



A Year of Change

A Decade of Hope

With political will and the right support, countries confronting a legacy of human rights abuses can address victims' rights and mete out justice while discouraging a cycle of revenge (page 6).

“Transitional justice” refers to a set of measures to redress the legacy of massive human rights abuses. These mechanisms include criminal prosecutions, truth commissions, reparations programs, and institutional reforms and are applied to efforts to achieve

justice in transitions in post-authoritarian or post-conflict societies. Through the pursuit of these complementary accountability measures, transitional justice recognizes the rights of victims, promotes civic trust and strengthens the rule of law.

The approaches to transitional justice are related to one another practically and conceptually. The core elements are:

- **Criminal prosecutions**, particularly those that address perpetrators considered to be the most responsible for the most serious crimes.
- **Reparations**, through which governments recognize and redress the harms suffered by victims of human rights abuses.
- **Institutional reform** of abusive state institutions such as the armed forces, police, and courts, to ensure that human rights violations are not repeated.

- **Truth commissions** or other means to investigate and report on systematic patterns of abuse, recommend changes, and analyze the underlying causes of serious human rights violations.

Transitional justice practice also includes efforts to ensure inclusive processes that address the rights and violations suffered by vulnerable or marginalized groups, particularly those perpetrated on the basis of gender and against children and indigenous people.

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What is Transitional Justice?

How does Transitional Justice work?

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Letter from the President



It has been a year of renewal, for ICTJ as well as for many other places in the world. Midway through the period covered by this report, protests against state repression swept across North Africa and the Middle East, raising hopes for a flourishing of human rights but also fears of further bloodshed and repression. It is no easier today to predict the ultimate outcome of the Arab Spring, but we continue to lend our support and expertise to those who continue, courageously, to demand accountability for the abuses they have suffered.

As the Arab Spring shows once again, the defense of human rights is at its heart a national process, guided by domestic movements and by state institutions that are responsive to their demands. Thus, while the hurdles are formidable, an increasing number of national governments are exploring ways to investigate and hold accountable those who have committed serious crimes, rather than relying on courts of last resort, such as the ICC. The challenge for the international community is to make sure that such domestic tribunals have the expertise and the resources necessary to ensure that such trials are fair and effective.

At the level of international policy, this year saw a groundbreaking recognition of the links between development, security and justice, in the World Bank’s World Development Report. This report, to which ICTJ made significant contributions, recognized these linkages and identified transitional justice as a core tool in establishing the conditions for development in societies emerging from authoritarianism and war.

ICTJ has been actively engaged on all these issues. We sent our first mission to Tunisia in early February, and have developed robust Tunisia, Egypt and regional Middle East/North Africa initiatives to build on the political openings in these countries, in order to ensure that accountability and redress form a key element in the reconstruction of those societies. In Colombia,

we are providing high level technical assistance in re-crafting mechanisms to address complex issues of peace and justice, the rights of victims, and land reforms. We continue to support efforts to address gender violations and the rights of children in a variety of contexts, from Nepal to DRC and beyond.

These efforts and the others described in this report are only a sample of ICTJ’s work to promote transitional justice from the period between September 2010 and August 2011. They represent the ways in which ICTJ, too, has grown, responding to a changing world with strategic investments in new programs and a stronger infrastructure.

After a decade of work, ICTJ remains at the vital center of an evolving field. Our broad knowledge of how transitional justice works on the ground has helped us drive changes in our field; and, as the field changes, so must we. As I look forward to a new decade for ICTJ, I am aware of the need to question our assumptions, reexamine our mode of operations, and take the steps necessary to maintain our leadership in the years to come. We are using our 10th anniversary to reflect on ICTJ and the field we strive to build, and to plan for our future. I look forward to reporting on our first steps into our second decade in the coming year.

