are themselves normative in nature. When victims feel aggrieved, their grievance is that of someone who feels not simply harmed but treated unfairly. In other words there is a notion of justice that underlies people's expectations that something ought to be done in their case. If you want to respond adequately to expectations that have been shaped around notions of justice, you need to be clear about what justice requires in each case.

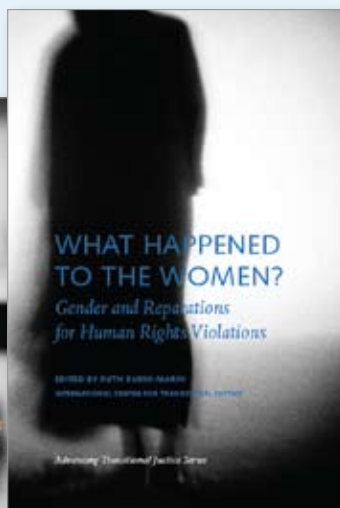
Shaping the Evolution of International Justice

We already have good examples of how this type of research contributes to the evolution of international justice. The research that we eventually published in *The Handbook on Reparations* (Oxford University Press, 2006), a collection resulting from several years of research on massive reparations programs, has had significant impact in several countries, including Peru and Morocco among others. This—as well as our parallel project on vetting, published under the title *Justice as Prevention* (Social Sciences Research Council, 2007)—fed into the UN's Office of the High Commissioner for Human Rights' *Rule-of-Law Tools for Post-conflict States*, which will guide policy decisions throughout the world.

Understanding Expectations of Justice and Social Interventions

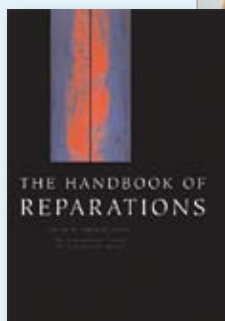
One of the main challenges that institutions like the ICTJ face stems from the fact that we really do not yet fully understand how social interventions work, and by that I do not mean the ICTJ but the social sciences as a whole, which still handle interventions in the social world in what I call “aspirational” terms. For example, recent international practice expresses the hope that more truth-telling will have a role in strengthening the rule of law and that criminal prosecutions will deter future crimes. But honestly, we have no social science to borrow from that can explain exactly how these interventions work.

The idea that we can provide precise quantified indexes to the success of large-scale social interventions seems to me, at least under present circumstances, to be largely groundless. That doesn't mean that there is nothing that can be done to improve both the efficacy and preci-



Justice as Prevention is the first comprehensive study on “vetting,” an institutional reform process for excluding abusive or corrupt employees from public office. SSRC/ICTJ 2007

What Happened to the Women? explores gender and reparations policies in post-conflict contexts. SSRC/ICTJ 2007



The Handbook of Reparations,
edited by Pablo de Greiff. New
York: Oxford University Press, 2006.



Nuremberg, Germany,
June 2007. Pablo de Greiff
next to Rama Mani during
a panel discussion at the
“Building a Future on Peace
and Justice” conference.
Photo by Dirk Ostermeier.

sion of our interventions and how we measure them. Rather, there should be space for assessing impacts at different stages in a process and for the use of a variety of metrics, because the way in which these interventions are experienced can vary tremendously over time. We need to allow for different temporal horizons and for observing and measuring unintended consequences as well.

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When victims feel aggrieved, their grievance is that of someone who feels not simply harmed but treated unfairly.

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For example, we have noticed that truth commissions consistently provide amazing opportunities for civil society to organize itself. This is not necessarily one of truth commissions’ goals, but we have found nonetheless a proliferation of NGOs every time one is established. This can be read as a positive—yet complicated—development, the point being that unintended consequences are sometimes as important as the intended results.

Forthcoming Projects

We recently started a project on *TJ and Identity*, because in many contexts where we work, ethnicity, religion, and race have played a major role in molding the specific shape conflicts have taken. Yet until now we have treated identity as merely a political factor with respect to which people fight, which is a horrible misunderstanding because identity issues are at the core of what people think about themselves and deeply

affect the way they think about political prizes and losses.

Another project—on *TJ and Development*—emerged out of a notable institutional silence about the distributive aspects of TJ. In most of the places where we work socioeconomic conditions are extremely difficult, so we need to be able to say something about the preconditions for the implementation of TJ measures and the possible developmental consequences of those interventions. Although our field is based on a conception of human rights that is universal and thus travels well, our implementation and understanding of justice cannot be indifferent to socioeconomic conditions that may allow one country to sustain a reparations program, while conditions in other countries may make the effort virtually impossible to sustain. An important question, then, is how to enable

Lima, Peru, June 2002.
Members of the Commission
for Truth and Reconciliation
(CVR) participate in public
proceedings at the Auditorio
del Centro Cívico. Photo by
John Riley.



countries to respond to their legal obligations to victims and *at the same time* continue or embark on developmental paths that contribute to the strengthening of rule-of-law systems that provide guarantees of nonrepetition and secure the rights of all. ♦

ICTJ Involvement in Asia

Afghanistan
Burma
Cambodia
Indonesia
Nepal
Sri Lanka
Timor-Leste



Facing Legacies of Impunity

Top: Rukum District, Nepal, April 2004. Dilmaya holds her daughter, Bissnu, inside her home in Gipu village. Her husband, a former Communist Party member, has been missing since being kidnapped 13 days earlier because he quit the party. Photo by Ami Vitale/Getty Images.

Despite Asia's geographic, cultural, and political diversity, many of its transitions can be characterized as partial and contested, with those responsible for human rights abuse retaining considerable power and influence. This form of impunity makes it important to choose strategic partners carefully—both within and outside governments—when pursuing transitional justice efforts. Several Asian countries have vibrant civil society movements seeking justice, truth, and reparations. The ICTJ has helped them build civil society capacity at the same time as it works to improve and assist carefully chosen government initiatives.

In [Cambodia](#) we have strengthened civil society's capacity to monitor the Extraordinary Chambers in the Courts of Cambodia (ECCC) and used the establishment of the Court to spur national initiatives on truth-seeking, reparations, and memorials. We have also provided advice and assistance to the Court's staff.

Our strategy in [Nepal](#) has been to work with Advocacy Forum and other human rights organizations to help establish a credible and effective truth commission, while laying the foundation for future accountability mechanisms such as vetting and reparations.



Kathmandu, Nepal, April 2004. Police forcefully arrest an anti-monarchy protester. Weeks of clashes between police and protesters calling on the king to reinstate democracy led to thousands of arrests. Photo by Tomas van Houtryve.

In [Burma](#) we have focused on gathering documentation and helping civil society organizations pursue accountability during and after a coming transition, especially through trainings for activists on the Thailand-Burma border.

In [Afghanistan](#) and [Sri Lanka](#)—where capacity for TJ remains stifled by ongoing violence and conflict—our work has concentrated on gender issues, advocacy, awareness raising, and contributing to victim-centered initiatives while continuing to encour-

age policymakers to prioritize accountability and documentation of past violations.

Despite a robust and thorough TJ process in [Timor-Leste](#)—including a serious-crimes panel, a truth commission (CAVR), and complete withdrawal by Indonesia—cycles of conflict and violence have returned. As a result we have addressed some unfinished business, such as security system reform (SSR).

In [Indonesia](#) the wave of international pressure to pursue accountability for the crimes committed in Timor-Leste has subsided. In 2007 we opened an office in Jakarta to work with local civil society organizations to develop TJ strategies in Timor, Papua, and Aceh. We have also drawn particular attention to crimes against women. ♦

KHIN MAUNG SHWE:

Preparing Burma for Transition

Often in political transitions, at a pivotal unexpected moment, relationships between the forces in charge and those pushing for change are fundamentally rearranged, propelling both into uncertainty and chaos.

A Profile

What happens in the days and weeks after such a rupture can alter history; yet often events that took place long *before* the transition affect the course of change.

A crucial facet of the ICTJ's work is long-term capacity-building activities designed to prepare human rights defenders for transitions under extremely challenging circumstances. Our annual fellowship programs—currently active in Chile, Lebanon, Morocco, and South Africa—encourage participation by practitioners

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I discovered there is tremendous hunger for knowledge about justice and truth-seeking in Burma.

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from countries where fostering a TJ culture is a vital precursor to a successful future transition. We are proud to see that many of our former fellows have gone on to become important activists in their home countries.

Burmese activist Khin Maung Shwe attended the Center's Cape Town fellowship program in 2004. Among other things he credits the program with imparting a comprehensive sense of the field, as well as building an extensive network of practitioners who continue to work together globally on justice issues. Khin Maung Shwe has since lived and worked along the Thai-Burma border, where he works with the TJ program of Human Rights Education of Burma (HREIB) alongside the ICTJ's regional consultant, Patrick Pierce. HREIB provides training to activists and also supports the Network for Human Rights Documentation, which sets the stage for a democratic transition by documenting what has happened in Burma since the military assumed power. “We can't predict when our transition will

come,” said Khin Maung Shwe in an August 2007 telephone interview. “But whatever follows this long era of military oppression, it will be vital to be organized in advance—not only to steer the process in the right direction, but



also to be ready with a historical record that can be used to secure justice for victims.”

“I discovered there is tremendous hunger for knowledge about justice and truth-seeking in Burma. I am grateful for my experience in Cape Town because it helped me think through the specific obstacles Burmese society faces and to start to envision tangible ways to move forward in the context of challenging a deeply militarized state and engaging TJ in a largely Buddhist society. I really benefited from studying other transitions—such as in Chile, South Africa, Rwanda, Guatemala, and East Timor—because they taught me practical lessons about sequencing and gave me ideas of what Burmese activists can begin to address even before a true transition takes place.” ◇



Chiang Mai, Thailand, January 2005. Khin Maung Shwe. (Smaller photo) Chiang Mai, Thailand, January 2005. Paw Wah Thumla (2003 ICTJ Fellow), Khin Maung Shwe, and Than Htiike (2002 ICTJ Fellow), all trainers with the Human Rights Education Institute of Burma Transitional Justice Program. Photos by Patrick Pierce/ICTJ.