With warmest regards,

David Tolbert



- Headquarters
- Regional Offices

“Reconciliation can begin when perpetrators are held accountable, when truth is sought openly and fearlessly, when institutional reform commences and when the need for reparation is acknowledged and acted upon.”¹

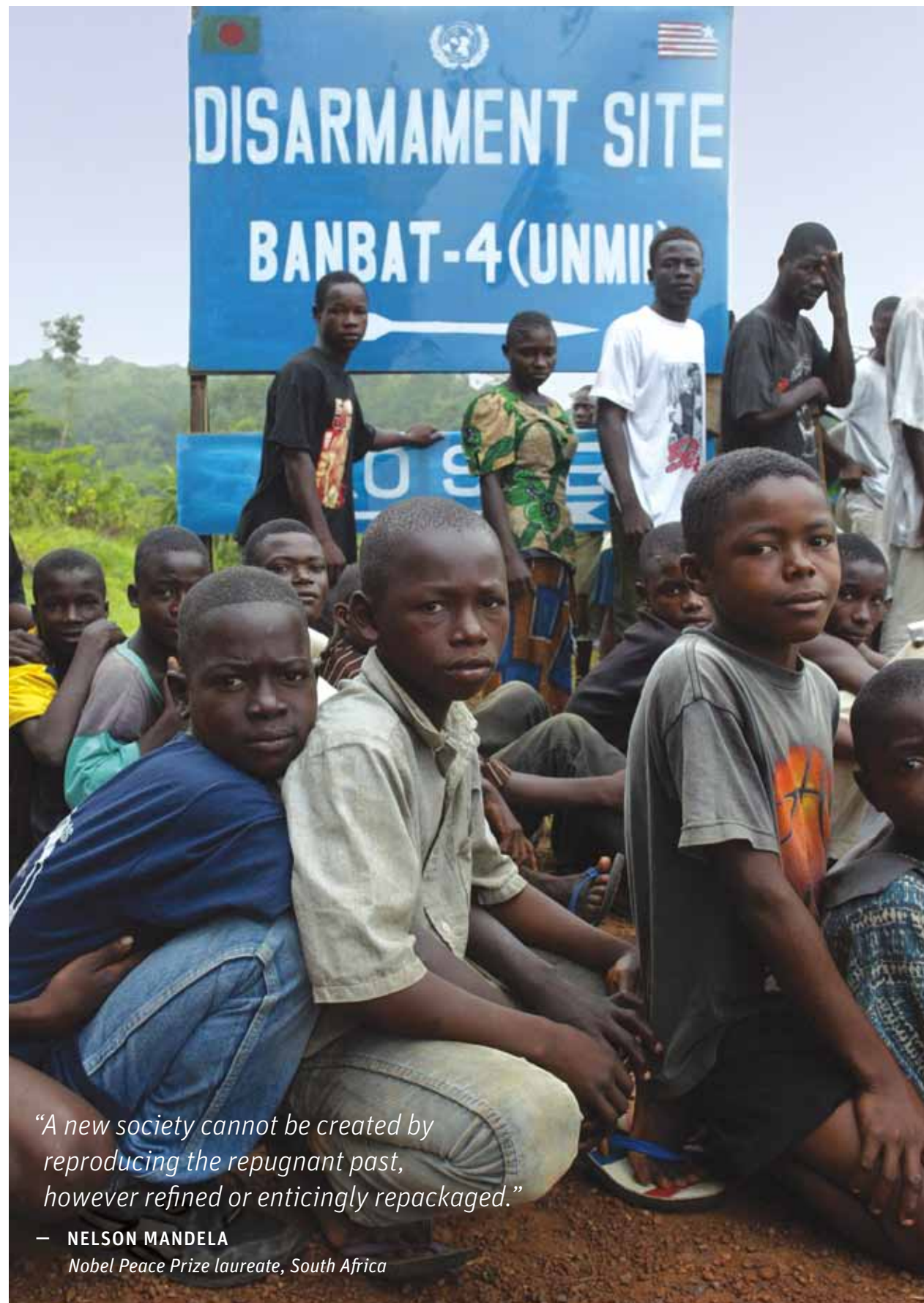
ALEX BORAINÉ, FOUNDER OF ICTJ

ICTJ Engagement*, August 2010 – August 2011

Africa	Americas	Europe
Burundi	Argentina	Cyprus
Cote d’Ivoire	Brazil	Former Yugoslavia
DRC	Canada	
Kenya	Colombia	Middle East/North Africa
Liberia	Guatemala	Egypt
Sierra Leone	Peru	Israel/Occupied Palestinian Territory
South Africa		Lebanon
Sudan	Asia	Morocco
Uganda	Afghanistan	Tunisia
Zimbabwe	Bangladesh	
	Burma	
	Cambodia	
	Indonesia	
	Kyrgyzstan	
	Nepal	
	Solomon Islands	
	Thailand	
	Timor-Leste	

*Denotes countries where ICTJ had an office, active project, or conducted significant monitoring or technical advising during the reporting period.

¹ Boraine, Alex (2004) ‘Transitional Justice’, in Villa-Vicencio, Charles and Doxtader, Erik (eds.) *Pieces of the Puzzle: Keywords on Reconciliation and Transitional Justice*, Cape Town: IJR, p. 69-70.



“A new society cannot be created by reproducing the repugnant past, however refined or enticingly repackaged.”

— NELSON MANDELA
Nobel Peace Prize laureate, South Africa

Building a future for human rights: ICTJ’s first decade

Transitional justice has its roots in the Nuremburg trials, and the efforts of the international community to demand accountability for the horrors of World War II. It coalesced as a field some 40 years later, with the collapse of totalitarian states in Latin America and, later, the former Soviet bloc and South Africa.

The emerging field of transitional justice was at a turning point in 2001, when the Ford Foundation convened a group of experts to identify the challenges and needs of this increasingly complex field. The group determined that ongoing work in the field must be documented, analyzed, and utilized to inform future efforts; that transitional governments need easily deployed technical assistance; and that the international community needs policy guidance and encouragement to prioritize transitional justice in the wake of systemic atrocities.

Out of that meeting, the International Center for Transitional Justice was born. It was conceived as a vehicle for rapid injections of expertise, but also for sustained support to societies transitioning away from repressive governments. The center initially had a small staff based in New York, but as demand for its assistance increased,

ICTJ expanded. Now ICTJ has staff presence in countries around the world, allowing us to engage deeply and effectively by combining our broad expertise in transitional justice with detailed knowledge of local political conditions.

On our 10th anniversary, ICTJ remains a driving force in an evolving field, and as we witness the sweeping changes in governments around the world, we are more committed than ever to our own evolution in the decade to come. We know the fragility of societies transitioning away from repression, and we will be there to support insecure leaders struggling to consolidate democratic principles, grieving populations struggling to find justice for past abuses, and the younger generation struggling to believe that freedom and justice can prevail.



Child soldiers at a UN-run disarmament camp in Ganta, Liberia.

A visitor at the new museum on the Nuremburg trials views an exhibit on perpetrators indicted at the trials.

THE ARAB SPRING

Protest meets repression

2011 began with unprecedented events in North Africa and the Middle East. Protests met with repression across the region, but authoritarian regimes in Tunisia, Egypt, and Libya fell. In Syria, Yemen and Bahrain, escalating repression took a steep toll. The effects of these revolutions continue to spread.

A man rides his bicycle past a mural of an old photograph of Hosni Mubarak in Alexandria, Egypt.





Protest meets repression

The memory of these atrocities will not disappear. The way forward is between the extremes of swift justice and refusal to examine the past, in careful efforts to uncover the truth and pursue accountability. With political will and the right support, countries confronting a legacy of human rights abuses can address victims' rights and mete out justice while discouraging a cycle of revenge.

These extraordinary opportunities would have been difficult to imagine just a year before. We cannot predict what will happen, whether there will be justice for victims or reform of abusive institutions. In the year ahead, ICTJ will strengthen our presence in the region to help countries in the midst of change today, and will help others who take the same path in the future.

In Tunisia, and in Egypt, ICTJ supports the development of local expertise, providing ongoing technical advice to transitional justice initiatives that can help forge a stable and just future. And we are already hearing from civil society groups in Yemen, Syria and elsewhere about their hopes for assistance.

Though few would claim to have foreseen the Arab Spring, ICTJ's existing presence in the region helped us respond quickly; we sent a mission to Tunisia just two weeks after Ben Ali fled.