ICTJ Involvement

in Asia

Afghanistan

Burma

Cambodia

Indonesia

Nepal

Sri Lanka

Timor-Leste

CAMBODIA

How much longer must victims wait for answers and justice?

The ICTJ's Cambodia program has actively engaged with key stakeholders supporting the Extraordinary Chambers in the Courts of Cambodia (ECCC), the tribunal charged with prosecuting serious crimes committed during the Khmer Rouge regime.

The Center has provided substantive comment and input on the development of the ECCC internal rules of procedure and of the new Cambodian criminal procedure code, with particular focus on victims' rights and reparations. The ICTJ has led several missions to Cambodia, during which program staff led workshops outlining the importance of monitoring the ECCC and building a legacy for future reform. Our staff participated in public forums on justice and reconciliation in Kampong Thom province, worked closely with local NGOs on memory and documentation, and conducted TJ seminars for ECCC staff. In addition, the Center sent a consultant to Cambodia to assess and advise on the development of a comprehensive communications strategy for the tribunal.

Phnom Penh, Cambodia, July 2007. Chim Math, 49, a Cambodian survivor of Khmer Rouge's prison S-21, looks for her portrait among pictures of Khmer Rouge victims on display at Tuol Sleng Genocide Museum. Photo by Mak Remissa/Corbis.

Working toward accountability in Timor-Leste

Timor-Leste, a former Portuguese colony, was forcibly annexed by Indonesia in 1975, and for the next 24 years its people suffered under oppressive rule. In 1999 Indonesia allowed the Timorese to vote on the territory's future, but the overwhelming support for independence was met with brutal retaliation. Security forces and pro-Indonesian militias killed an estimated 1,400 Timorese civilians and destroyed a large part of the territory's infrastructure, forcing some 200,000 individuals to flee into Indonesian West Timor.


The transitional justice situation in Timor-Leste is particularly complex because Indonesia is largely responsible for past abuses there and is unwilling genuinely to pursue accountability for its crimes. The ICTJ has addressed the complexity of the situation by working with both Timorese and Indonesian civil society actors to strengthen their voices and provide them with access to international expertise and experience. We have worked to help implement the report of the Commission for Reception, Truth, and Reconciliation (CAVR) and have assisted the Serious Crimes Unit (SCU), established by the United Nations to pursue accountability for past crimes.

TIMOR-LESTE



Top, middle, and bottom: Timor-Leste, July 2003. Members of multiple communities participate in community reconciliation process hearings as part of the Commission for Reception, Truth, and Reconciliation in Timor (CAVR). Photo by Ben Larke.

Family members in Timor-Leste break down after returning to find their homes destroyed and their family members murdered by pro-autonomy militias. Photo by John Stanmeyer/VII.



Kathmandu, Nepal, January 2006.
An elderly protester is taken off
the street by riot police as she tries
to convince them to let her stay
during a demonstration protesting
the rule of King Gyanendra. Photo
by Paula Bronstein/Getty Images.

By 2004 the human rights situation in Nepal had gotten so extreme that the tiny, mountainous nation topped the world in sheer numbers of reported cases of disappearances and kidnappings.

The UN's Working Group on Enforced or Involuntary Disappearances



ICTJ Involvement

in Asia

Afghanistan

Burma

Cambodia

Indonesia

Nepal

Sri Lanka

Timor-Leste

NEPAL

The power of popular mobilization

Human rights abuses have been part of political and military policies and practices in Nepal since Britain formally acknowledged the country as a sovereign state in 1923, but their scale and intensity heightened dramatically in 1996 when civil war broke out. For the next decade the Nepalese people experienced unparalleled levels of violence at the hands of the country's monarchy and rival Maoist rebels, with at least 13,000 killed and thousands more tortured, raped, and forcibly disappeared.

In April 2006 an extraordinary mobilization by civil society against the government ended the conflict by forcing a military retreat, disempowering the ruling monarch, reinstating Parliament, and bringing the Maoists into the peace negotiations.

In November 2006 a Comprehensive Peace Agreement between the government and the Communist Party of Nepal-Maoist (CPN-M) established the basis for a truth and reconciliation commission, a committee to investigate disappearances, and a commission to investigate abuses committed by the armed forces and the police during the April uprisings. To help build capacity for a just transition, the ICTJ has been conducting a series of workshops and consultations with a broad range of stakeholders in Nepal, including government representatives, victims' groups, international organizations, and donors. Victims and other marginalized groups, often neglected in the course of the peace negotiations, expressed their deep and urgent need for more information and comparative expertise on transitional justice. Many also expressed concern that the pro-democracy movement could fall short of pursuing real justice by focusing too much on reconciliation activities instead of on other forms of accountability, including prosecutions and reparations.

One of the Center's main challenges has been to ensure that transitional justice initiatives are properly sequenced at the same time that a new political and military structure is being constructed. Human rights violators from both sides of the conflict could obstruct efforts to combat impunity and uncover the truth about past crimes, potentially complicating the processes of demobilizing, disarming, and reintegrating the Maoists and vetting the security forces. These challenges notwithstanding, the political consciousness that catalyzed the popular uprising and the relatively high degree of political will to address past abuses provide Nepal with a sound basis and fertile ground for establishing justice institutions that have integrity and enjoy popular legitimacy.

Since fall 2007, the ICTJ has two full-time staff members in Kathmandu.



Political Structure: Indonesia's president—currently Susilo Bambang Yudhoyono—serves as the head of state, commander-in-chief of the armed forces, and director of domestic governance, policymaking, and foreign affairs. He also has the power to appoint the council of ministers, who are not required to be elected members of the legislature.

Indonesia and Timor-Leste

THE PRICE OF DENIAL

Dili, Timor-Leste, August 1999. Relatives grieve over a pro-independence supporter who was shot during clashes with anti-independence militiamen. Photo by Charles Dharapak/AP Photo.

“

Indonesia is shrouded in denial about past human rights abuses, which reinforces a pernicious cycle of impunity. The ICTJ is helping civil society challenge this legacy with the tools of truth and justice.

”

Paul van Zyl
Executive Vice President, ICTJ



Timor-Leste, July 2003. Members of multiple communities participate in community reconciliation process hearings as part of the Commission for Reception, Truth, and Reconciliation in Timor (CAVR). Photos by Ben Larke.

Galuh Wandita has a long history of working with human rights organizations in Indonesia and Timor-Leste, where she developed expertise on gender and justice. In 2002 she became deputy director of the UN-backed Timorese Truth and Reconciliation Commission (CAVR) and was instrumental in writing the Commission’s Final Report. Since early 2007 she has been the head of the ICTJ’s Jakarta office, where she manages our work in Indonesia and Timor-Leste. Wandita sat down to talk with us during a recent visit to our New York office.

Question: *Indonesia has a fairly vibrant human rights movement, yet it seems stifled on many fronts. Is this attributable to a general climate of fear or other factors?*

Answer: I wouldn’t call it a climate of fear because people who work on justice issues in Indonesia are forced to be fearless—it is the only way to accomplish anything. But as we saw in 2004 with the assassination of Munir—one of our most prominent human rights activists—the threat is real. But I think “climate of impunity” is a better way to describe the atmosphere we work in. Even though we have mechanisms like the Human Rights Court and a National Human Rights Commission, these have not only failed to deliver hard justice, they also haven’t adequately pursued truth-seeking and reparations for victims.

Q: *Is there hope that these institutions are actually legitimate and functional but can’t yet follow through on their own agendas?*

A: They’re not farcical, but their inefficacies reflect a broader lack of political will to

challenge impunity, evident all around. For example, we have people who were indicted for serious crimes in 1999 still serving in the military or posted to Papua. A member of the Special Forces, convicted of kidnapping student activists in 1998, has since popped up in Aceh as a district commander of the military. In terms of the security forces, there has been very little reform and it remains a very strong institution.

continue page 16

Indonesia from 1945 to 2007

1945

Declaration of independence. Sukarno becomes first president.

1949

Recognition of independence from the Dutch.

1965

Abduction and murder of senior military officers blamed on the Communist Party of Indonesia (PKI). General Suharto leads brutal “anti-communist” purge. 500,000 to

1 million killed. Suharto takes power and creates the “New Order” administration.





The Republic of Indonesia is the world's largest archipelagic state, composed of 17,508 islands. With a population of approximately 234 million people, it is the world's fourth most populous country.

A Reflection

Indonesia from 1945 to 2007



Suharto's New Order regime was an all-pervasive force that not only corrupted everything but also militarized our society, so many of the changes we seek will be generational. In other words, while we have some of the important legal structures in place, both the institutional and political culture continue to support impunity, perpetuating a reality that silences the victims. Still, we push on, even though it might take a long time to see real change.

Q: *Is there a tangible transition away from the violence and repression that characterized the Suharto era?*

A: Much of it is a matter of scale: The abuses of the past were massive—a million killed and another million incarcerated in 1965, waves of mass atrocities committed in East Timor, Aceh, and Papua over several decades. To some extent—in Papua, for example—the situation

hasn't changed so much as it has lessened in scale, but some

positive changes

have occurred. The

government recently passed

a law introducing a four-year

window period that outlaws the military

from running its own businesses, which is a big plus, and there is a movement trying to get the military under civilian oversight. Aceh is actually an interesting case of nature catalyzing political transition, because if there hadn't been a tsunami there, we wouldn't be talking about a genuine peace process today.

Q: *How did that catalyze a peace process?*

A: 200,000 people died, and because the Indonesian government didn't have the capacity to deal with the tsunami and the international community needed help facilitating aid to the region, the government had to ensure security, which could only be done by forging a peace agreement with the Free Aceh Movement. But remember, it wasn't an instant process either. The tsunami hit in December 2004 and the

peace agreement was signed in August 2005. It was also the third such attempt at peace since 1999, so there was some political precedent for finally making this work.

Q: *Why have Aceh, Papua, and Timor been such targets for military mobilization and repression?*

A: I think it's primarily due to the presence of separatist movements in each of these areas. There is a strong ideology of unification in Indonesia. As schoolchildren we learn that Suharto saved the nation in 1965 and that in 1975 East Timor became part of Indonesia. We are taught a clean version of history which constantly reinforces that we are one unified entity and that anybody who seeks to split off is a traitor to the nation, deserving punishment. The military has designated local separatist movements as "threats to security," which entitles it far greater leeway in suppressing them. Although natural resources play a part in some of these movements—particularly in Papua—in most places it is really more of a tension between local and national identity.

Q: *In your work with the CAVR, you worked closely with the community reconciliation process. Do you have an opinion on using these so-called "traditional" methods elsewhere, such as Northern Uganda, where it has been recommended they employ the ritual of mato oput to reconcile the LRA with their victims? Do you think it is ever appropriate to use these methods for serious crimes?*

A: I agree with the prevailing mantra that there should not be any amnesty for serious crimes, but sometimes contexts are too complex to leave it at that. One of the problems with justice is that it is easy to conjure up solutions in books and articles, but much more complicated to actually repair social fabric after mass atrocity. In Rwanda, for example, they had tens of thousands in prison without charge, which in itself is a human rights violation that the international tribunal just could not address. I respect the approach adopted by Sierra Leone, where a system rationalized which crimes should go to the international hybrid tribunal, which to

1975

Indonesia forcibly annexes former Portuguese colony of East Timor, starting a brutal 24-year occupation. At least 100,000 people die as a result of the conflict.

1998

Suharto resigns under pressure, following widespread discontent. He is succeeded by his vice president B.J. Habibie.



1999

Following a referendum endorsing Timor's independence, Indonesian troops and pro-Indonesian Timorese militias unleash a campaign of violence on East Timor, killing at least 1,400 and displacing hundreds of thousands.

1999

UNTAET establishes peace and sets up Special Panels for Serious Crimes and the Serious Crimes Unit, leading to 395 indictments on charges of crimes against humanity and 88 convictions, mostly of lower-level perpetrators.

2002

UNTAET establishes the Commission for Reception, Truth, and Reconciliation (CAVR) to look at violations that occurred from 1974-1999.

Dec 2004

Tsunami hits Southeast Asia, with epicenter close to Aceh province. Close to 200,000 people are killed. Relief efforts help trigger peace agreement between the government and the Free Aceh Movement.

national courts, and which to be handled by the truth commission. In my view, their criteria captured exactly what crimes should never be eligible for amnesty. But then there are gray areas. Following decades of conflict, countless murders and rapes, and a flawed judiciary, you have to be creative about a solution, which makes the Rwandan *Gacaca* experience fascinating. It's a brave example of trying to deal with a massive societal problem. At the CAVR we assumed that the serious crimes unit would deal with murderers and rapists; that Jakarta would attend to the generals; and that the CAVR could just deal with the people who burnt houses or committed other lesser crimes. That is not to say that we took these crimes lightly. In Timor nobody has a bank account or insurance, so if your house is burnt your life is destroyed and you literally start from zero. So it is not a small loss by any means. But we still had to find a way to repair some of the bonds that had been broken without relying on a more formal legal process.

“...people who work on justice issues in Indonesia are forced to be fearless—it is the only way to accomplish anything.”

Q: You've mentioned the need for reparations in Indonesia and that some payouts are occurring. Is this done through an opaque system where some people have been given sums without explanation, or is there a movement toward a fair or transparent process?

A: The concept of reparations is completely new to Indonesia. The payment of compensation to victims in Aceh, which started in 1998, was essentially hush money. It was a form of recognition that harm had been done, but it was not a process where you could then find out who killed your husband or why—there was simply a sum of money delivered to your house. This is a major area where the ICTJ is contributing our expertise, both in terms of



developing a national reparations strategy and strengthening civil society's sense that reparations are about an obligation to victims and not just monetary compensation. What's really tragic is that the 5 million dollars used to run the Commission on Truth and Friendship (CTF) could have been applied toward Indonesia and East Timor neutrally working together to develop a reparations program, fostering truth and friendship in the real sense.

Q: What is going to be the focus of your work in the next couple of years? Are you putting your energies into reviving truth commission legislation, monitoring the CTF, or mobilizing victims' groups?

A: All of the above and more. Working on justice in Indonesia is like grappling with an enormous tangled knot: Pull and something comes loose over here and tightens over there. You struggle to untangle it and just hope there will be a point of momentum when it all unravels. Now that I am no longer a one-person operation and have solid partnerships in Aceh and Timor, I think we can get a lot more done on the ground, especially in terms of pursuing reparations, encouraging understanding across borders, and continuing to press for genuine accountability. But it's a tough road ahead. ♦

Above: Timor-Leste. People learn how to vote while taking refuge in an unfinished church due to threats from militia in the run-up to the referendum vote. Photo by John Stanmeyer/VII.

Bottom Left: Jakarta, Indonesia, July 2007. Former Indonesian President Suharto. Photo by Adek Berry/AFP/Getty Images.

Bottom Middle: Timor Leste, July 2003. Community members take part in reconciliation process hearings of the CAVR. Photo by Ben Larke.

Bottom Right: Krueung Raya, Indonesia, January 2005. People pull food supplies from a helicopter moments after it lands in an area completely destroyed when an earthquake, followed by three giant tsunamis, hit Aceh. Photo by John Stanmeyer/VII/AP Photo.

Feb 2005

UN establishes Commission of Experts to examine impunity for crimes committed in East Timor in 1999.



Oct 2005

CAVR presents a final report to Timorese President Xanana Gusmao. Months later the president releases final CAVR report to Timorese Parliament and the UN secretary general, as required by law.

Aug 2005

Memorandum of Understanding signed between Free Aceh Movement and government of Indonesia.



Aug 2005

Peace agreement signed between Free Aceh Movement and government of Indonesia, including provisions for a truth commission and a human rights court.

Jan 2006

The ICTJ publishes and widely disseminates CAVR report.

Jul 2006

Paul Van Zyl testifies before the Indonesian Constitutional Court to argue against TRC legislation tying reparations to amnesties.

Dec 2006

Indonesian TRC act struck down in its entirety.

Mar 2007

ICTJ Senior Associate Galuh Wandita testifies before Commission on Truth and Friendship about sexual violence

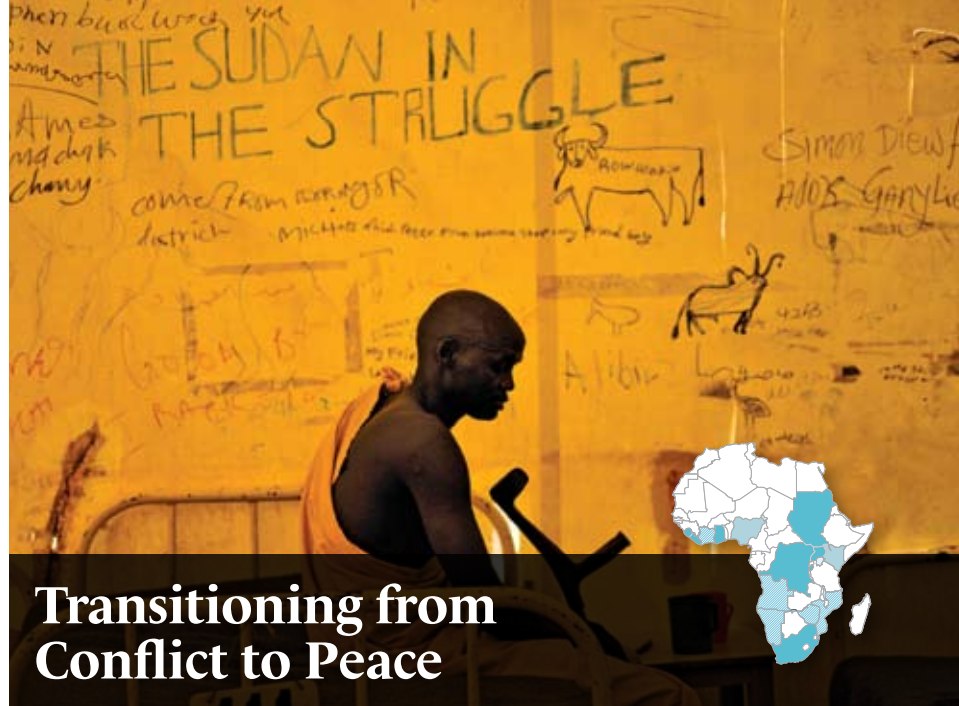
in East Timor and calls for Indonesian accountability for crimes committed in 1999.

Fall 2007

The ICTJ establishes office in Jakarta.

ICTJ Involvement in Africa

DRC
Ghana
Liberia
Sierra Leone
South Africa
Sudan
Uganda



Transitioning from Conflict to Peace

Top: Lokichokio, Kenya, August 2003. This 500-bed hospital has treated wounded Sudanese from both rebel and government sides as well as civilians. Photo by Michael Freeman/Corbis.

The African continent has been host to some of the world's most horrific conflicts, leaving staggering obstacles to peace and justice in their wake. Whereas political "transitions" have often been viewed as moving from autocracy toward democracy, Africa's transitions have tended to progress from conflict toward peace, often leaving behind societies ill-equipped for addressing past—and preventing future—abuses.

In response, the ICTJ has established regional "hubs" in the East, West, and South, opening offices in [Cape Town](#), [Kinshasa](#), and [Monrovia](#). This arrangement allows us to work with the [Liberian TRC](#) while working on complementary projects in neighboring [Sierra Leone](#) and [Ivory Coast](#), where resumed fighting could derail our work throughout the region. We have also begun an assessment of southern African countries that did not benefit from [South Africa's](#) TRC but still suffered the consequences of apartheid, while we continue to address the shortcomings of the TRC itself. In the [Democratic Republic of the Congo \(DRC\)](#), progress toward transitional justice has been slowed by lasting disputes and the fragile political climate of the Great Lakes region.