Before 2011, ICTJ's work in the region focused on Lebanon, Morocco, Israel and the Occupied Palestinian Territory. In Morocco, for instance, we advised truth-seeking and repara-

tions programs that have advanced victims' rights and broken new ground on gender justice. Given the common language, we saw an opportunity to build a foundation for transitional justice across the region. Using lessons learned in Morocco, Iraq and elsewhere, we worked with advocates from Algeria, Bahrain, Syria, Tunisia, and Yemen to impart key concepts of transitional justice, as well as lessons learned from failures and successes in transitional justice processes elsewhere.

As Tunisia considers how to prosecute human rights abuses under the old regime, we are inspired to see old beneficiaries of our regional program pushing transitional justice strategies to the center of their national debates.

As we provide intensive support in Egypt and Tunisia, and respond to new calls for assistance in Libya and elsewhere, ICTJ will also continue to pursue a regional strategy to inform human rights advocates and potential future leaders about transitional justice, and the transformative strategies it offers in the wake of repression.

After his death, Mohamed Bouazizi became an icon of resistance in Tunisia and across the region.

Tunisia Grapples with the Past

On January 14, 2011, following weeks of protests, Tunisian President Zine el Abdine Ben Ali fled the country, ending a 23 year reign characterized by harsh political repression and widespread corruption. Protests spread to other countries across the region after the Tunisian Revolution, and ICTJ contemplated unprecedented opportunities to promote human rights and justice and the rule of law.

On February 2, our Middle East/North Africa Unit Director Habib Nassar led a delegation to Tunis to meet with interim government officials and human rights advocates, and assess the need for ICTJ support. After years of repression that culminated in violent attacks on civilians, the population was in the grip of uncertainty about whether the revolution would last. But by the time we arrived in Tunis, commissions had been established to investigate violence against protesters and examine corruption and political reform. Many people we met had grave doubts about the legitimacy and effectiveness of the commissions, but there was an emerging debate about how to address the legacy of repression and repair the institutions needed for a functioning, rights-based nation.

"Transitional justice was already in the air," says Nassar, "but discussions often took a narrow view of what it encompasses. Quickly, we realized the need to deepen the understanding of transitional justice and make clear that it's not soft justice. Holding perpetrators accountable for human rights crimes is central to the process."

In March, political developments moved quickly. Ben Ali's political party was dissolved, as was the State Security Division, which is accused of systemic abuses of human rights.



Panelists speak about reparations programs at the Tunis conference, April 2011.

The interim government announced its intention to demand the extradition of Ben Ali from Saudi Arabia and try him. But institutional reform and criminal accountability are complicated, and require special attention to due process and the rule of law. There was a clear need for technical expertise and a review of past success and failures of transitional justice experiences in other places.

Beginning with our first mission in early February, ICTJ has been providing sustained support for Tunisian justice efforts. Based on the needs expressed by our Tunisian partners, ICTJ is assisting them as they collect evidence and investigate human rights abuses and economic crimes under Ben Ali. We are providing expertise on how to reform state institutions, vet government personnel, pursue criminal charges for human rights violations, and set up effective truth-seeking bodies, among other issues.

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In mid-April, ICTJ, the Arab Institute for Human Rights, the Tunisian League for Human Rights and the UN Office of the High Commissioner for Human Rights organized a conference on transitional justice in Tunis. Entitled "Addressing the Past, Building the Future: Justice in Times of Transition," the conference brought 150 Tunisian actors and international experts together to identify transitional justice approaches suited to the Tunisian context. This gathering advanced an important debate on potential transitional justice approaches that will help Tunisia face a legacy of repression and set a foundation for the rule of law and a culture of accountability.



A discussion on gender justice at the Tunis conference, April 2011.

The Future of Human Rights in MENA

Habib Nassar had over 10 years of experience as a human rights advocate in the region when, as MENA Unit Director, he witnessed the rapid advances of the Arab Spring. Here, he speaks with us about the potential for greater respect for human rights today, and about the challenges that lie ahead.

Question: *The Arab Spring is still unfolding, and no region is more complex or important to global affairs. Transitional periods are full of risks and uncertainty. How can transitional justice pull these societies toward democratic reform and justice and what other forces are in play that might push them back under repressive regimes or into further violence?*

Answer: So many pressures confront these countries where change has come so precipitously. As they struggle to organize elections, write new constitutions, and restore confidence in state institutions, they also have to address the legacy left by decades of repression and human rights violations. Tunisia for instance imprisoned thousands of political dissidents; many were tortured, and others forced into exile, under the regime of Zine el Abidine Ben Ali. In Egypt, three decades of Mubarak's rule was colored by harsh repression, arbitrary detention, and widespread torture. In Libya, the Gaddafi regime has left thousands of victims of unlawful killing, enforced disappearance, arbitrary detention, and torture.