We have begun targeting issues related to resource scarcity because reparations and disarmament, demobilization, and reintegration programs can inflame tensions if they are seen to be rewarding perpetrators or privileging certain victims above others. We are working closely with the economic development community to craft new approaches that focus on marginalized groups and are sensitive to the injustice of poverty.

Although post-conflict contexts are particularly challenging, pursuing peace should not exclude justice. The ICTJ has sought to enrich the ongoing debate over peace and justice in Africa—an important staging ground for the International Criminal Court (ICC) and host to a range of justice and truth-seeking institutions. In [Uganda](#) we have surveyed victims' views to

make policy recommendations to the ICC and to peace negotiators while examining challenges posed by "traditional" forms of redress.

We are also deepening our engagement with the [African Union](#) to help build its capacity to forge multilateral solutions for combating impunity, modeled on the Inter-American Court for Human Rights. For example, we have encouraged the AU to take an active role in ensuring prosecutions of Chad's former dictator, Hissene Habre, and Liberia's former president, Charles Taylor.

Dr. Comfort Ero recently joined the ICTJ to lead our Cape Town office and serve as deputy director for our Africa program. Dr. Ero brings a wealth of TJ knowledge to the region from her previous senior positions with the UN in Liberia, the International Crisis Group, and the UN Association in the UK. ◇



Above: Kisharu, DRC, October 2007. Child soldiers from the Mai-Mai militia guard the headquarters of their leader, General Kassereka, 100 km north of the eastern city of Goma. Photo by Nicolas Postal/Corbis.

ICTJ Involvement
in the Americas

Argentina
Canada
Colombia
Guatemala
Mexico
Nicaragua
Paraguay
Peru
USA

Leading the Path to Justice

More than a quarter-century since a wave of democratic transitions began sweeping the Americas, the struggle against impunity there remains fraught with obstacles. Nonetheless, principles of truth, justice, and accountability have gained unprecedented political momentum in the region, evident in the widespread adoption of international legal standards there. To bolster this growing culture of human rights, the ICTJ established an **Americas Unit**, with programs stretching from Canada to Argentina.

In August 2006 the Center opened an office in **Bogotá, Colombia**, where our activities have included helping local partners successfully challenge problematic provisions of the Justice and Peace Law and co-conducting the first-ever national survey assessing attitudes toward justice. We also provided technical assistance to the National Commission on Reparations and Reconciliation (CNRR) and the Office of the

Prosecutor to ensure broad participation by victims in judicial proceedings against paramilitary leaders.

In 2006 elections in **Peru** significantly obstructed efforts to implement the Peruvian TRC's 2003 final report recommendations. The ICTJ has since focused on analyzing the Peruvian experience while helping to establish a reparations policy from legislation through to effective implementation, in tandem with the newly created Reparations Council.

In **Brazil** we have joined civil society and the federal Office of the Prosecutor in thinking through future truth-telling mechanisms, while in **Mexico** we have engaged in building local capacity for TJ to take root in the near future.

In **North America** the Center has supported path-breaking initiatives seeking redress for victims of past injustice. In the United States we provided technical assistance and comparative global expertise to the Greensboro Truth and Reconciliation Commission, an unofficial truth-seeking body investigating the 1979 Ku Klux Klan/Nazi killings

in North Carolina. The Commission's 2006 final report now serves as a model for other communities addressing legacies of racism.

In **Canada** the ICTJ actively assisted efforts to address the legacy of the residential schools system. In May 2006 the government enacted the Indian Residential Schools Settlement Agreement to settle thousands of class-action and individual lawsuits seeking redress for countless aboriginal Canadians who suffered from the brutal assimilation policy. The Center provided advice on the Agreement's plans for individual monetary reparations and for a truth and reconciliation commission, which is expected to launch in 2008. ◇



Top: Buenos Aires, Argentina, August 2007. Nora Cortiñas, founding member of the Mothers of Plaza de Mayo, holding a photograph of her son, Gustavo, disappeared in 1976. Photo by Marcos Brindicci/Reuters.

Santiago, Chile, April 2007. A human rights activist demonstrates against former Peruvian president Alberto Fujimori in front of the Court of Justice. Photo by Martin Bernetti/AFP/Getty Images.

ICTJ Involvement
in the Middle East
and North Africa

- Algeria
- Bahrain
- Iraq
- Lebanon
- Morocco
- Sudan



A Growing “TJ Culture”

Top: Baghdad, Iraq, October 2006. A witness, whose name is being withheld by court officials, waves identity papers as she delivers testimony during the trial of Saddam Hussein in the heavily fortified Green Zone. Photo by David Furst-Pool/Getty Images.

Right: Manama, Bahrain, June 2005. Bahrainis protest in front of the United Nations facilities against torture of innocent people. Photo by Adam Jan/AFP/Getty Images.

The Middle East and North Africa region has witnessed continuous increases in demand for knowledge about transitional justice. This regional trend has included countries where such processes are already under way, such as [Morocco](#)—where King Mohammed VI has overseen a massive truth-seeking and reparations process that began in the 1990s—and [Iraq](#), where dramatic regime change has opened the door to justice and accountability efforts, even though those processes have been flawed.

In other parts of the region, government authorities, policymakers, activists, and academics have undertaken a variety of initiatives, ranging from presidential decrees to trainings, to help deal with past abuses. In [Algeria](#) President Bouteflika issued a decree in February 2006 to implement a Charter for Peace and National Reconciliation, although Algerian civil society groups have expressed serious reservations about the decree’s amnesty provisions. In [Bahrain](#) civil society groups have organized public meetings and formed a coalition advocating for a truth-seeking process and a reparations program to deal with abuses during the period before the reign of King Hamad ben Isa Al Khalifa.

The establishment of the Special Tribunal for [Lebanon](#) to deal with the murder of former Prime Minister Rafik Hariri could be a precursor of much deeper and broader initiatives to come to terms with the legacy of the civil war and its aftermath, but the continuing political stalemate has hindered civil society efforts in this direction. Similarly, although the ongoing conflict, fragile peace processes, and

intransigence of the central government in the [Sudan](#) have created some opportunities for discussions about holding perpetrators accountable, providing reparations to victims, and reforming broken institutions, difficult developments have also slowed any meaningful progress.

In all of these countries the Center has responded to requests for assistance and sought to work closely with policymakers, civil society actors, and victims’ groups in building local capacities to deal with the massive legacies of abuse that remain unresolved. We have conducted numerous missions and worked with local partners organizing workshops



and seminars, identifying needs, and providing comparative analysis and technical advice. On a regional level we have also sought to spread knowledge about TJ experiences and best practices by translating key documents and materials into Arabic and disseminating information through an Arabic Web site and electronic newsletter. Discussions are also under way with universities from Morocco to Lebanon to introduce TJ to future activists, academics, and informed citizens. ♦

Eastern Europe
and the former
Soviet Union
Northern Ireland
Spain
Turkey
the former
Yugoslavia



Closing the TJ Gap

In **Turkey** we are working alongside civil society actors seeking creative and durable TJ solutions to the ongoing tension between the state and the Kurdish population, and to the long-term legacy of the Armenian genocide.

In **Northern Ireland** we remain engaged with a range of actors, such as the organization Healing through Remembering, which continues to work on strategies of TJ and reconciliation.

The ICTJ's largest program in Europe is in the former Yugoslavia, where prospects for EU accession and the need to demonstrate progress on rule-of-law issues continue to motivate national governments to adopt TJ measures. The scheduled closure of the International Criminal Tribunal for the former Yugoslavia in 2010 and the unresolved status of Kosovo also present new challenges to facing the past.

Commissioner for National Minorities, aimed at fostering dialogue among leaders of the different ethnic communities in Kosovo.

We also continue to support and work closely with our longstanding TJ partners in the region, the Humanitarian Law Center ([Serbia](#) and [Kosovo](#)), the Research and Documentation Center ([Bosnia-Herzegovina](#)), and Documenta ([Croatia](#)). ♦

Left: London, England, February 2004. Relatives of people killed in Northern Ireland, amid claims of collusion between British security agencies and unionist paramilitaries, picket in parliament. Photo by Eva-Lotta Jansson/Corbis.





Some former heads of state who lost their immunity and are facing or have faced trial include Liberia's Charles Taylor, Chad's Hissène Habré, Chile's Augusto Pinochet, former Yugoslavia's Slobodan Milosevic, Peru's Alberto Fujimori, Iraq's Saddam Hussein, and Cambodia's Khieu Samphan.

Prosecutions

PROSECUTING HEADS OF STATE

Baghdad, Iraq, December 2006.
Former Iraqi President Saddam Hussein is seen in court during his trial in the fortified Green Zone
Photo by Pool/Getty Images.



Holding Leaders Accountable

Attempts to hold senior leaders accountable for systemic crimes committed during their rule have often encountered major legal and political obstacles. However, international law and political will to confront impunity have developed significantly, as the indictment of former Yugoslav President Slobodan Milosevic showed the world in 2000. Our Prosecutions Team has increasingly been involved in several efforts to prosecute current and former heads of state, emphasizing that presidents and other senior officials are no longer above or beyond the law.

After nearly three years of waiting, former Liberian President Charles Taylor was handed over to the Special Court for Sierra Leone in 2006. In collaboration with local partners, the ICTJ highlighted the dangers of moving the trial to The Hague at the expense of accessibility by both Liberian and Sierra Leonean communities. The paradigmatic nature and symbolic significance of forcing a former president to face victims' allegations means that the importance of monitoring such trials cannot be underestimated. However, public demands for justice risk overshadowing fair-trial rights and the challenge of finding an impartial and independent judiciary in highly politicized environments.

In addition, proving the existence of remote and complex command structures is difficult when prosecutors try to link individual crimes to a top leader who may have been far from the crime scene.

The ICTJ's on-the-ground monitoring of the trial of Saddam Hussein in Baghdad revealed all of these challenges in one of the most significant criminal trials of the century. The ICTJ's provision of independent public information and analysis in both Arabic and English exposed crucial doubts about the legitimacy of the Iraqi High Tribunal as well as its legal processes. The descent into revenge of both Hussein's trial and his subsequent execution squandered opportunities to reinforce the rule of law in Iraq and to provide the regime's victims with the justice they deserved.

The Prosecutions Team has sought to apply the lessons learned from the Hussein trial to what may be more successful prosecutions against Alberto Fujimori and Hissène Habré. The forthcoming publication of a book chronicling such cases, from Latin America's Pinochet and Fujimori to lesser-known examples in Zambia and the Philippines, is one of the products of the ICTJ's monitoring and outreach work.



Top: The Hague, Netherlands, July 2001. Former Yugoslav president Slobodan Milosevic seated in the courtroom of the UN War Crimes Tribunal during his first appearance before the body. Photo by Jerry Lampen/AFP/Getty Images.

Left: Lima, Peru, January 2008. Former President Alberto Fujimori attends his trial at a police base. Photo by Karel Navarro/AP Photo.

The ICTJ Prosecutions Team: Restoring the Rule of Law

Criminal prosecutions play an integral role in the response to widespread or systematic human rights abuses. Yet, as a result of factors including inadequate judicial capacity and lack of political will, domestic criminal prosecutions have been rare.

The international community has responded with several significant advances, such as the creation of the International Criminal Court (ICC), ad hoc criminal tribunals, and various hybrid courts. The ICTJ Prosecutions Team believes that used properly, these international justice mechanisms can restore victims' dignity and public confidence in the rule of law.

A group of specialists in international criminal law, human rights law, and mediation, the ICTJ Prosecutions Team brings a remarkable range of experience in international legal institutions to four distinct program areas: domestic prosecutions, hybrid tribunals, the ICC, and the ICTJ Prosecutions Network.

Since its inception the Center has played significant roles in both domestic and hybrid tribunals. It began with domestic prosecution through initiatives such as the Ad Hoc Human Rights Court in Indonesia and the Colombian Constitutional Court. Recently, in addition to its involvement with the IHT (see

page 22), the ICTJ turned its attention to monitoring and assessing several important national trials, including the trial of the former president of Peru, Alberto Fujimori, and the war crimes trials in Serbia and Montenegro.

Besides advising and analyzing hybrid tribunals—courts that operate domestically but employ international personnel—in countries including Sierra Leone, Timor-Leste, Kosovo, Cambodia, and Lebanon, our Prosecutions Team also uses its considerable experience and expertise to affect policy.

Over the past two years the ICTJ published a four-part series that analyzed hybrid tribunals in Timor-Leste, Sierra Leone, Kosovo, and Bosnia-Herzegovina, emphasizing several policy issues with broader applications. The ICTJ also collaborated with the Office of the UN High Commissioner for Human Rights (OHCHR) on a second policy study (the first was distributed in 2004). It focuses on legacy issues, measuring hybrid courts' potential to positively affect domestic legal systems.

The ICTJ Prosecutions Team attaches particular importance to the International Criminal Court (ICC) and its global impact. The Team maintains a close relationship with the ICC by participating in discussions such as the Assembly of State Parties meetings and analyzing important questions, including complementarity and victim-related

issues, through discussion papers and population-based surveys (see “When the War Ends,” page 30).

Conceived in early 2005 in a joint initiative by the Center and the Foundation for Human Rights of South Africa, the ICTJ Prosecutions Network provides an organized forum for practitioners to exchange investigative strategies and legal approaches. To bolster this effort the ICTJ develops policy materials for practitioners and organizes conferences such as “Planning for Residual Issues for International and Hybrid Tribunals,” held in late 2006 and sponsored by the ICTJ, the University of Western Ontario, and the Open Society Justice Initiative.

The ICTJ Prosecutions Team sees important opportunities on the horizon. In the coming months the Team will work on themes in criminal prosecution, including:

- Evaluating the regional impacts of domestic trials, including trials in Iraq, Lebanon, and Latin America;
- Addressing the disturbing trend of selective prosecutions, highlighted by the Special Tribunal for Lebanon;
- Analyzing carefully what the ICC's principle of complementarity means in the context of Uganda and Colombia;
- Organizing a conference on reparations in association with the ICC Trust Fund for Victims. ♦



Wall mural of child soldier in West Africa.
Photo by Fiach Molloy.

In early 2007 the ICTJ organized a conference in New York to explore the interface between SSR and TJ. Some 70 participants attended, including experts from the UN, representatives of permanent missions to the UN, academics, and representatives of NGOs working in the fields of security, human rights, and transitional justice.

Security System Reform

SECURITY SYSTEM REFORM

How Security System Reform Can Prevent Future Abuses

Preventing future human rights violations to promote social reconstruction is a critical element of transitional justice. Police, military, and other security agencies, as well as nonstate security actors such as armed rebel groups, are often the most responsible for serious and systemic human rights violations. Reforming both the makeup and the operational foundations of an abusive security system is, therefore, of central concern to the ICTJ.

A “justice-sensitive” approach to Security System Reform (SSR) is guided by the following overarching aims: to build the institutional integrity of the security sector to discourage abuses and increase its responsiveness; to promote the security sector’s legitimacy to overcome a fundamental crisis of trust characteristic of a situation marked by the legacy of serious abuse; and to empower all citizens, especially the victims of state oppression and conflict-related violence.

“

I am delighted that the ICTJ is assisting the UN DPKO on post-conflict law enforcement reform, including helping us to develop policies and procedures, provide technical support to peace operations, and train our personnel. I see this partnership with the ICTJ as an important model of cooperation in complex civilian peacekeeping.

”

Jean-Marie Guehenno
Under-secretary General of Peacekeeping Operations

Monrovia, Liberia, February 2007. Former members of the armed forces of Liberia and Liberian national police block a road, demanding the government pay back-wages for the years they were not paid under the Taylor regime. Photo by Christopher Herwig.



The ICTJ's SSR team has built expertise in several important areas of a justice-sensitive SSR approach, including vetting and census and identification. Vetting—excluding from public service persons with serious integrity deficits—is now widely recognized as an important measure of SSR in countries emerging from conflict or authoritarian rule. It helps reestablish civic trust, re-legitimize security agencies, and disassemble structures within which individuals carried out serious abuses. Little systematic attention, however, has been paid to the topic and there are broadly varied views of and approaches to vetting. A dearth of analysis also affects the practice of vetting. As a result, many countries emerging from conflict handle such processes poorly and unfairly. To fill this gap the Center conducted a major research project, published a volume on vetting, and developed operational guidelines for the field.

Census and identification are critical first steps in initiating an SSR process. Post-conflict security institutions are often characterized by fluid boundaries, security agents who abuse their power and are linked to unofficial armed groups, and criminals who continue to impersonate security agents illegally. All can perpetuate a culture of impunity and abuse. Registering and verifying membership in the security system—

and subsequently issuing identification cards—clarify the specific makeup of the security services and mark these institutions' boundaries. The process not only provides reliable data for future personnel reform efforts, but also stops individuals from informally joining and departing from security agencies and allows the state to reestablish control over the security system. It can also contribute to building social confidence in the security sector and public accountability by helping the citizens distinguish between those authorized to use force and those who illegally impersonate security agents and should be sanctioned. The ICTJ recently published a tool book for practitioners on census and identification of security system personnel after conflict.

The Center's core group of SSR experts has lent their highly specialized skills to a wide range of countries in transition, including every major region where we are active, as well as other countries where a full range of TJ options may not yet be available. For example, the Center has helped the UN Mission in Haiti develop a census of the Haitian national police; assisted the UN Mission in Liberia to develop a strategy to reform law-enforcement agencies and vet their personnel; presented a proposal for a census of the police to the government of the Democratic

Republic of Congo; and currently advises Burundi on establishing and implementing a census of its national police service.

In addition to specific country program work on SSR, the ICTJ has continued to strengthen its well-established partnership with the UN Department for Peacekeeping Operations (DPKO). The Center has assisted in developing policies, procedures, and training tools for reforming law enforcement agencies in peace operation settings. We have developed a policy guide for conducting census and identification of law enforcement officials—already adopted by DPKO—and are working on similar policy guides on vetting, certification, and mapping of law enforcement agencies in post-conflict settings. The ICTJ has also provided training on a justice-sensitive SSR to DPKO personnel before they have deployed to peace operations.

In early 2007 the Center organized a major conference in New York to explore the interface between SSR and TJ and to promote a constructive exchange between the two communities. More than 70 participants attended the meeting, including UN experts, renowned academics, representatives of permanent missions to the UN, and representatives of NGOs working on security, human rights, and transitional justice. ♦



Treaty bodies, courts, and tribunals have affirmed individuals' right to learn about disappeared persons or abuses. A truth commission reaches out to thousands of victims. It helps society acknowledge contested or denied history and publicizes victims' stories. It also recommends institutional and policy reforms. From OHCHR's *Rule-of-Law Tools for Post-conflict States* (2006).

A Reflection



LESSONS FROM SOUTH AFRICA

More than a decade since the South African Truth and Reconciliation Commission (TRC) handed its final report to President Nelson Mandela, the country's transition continues to be a key reference point for transitional justice policymakers and practitioners around the world.

Top: South Africa, 1990. Men cheer and celebrate the news of Nelson Mandela's release from prison. Photo by David Turnley/CORBIS.

In our work we have often encountered a yearning for a South African model that could reconcile victims and perpetrators and replace criminal justice. This view is steeped in problematic or self-interested interpretations of South Africa's TRC that compromise reconciliation in the name of political expediency.

The South African experience was not one of automatic forgiveness granted on a national stage to repentant perpetrators. The Commission's operational mandate was explicitly designed to reject and guard against blanket amnesties by imposing significant burdens on amnesty applicants and respecting

the right of victims to oppose their torturers' applications. As a result of these stringent conditions, most applications for amnesty were denied. The master framework of South Africa's reconciliation policy has left complex issues in its wake, and they need to be soberly examined.

Disputing the South African Legacy

Despite the South African TRC's clear successes, over the years several facts have belied the notion that it closed the books on the past. The government's failure to deliver the reparations policy recommended by the TRC, as well as the lack of prosecution against perpetrators who were not granted amnesty, has embittered victims and weakened the Commission's legacy.

The South African government rejected the TRC's recommendation of a "solidarity tax" on businesses and high-income individuals to fund comprehensive reparations to victims. It has also opposed several lawsuits victims brought

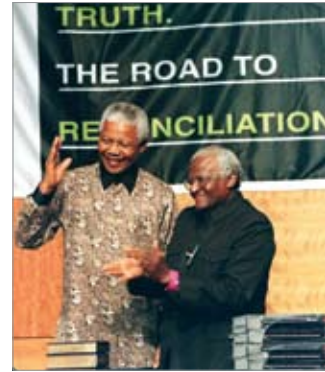
“

The architects of transitional justice policies would pay a more appropriate homage to the South African experience by learning both from its strengths and its weaknesses. In particular, the myth that reconciliation will automatically follow from a trade-off of victims' rights needs to be widely debunked.

”

Eduardo González
Deputy Director, Americas, ICTJ

South Africa, October 1998. South African President Nelson Mandela, pictured with Archbishop Desmond Tutu, acknowledges applause after receiving the Truth and Reconciliation Commission final report from Archbishop Tutu. Photo by Walter Dhladhla/AFP/Getty Images.



to courts in other countries for reparations by businesses that profited from apartheid. This refusal to cooperate has been particularly vexing in a country where—despite the transfer of political power—apartheid’s consequences continue to be evident in the economic marginalization of the great majority of the nonwhite population. The former chair of the TRC, Archbishop Tutu, has openly criticized the government’s failure to provide appropriate reparations to approximately 22,000 victims identified by the Commission. He has stated that the TRC should have provided for immediate reparations just as it provided for immediate amnesty.

Another problematic development has stemmed from prosecutorial authorities seeking to renew a mechanism to grant conditional amnesty to perpetrators while failing to prosecute those originally denied amnesty. The TRC presented its conditional amnesty as a one-time action, balancing it with the threat of effective prosecution of those not fully cooperating with the Commission or deemed undeserving of amnesty. South African human rights activists have denounced the idea of a second or “back-door” amnesty, saying it would cheat those who participated in the TRC’s public hearings and rob the victims of an opportunity to oppose renewed amnesty requests. The ICTJ has joined forces with South African organizations and activists who are asking the South African Constitutional Court to review such prosecutorial policy.

The Danger of Sacrificing Victims’ Rights

South Africa illustrates a point the Center has clearly made in many cases: A truth commission must be seen as only one component of a holistic TJ intervention. In other words, government commitments must go well beyond a commission’s limited capacity and mandate by pursuing appropriate redress for victims, prosecuting those most responsible, and reforming abusive institutions.

Not only has the ICTJ vocally advocated effective reparations and prosecutions in South Africa, we have also endeavored to steer other commissions away from designing their mandates as replicas of the South African model, particularly where TJ is used as a convenient tradeoff for victims’ rights.

Through established partnerships with local human rights organizations we try to ensure that the legacy of any given truth commission is not compromised by governments with no real commitment to justice. In countries as varied as Morocco, Peru, Sierra Leone, and Timor-Leste, the ICTJ has supported independent monitoring of the government’s response to a commission’s recommendations and defended its legacy against politically expedient equivocation.

We have also been particularly emphatic about commissions that claim to model themselves on the South African TRC,

especially when they make thinly disguised efforts to enshrine impunity under a facade of truth-seeking. We have argued strenuously against this misappropriation, particularly if it robs victims of their voice. In this effort, the Center has mounted constitutional challenges to problematic draft TRC legislation (in Indonesia, for example), staged global media campaigns against flawed amnesty provisions (in Algeria, for instance), and criticized what we regard as disingenuous efforts (like the defunct TRC in the Democratic Republic of Congo and the joint Indonesian-Timorese “Commission of Truth and Friendship”). Throughout the ICTJ has worked closely with victims’ groups on the ground and committed itself to challenge plans for truth commissions that fail to combat impunity.

The ICTJ celebrates much of what the South African TRC accomplished—and we trace some of our own institutional origins to it—but we strongly believe that genuine and enduring truth-seeking requires much more than mere imitation. With the enthusiasm for truth commissions unlikely to wane, greater awareness of their real potential is vital. Consequently we are committed to fostering genuine truth-seeking efforts and disseminating basic guidelines and best practices for the implementation of truth commissions. The ICTJ fundamentally believes believe that a crucial lesson from South Africa is that both truth and justice for past crimes are essential to a just and peaceful future. ♦

Our Presence

Today the Center is comprised of more than 100 staff dispersed throughout Africa, the Americas, Asia, Europe, and the Middle East. In addition to our fully

functional offices in New York, Brussels, Cape Town, Geneva, Kinshasa, and Monrovia, we have launched offices in Bogotá, Dili, Jakarta, and Kathmandu.



New York

The ICTJ opened its New York headquarters in March 2001 with a staff of 3. The global hub of the Center, it coordinates 8 international offices as well as country, regional, research, and policy-makers' programs, including courses, workshops, and events at the nearby United Nations.

Currently employs staff of 58.

Bogotá

The ICTJ established an office in Bogotá in 2006.

Working with the National Reparations and Reconciliation Commission, the ICTJ has held numerous consultative meetings with the Commission and victims' groups in the country.

Currently employs staff of 19.

Brussels

In May 2006 the Center opened an office in Brussels. It works to deepen engagement with the European Union, European governments, and key institutions, such as the ICC, the ICTY, the OSCE, and the Council of Europe.

Currently employs staff of 5.

Geneva

The ICTJ has opened a Geneva office in order to work more closely with the UN human rights mechanisms and other key institutions there. The Geneva staff works with many policymakers, government representatives, and academics active in the field of transitional justice.

Currently employs staff of 2.

Beirut

In the coming months the Center will deepen its engagement in Lebanon and the region by opening an office in the heart of Beirut.

Work with Lebanese civil society groups, the media, academics, policymakers, officials, and other actors will strengthen and increase awareness of TJ issues in the country and beyond.

Brussels

Geneva

Beirut

Kathmandu

Monrovia

Kinshasa

Jakarta

Dili

Cape Town

Cape Town

The office opened in 2004 to promote TJ and serve as a regional hub for meetings with ICTJ stakeholders.

The office holds the ICTJ Fellowship Program, serving human rights practitioners and civil society representatives from the region.

Currently employs staff of 5.

Kinshasa

Active in the DRC since 2003, the ICTJ opened an office in Kinshasa in 2005. It has provided critical comments on draft TRC legislation and held workshops on transitional justice in Kinshasa and eastern DRC with local civil society groups, the UN Mission in the DRC, and international NGOs.

Currently employs staff of 3.

Monrovia

In early 2006 the ICTJ deepened its engagement with Liberia by opening its doors in Monrovia.

The Center's staff has conducted intensive meetings with the TRC, civil society, and government actors.

Currently employs staff of 3.

Dili and Jakarta

Recently established offices in Dili and Jakarta will focus on accompanying the growing trend of challenging impunity in the region.

Currently employ staff of 5.

Kathmandu

In early 2008 the ICTJ will launch a program office in Kathmandu to further build our presence in Asia.

Currently employs staff of 2.



Strasbourg, France, 2006. The Palais de l'Europe, the seat of the European Council. Photo by Murat Taner/Getty Images.

The ICTJ's Engagement with the UN and the EU

The United Nations

Since 2001 the ICTJ has actively engaged with the United Nations, offering our unique expertise on the evolving field of transitional justice through workshops for UN staff, focused retreats for senior officials, and targeted interventions on key policy questions. As TJ has gained traction in the international human rights arena, our work has become increasingly relevant across a broad spectrum of UN institutions: becoming as useful to peace negotiators as to human rights monitors and as vital to those establishing tribunals as to specialists in gender, children, and development. Given the UN's global scope and reach, this relationship has only become more important over time.

In 2005 the Center co-organized a targeted meeting for key UN staff and several NGO partners to consider and comment on the UN guidelines per-

taining to accountability issues, which led the secretary-general to update his guidelines in 2006, raising the bar for stronger accountability mechanisms to become integral components of efforts to promote both peace and justice.

In 2006 and 2007 the ICTJ focused closely on the UN Peacebuilding Commission as it was developing its substantive plans and structure. The Center made presentations at several Commission sessions in New York, offering suggestions for a framework by which TJ issues could be prioritized as central to any peacebuilding agenda.

Most recently the Center was asked by the UN Office of the High Commissioner for Human Rights to write a number of the papers for its series on "rule-of-law tools for post-conflict states"—a new volume of international standards for post-conflict situations.

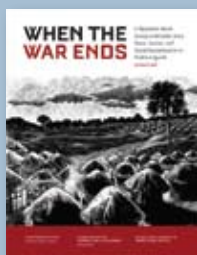
The Importance of Communicating Justice

The ICTJ believes that everyone living in a transitional society should be informed about and given the opportunity to participate in justice-seeking processes. The efficacy of transitional justice depends greatly on the active, informed participation of all stakeholders, and this in turn requires access to accurate and detailed information about all available options.

TJ institutions often neglect to include outreach to the general public as a crucial component of their work. For example, the International Criminal Tribunals for Rwanda and the former Yugoslavia both began operating with-

out any systematic outreach campaigns. This prompted concern among victims' groups, NGOs, and other affected populations that felt uninformed and even shut out of the most important accountability initiatives in the 1990s. The problem was compounded by the location of both tribunals far from the places where the atrocities took place and where the victims lived. With time both institutions realized they needed to devote adequate attention and resources to outreach to ensure that justice was both done and seen to be done.

Subsequent truth commissions and tribunals, including the International



"When the War Ends." ICTJ Report, December 2007

UGANDA: HEARING VICTIMS' VOICES

After more than 21 years of violent conflict and widespread displacement, many Northern Ugandans are looking forward to peace, according to "When the War Ends," a report released in December 2007 by the ICTJ and the Berkeley-Tulane Initiative on Vulnerable Populations. The report, based on a survey of nearly 3,000 Ugandans, highlights the beliefs of respondents about transitional justice in their country and makes comprehensive recommendations for policymakers in Uganda's post-conflict era, including options for accountability, reconciliation, and adequate support for lasting peace.

New York, September 2006. The General Assembly hall at United Nations headquarters. Photo by Mary Altaffer/AP Photo.

ICTJ staff authored sections pertaining to truth commissions, prosecution initiatives, reparations, and vetting.

The European Union

The European Union has arguably become one of the world's most important multilateral institutions in the fields of human rights and conflict resolution. Not only does the EU itself aspire to do more in these areas, but it is increasingly called upon by others to play a leading role in transitional contexts and peacebuilding. Yet until recently the EU has tended to remain behind the UN in terms of its awareness and use of TJ at policy and operational levels. Fortunately, this has begun to change, especially as awareness of the theory and practice of this field has increased at the EU level. For our Brussels office in particular, developing our relationship with the EU is an institutional priority. We have



built a constructive partnership with many key EU actors in the Commission, Council, and Parliament, as well as with the vibrant community of EU-focused human rights and conflict resolution NGOs and think tanks in Brussels. The future challenge is to deepen our operational collaboration with the different institutions and

actors in a way that ensures the application of best practices in the field. Because the ICTJ and the EU share a commitment to the same core values—human rights, democracy, and the rule of law—we are convinced that the EU is poised to make significant contributions to the advancement of TJ globally. ♦

Criminal Court (ICC), have confronted the same challenge and benefited from the lessons of their predecessors. The Special Court for Sierra Leone (SCSL), for example, implemented sophisticated public information and media relations strategies and set up

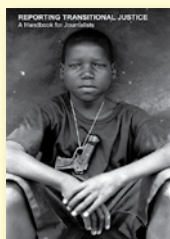
all the structures necessary to carry out these critical activities.

Because the ICTJ recognizes that the communications media is often the primary—and sometimes only—source of public information in the countries

where we work, the Center strives to play an active role in improving the quality and quantity of TJ coverage. Through targeted outreach and advice from our communications department and media training activities by our in-country staff, we provide customized assistance to truth commissions, courts, and local partners on media relations and public outreach issues. In the past two years we have assisted truth commissions on issues of transparency and outreach in Ghana, Greensboro (USA), Liberia, Morocco, Peru, Sierra Leone, and Timor-Leste. We have provided similar assistance to courts, including the Iraqi High Tribunal and the ICC.

As TJ becomes ever more relevant around the world, we are committed to deepening our expertise in and commitment to public outreach. ♦

REPORTING TRANSITIONAL JUSTICE



The ICTJ and the BBC World Service Trust (WST) are collaborating on a two-year project to train journalists on TJ and journalism issues in five post-conflict countries: Burundi, the Democratic Republic of the Congo (DRC), Liberia, Sierra Leone, and Uganda.

The ICTJ has worked with the BBC to develop resource and training materials tailored to the challenges and needs of each country. They include course materials and a 75-page handbook for journalists geared toward explaining the local relevance of TJ issues to non-expert audiences. By

late 2007, our country experts conducted three-week training programs for journalists and editors in Liberia and Sierra Leone, to be followed by training sessions in Burundi, DRC, and Uganda in 2008. Each session is preceded and followed by a national survey to gain a better understanding of the population's knowledge of and attitudes toward transitional justice. By ensuring the continuing commitment of journalists and their editors, this project is designed to raise public awareness and understanding to shape the way citizens reckon with the past and build a better future. Communicating Justice is supported by the European Commission, the Dutch government, and Humanity United. For more info, visit www.communicatingjustice.org.

Left in box: Photo by Thomas Morley.

Staff Publications, Books, Awards: A Selection

PABLO DE GREIFF

Books

1. (Co-editor with María Herrera) *Las Razones de la Justicia* (Festschrift for Thomas McCarthy) (México, DF: UNAM, 2006).
2. (Editor) *The Handbook of Reparations* (Oxford: Oxford University Press, 2006).
3. (Co-editor with Alexander Mayer-Rieckh) *Justice as Prevention: Vetting Public Employees in Transitional Societies* (New York: Social Sciences Research Council, 2007).

Book Chapters

1. "Vetting and Transitional Justice," in *Justice as Prevention*.
2. "Justice and Reparations," in *The Handbook of Reparations*.
3. "Repairing the Past: Compensation for Victims of Human Rights Violations," in *The Handbook of Reparations*.
4. "The Trust Fund for Victims of the International Criminal Court: Between Possibilities and Constraints," in *Out of the Ashes: Reparation for Victims of Gross and Systematic Human Rights Violations*, K. de Feyter, S. Parmentier, M. Bossuyt, and P. Lemmens, eds. (Brussels: Intersentia, 2006).
5. "Truth Telling and the Rule of Law," in *Telling the Truths, Truth-Telling and Peacebuilding in Post-Conflict Societies*, Tristan Anne Borer, ed. (Notre Dame, Ind.: University of Notre Dame Press, 2006).

MARK FREEMAN

Book

- Truth Commissions and Procedural Fairness* (New York: Cambridge University Press, 2006).

Award

- 2006 American Society of International Law Certificate of Merit for Truth Commissions and Procedural Fairness.

Articles

1. "Africa y sus comisiones de la verdad y reconciliación," *Hechos de Callejón 31*, http://indh.pnud.org.co/files/boletin_hechos/Especial_Africa.pdf (2006).
2. (With J. Saini) "TJ and Civil Society," http://www.suedosteuroopa-gesellschaft.com/mitteilungen/summaries/summaries_01_07.Pdf.

PRISCILLA HAYNER

Awards

1. Human Rights Award, Minnesota Advocates for Human Rights.
2. Outstanding Alumni Award, Earlham College.

Articles and Book Chapters

1. "Truth Commissions: A Schematic Overview," *International Review of the Red Cross*, June 2006.

2. "Truth Commissions," in *New Encyclopedia of Africa*, Vol. 5, John Middleton and Joseph C. Miller, eds. (Detroit: Charles Scribner's Sons, 2008), 105–06.
3. "Varieties of Justice," in *The Day after Mugabe: Prospects for Change in Zimbabwe*, Gugulethu Moyo and Mark, Ashurst, eds. (London: Africa Research Institute, 2007), 199–205.

Reports

1. "Negotiating Peace in Liberia: Preserving the Possibility for Justice" (Geneva: Centre for Humanitarian Dialogue and ICTJ, 2007).
2. "Negotiating Peace in Sierra Leone: Confronting the Justice Challenge" (Geneva: Centre for Humanitarian Dialogue and ICTJ, 2007).

ALEX LODEN

Article

“Civil Society and Security Sector Reform in Postconflict Liberia: Painting a Moving Train without Brushes,” *International Journal of Transitional Justice* 1 (2007): 297–307.

Fellowship

Visiting Research Fellow, the Unit for Global Justice, Department of Sociology, Goldsmiths College, University of London, February 2007.

BRIONY MACPHEE

Book Chapter

“The International Criminal Court: A Case for Conservatives,” in *Taking Sides: Clashing Views in World Politics*, John T. Rourke, ed., 13th ed. (McGraw-Hill/Dushkin, 2007).

LISA MAGARRELL

Books

1. (With Julie Guillerot) *Reparaciones en la transición peruana. Memorias de un proceso inacabado* (Lima: Asociación Pro Derechos Humanos–APRODEH and ICTJ, 2006).

2. (Co-edited with Leonardo Filippini) *The Legacy of Truth:*

Criminal Justice in the Peruvian Transition (New York: ICTJ, 2006).

3. (Co-edited with Leonardo Filippini) *El Legado de la Verdad. La justicia penal en la transición peruana* (New York: ICTJ, 2006).

ALEXANDER MAYER-RIECKH

Books

1. (With Arezou Azad and Serge Rumin) *Census and Identification of Security System Personnel after Conflict. A Tool Book for Practitioners* (New York: ICTJ, 2007).

2. (Co-edited with Pablo de Greiff) *Justice as Prevention. Vetting Public Employees in Transitional Societies* (New York: Social Science Research Council, 2007).

Book Chapters

1. “Vetting to Prevent Future Abuses: Reforming the Police, Courts, and Prosecutor’s Office in Bosnia and Herzegovina” and “On Preventing Abuse: Vetting and Other Transitional Reforms,” in *Justice as Prevention*.

2. “Réforme du Système de Sécurité et Procédures de Vérification et de Filtrage de la Fonction Publique,” in *La Justice Transitionnelle dans le Monde Francophone: Etat des Lieux*, Mô Bleeker, ed. (Berne: Swiss Federal Department of Foreign Affairs, 2007).

HANNY MEGALLY

Book Chapter

“Human Rights in the Arab World: Reflections on the Challenges Facing Human Rights Activism,” in *Human Rights in the Arab World*, Anthony Chase and Amr Hamzawy, eds.

(Philadelphia: University of Pennsylvania Press, 2007).

JUAN E. MÉNDEZ

Award

Doctor Honoris Causa, University of Quebec at Montreal, June 2007.

Book Chapter

“Lessons Learned,” in *Victims Unsilenced: The Inter-American Human Rights System and Transitional Justice in Latin America* (Washington, D.C.: Due Process of Law Foundation, 2007).

KELLI MUDELL

Article

“Capturing Women’s Experiences of Conflict: Transitional Justice in Sierra Leone,” *Michigan State Journal of International Law* 15 (2007), Issue

on Symposium on Gender, War and Peace: Women’s Status in the Wake of Conflict, Michigan State University College of Law, February 24, 2006.

MIRANDA SISSONS

Articles

1. (With Ari S. Bassin) “Was the Dujail Trial Fair?” *Journal of International Criminal Justice* 5 (2007).

2. (With Marieke Wierda) *Dujail: Trial and Error?* ICTJ, <http://www.ictj.org/Images/content/5/9/597.pdf> (2006).

PAUL VAN ZYL

Fellowship

TED Global Fellow, TEDGlobal 2007, “Africa: The Next Chapter,” Arusha, Tanzania.

Financials

STATEMENT OF ACTIVITIES (With comparative totals for 2006)

Year ended March 31	2007	2007	2007	2006
	Unrestricted	Temporarily restricted	Total	Total
Revenues and Support:				
Grant income	\$3,640,604	\$10,290,517	\$13,931,121	\$11,685,622
Contributions	78,893	—	78,893	38,679
Interest income	238,728	—	238,728	128,105
Net assets released from restrictions	11,103,793	(11,103,793)	—	—
Total Revenues and Support	15,062,018	(813,276)	14,248,742	11,852,406
Expenses:				
Program services	8,672,488	—	8,672,488	5,884,244
Supporting services:				
Management and general	2,216,873	—	2,216,873	1,439,622
Development	463,442	—	463,442	394,859
Total Supporting Services	2,680,315	—	2,680,315	1,834,481
Total Expenses	11,352,803	—	11,352,803	7,718,725
Change in Net Assets				
Before foreign translation loss	3,709,215	(813,276)	2,895,939	4,133,681
Foreign translation gain (loss)	1,432,456	—	1,432,456	(91,998)
Change in Net Assets	5,141,671	(813,276)	4,328,395	4,041,693
Net Assets, Beginning of Year	3,929,456	5,449,728	9,379,184	5,337,491
Net Assets, End of Year	\$9,071,127	\$4,636,452	\$13,707,579	\$9,379,184

The surplus in Total Net Assets as of March 31, 2007, includes a designated reserve of \$1,100,000. Substantially all of the remainder consists of funds to be used in budgeted programs in the two-year period ending March 31, 2009.

STATEMENT OF FINANCIAL POSITION (With comparative totals for 2006)

March 31	2007	2006
Assets		
Cash and cash equivalents	\$7,519,856	\$6,561,334
Contributions receivable	350,000	1,488,095
Grants receivable	5,462,630	1,337,350
Accounts receivable	58,005	–
Prepaid expenses and other assets	591,062	544,332
Fixed Assets, net	663,311	292,384
Total Assets	14,644,864	10,223,495
Liabilities and Net Assets		
Liabilities:		
Accounts payable	691,512	536,734
Accrued payroll and related liabilities	48,443	44,399
Deferred rent	197,330	263,178
Total Liabilities	937,285	844,311
Commitments		
Net Assets:		
Unrestricted	9,071,127	3,929,456
Temporarily restricted	4,636,452	5,449,728
Total Net Assets	13,707,579	9,379,184
Total	14,644,864	10,223,495

These are excerpts from our audited financial statements. You may obtain a full copy of the financial statements from International Center for Transitional Justice, 5 Hanover Square, 24th Floor, New York, NY 10004. Attn: Finance Department.

Supporters

FOUNDATIONS AND OTHER ORGANIZATIONS
<p>Anonymous (1) Andrus Family Fund Atlantic Philanthropies (USA) Inc. Heinrich Boell Foundation The Compton Foundation FJC Foundation of Donor Advised Funds The Ford Foundation Horace W. Goldsmith Foundation Humanity United International Development Research Centre JEHT Foundation The John D. and Catherine T. MacArthur Foundation Mary McDowell Center for Learning Charles Stewart Mott Foundation The New York Community Trust The Oak Foundation Open Society Institute Organization for Security and Co-operation in Europe Rockefeller Brothers Fund The Philanthropic Collaborative The Sigrid Rausing Trust The Tinker Foundation UNDPA - Department of Political Affairs</p>

INDIVIDUALS
<p>Anonymous (6) Dr. Stephen Alderman Nicole Ball Charles Blank Judge Richard Goldstone Matthew Harb Michael Hirschhorn and Jimena Martinez Erin Kelly Peter Lewis Vincent and Anne Mai Kati Marton The Honorable Donald F. McHenry Joyce Munn James Ottaway Bernard Piel Rabbi Regina Sandler-Phillips Lori Silverberg Carol Skyrn Richard Van Nostrand Victoria Teerlink James Worth Valerie Renee Zavala</p>

GOVERNMENTS
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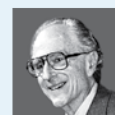
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(April 2008)*
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In 2008 the ICTJ will launch ICTJ Productions, a new initiative to use film, television, and the Internet to tell the stories of individuals and nations coming to terms with an abusive past. By opening our work to a vibrant multimedia forum, we hope to highlight stories of victims and survivors—as well as perpetrators and bystanders.

With our unique lens on the field, we aim to offer fascinating insights into how nations struggle to overcome a legacy of abuse and to tell the stories of remarkable individuals grappling with complex and provocative dilemmas, asking some of the most difficult questions atrocity and oppression pose to those left in their wake: *Is it possible or desirable to forgive? Who bears ultimate responsibility for crimes against humanity: the trigger-pullers, the masterminds, the financiers, or the silent bystanders? Is amnesia better than revenge? Why are truth commissions and trials emerging in the wake of so many conflicts? Can reparations ever compensate for the death of a loved one? How does a society respond to an era in which the secret police compiled files on everyone and collaboration was widespread?*

To lead this enormously exciting new venture, the Center has been fortunate to attract David Jammy to the position of executive producer. A native South African and seasoned anti-apartheid activist and multimedia producer, Jammy has made his mark on socially conscious television and film, garnering critical acclaim in South Africa and around the globe. He will be relocating to the ICTJ's New York headquarters in mid-2008, after finishing his work at the company he co-founded and currently runs, Curious Pictures—which won 12 awards at the 2006 South African Film and Television Awards, more than any other production company.

ICTJ Productions Brings Transitional Justice to the Big Screen

Jammy will be joined by Co-executive Producer Bruni Burres, who has been the director and programmer of the Human Rights Watch International Film Festival for more than a decade, as well as senior consultant to the Documentary Fund at the Sundance Institute, where she helped broaden the range of human rights themes explored at the Sundance Festival.

The ICTJ is thrilled by this new direction for our work and inspired by the impending arrival of this talented duo, who we are sure will transform the world's perceptions of transitional justice by drawing on a highly informed base: our own experts, partners, and the civil society groups throughout our vast network. ♦

ICTJ Thematic Approaches in the Regions

Prosecutions

Hold perpetrators
criminally accountable

Truth-seeking

Document violations through truth
commissions and other efforts

Institutional Reform

Reform abusive institutions
by removing human rights
abusers from public office

Reparations

Provide reparations to victims
Promote reconciliation in
divided communities

Memorials

Construct memorials and
museums to preserve
the memory of the past

Gender

Understand the effects
of abuse on women and
children to advance justice

Peace and Justice

Understand dynamics between
justice and peacebuilding
Advise mediators and peacemakers

“

The richness of the ICTJ's contribution stems from our commitment to learning through South/South and South/North exchanges. Driven by this commitment to learn from and with our partners, our approach helps translate local experience into global knowledge in the field of transitional justice. To do this we must ensure that the regional organization of our country work does not inhibit creative comparisons and learning. Our thematic programs are designed to cross these boundaries between regions, facilitating comparison, cross-fertilization of ideas, and a truly global evolution of knowledge based on the best practice of those with whom we are privileged to work. In this way the interactive organization of our regional and thematic work always keeps us innovative.

”

Graeme Simpson
ICTJ Director, Thematic Programs



Our Regional Directors

Our Regional Directors



Americas Director

MARICLAIRE ACOSTA



Mariclaire Acosta's distinguished background includes founding three human rights organizations in her native Mexico, serving

as Under-secretary of Foreign Affairs for Human Rights under former President Vicente Fox, and acting as senior adviser to the Secretary-General of the Organization of American States.

Europe Director

DICK OOSTING



Dick Oosting brings more than three decades of experience in NGOs and govern-

ment to the ICTJ. His background includes leadership positions with Amnesty International (most recently heading its EU office), the Dutch child protection service, and the Dutch Refugee Council.

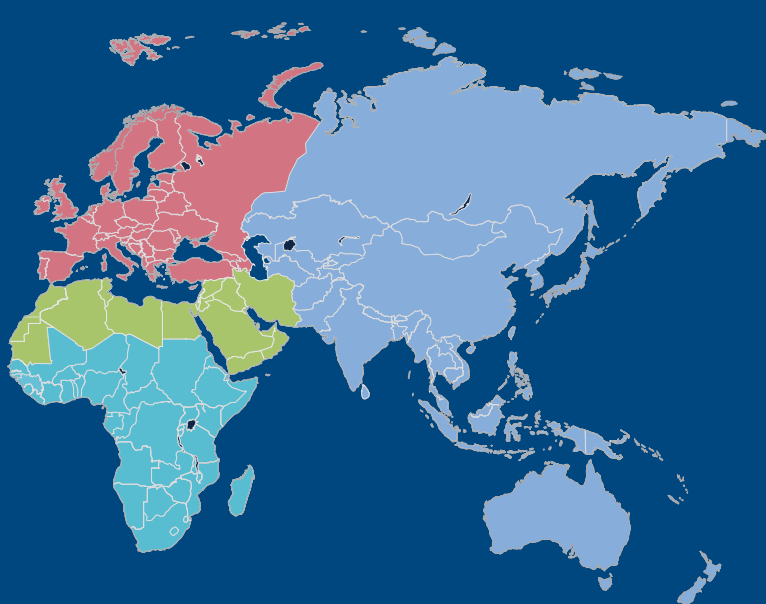
MENA Director

HANNY MEGALLY



Hanny Megally has more than 30 years' experience in the field of human rights

in the Middle East and North Africa. He has held senior positions with Amnesty International, the Ford Foundation's social justice program, and Human Rights Watch.



Africa Director

SULIMAN BALDO



Suliman Baldo is a widely recognized expert on transitional justice issues in Africa. His range

of experience includes positions with the University of Khartoum, Oxfam America, Human Rights Watch, and the International Crisis Group.

Asia Director

PATRICK BURGESS



A lawyer with a background in humanitarian emergency programs, Patrick Burgess has

worked with UNTAET and UNMISSET in East Timor, the Commission for Reception, Truth and Reconciliation of East Timor, and the Indonesia–Australia Legal Development Facility.

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