The population's desire to see perpetrators held accountable should not outweigh the need to set up a system of justice that will earn everyone's trust over time. In Egypt, Mubarak and other former regime officials are on trial for corruption and killings that occurred during the demonstrations in Tahrir Square

A man from central Tunisia joins protests at the presidential palace, January 2011.

and elsewhere. However, the urge to prosecute and punish them should not prevail over the need to respect due process. To the contrary, holding trials during a period of transition should be the occasion to break with past practices, reinforce the rule of law, and restore public trust in the judiciary.

In Iraq, we saw how the prosecution of Saddam Hussein and senior members of his regime, which could have been a real opportunity for justice, was marred by severe flaws, and as a result perceived as victor's justice. The "de-Ba'athification" process, conducted with very little regard for due process, was seen by many Iraqis as politically driven revenge. Instead of bringing justice and closure to victims and paving the way for reform, these processes in Iraq only deepened social divisions and pulled people into cycles of violence.

Question: *How can transitional justice support and reward the political will to resist vengeance? What can these countries do to foster a culture of justice and build that trust with the population?*

Answer: It is important to tailor policies that reflect the needs of each context. What has worked in Morocco, Peru or South Africa won't necessarily work in Egypt or Libya. Taking the time to consult with as many interest groups and former victims as possible usually makes for smart and sensitive policies. While transitional justice has its source in international human rights law, the latter does not provide answers to every practical question and it is important for countries witnessing transitions today to take advantage of precedents and lessons learned in other contexts. ICTJ's approach combines advice based on international human rights norms and standards with comparative analysis of case studies from around the world, and detailed guidance based on what worked and what didn't. We have seen this inspire civil society and policy makers in their efforts to achieve accountability and redress human rights violations.

Question: *What kind of assistance are people asking for, and how will ICTJ help?*

Answer: We hear from civil society activists, the legal community, government officials and international policy makers who are eager to draw on our expertise. They seek training and technical expertise that will allow them to develop concrete measures. They want to know detailed information about specialized subjects such as gender-sensitive approaches to transitional justice, vetting techniques, how to meet international human rights standards, or what methodologies to use when investigating human rights abuses. We have been gathering this expertise since the creation of the Center in 2001. It appears that people are listening closely and we see that what they learn has often been showing up in the national debates in countries where we work. This is a good sign, but we need to do more. We have to expand our reach; already we are hearing from people in Libya, Syria and Yemen. A year ago, we never would've guessed that these places would be ready to consider models for transitional justice in 2012, but they are ready, and so we need to be there to help them.

THE GENDER JUSTICE UNIT

Women and the Arab Spring

Lack of gender equity often increases vulnerability to human rights abuses. Kelli Muddell, who has worked for ICTJ since its founding, is Director of our Gender Justice Unit.

"Gender inequality undermines women's human rights. But as we saw with the Moroccan truth commission, which held gender equity as a core principle of reparations efforts, transitional justice can address underlying inequality," says Muddell. "Moroccan women whose husbands were disappeared have been able to collect reparations in their own name, and the policy recognized the unique vulnerabilities of formerly imprisoned women. These initiatives help to prevent a recurrence of abuse and create a foundation for gender equity and an inclusive definition of human rights."

Our goals for the Gender Justice Unit are ambitious. In the summer of 2010, the Unit developed a plan with the Middle East/North Africa Unit to promote women's leadership in the region. The plan called on ICTJ to train women's rights advocates across the region, building local expertise that would be ready to promote inclusive transitional justice, should the opportunity arise.

We could not have foreseen the events that would soon follow, but our efforts have empowered women's rights advocates; as the Arab Spring progresses, participants in this project are prepared to lead efforts to demand, design and implement programs to confront the past.

ICTJ's gender justice project brings together women from Algeria, Egypt, Occupied Palestinian Territory, Jordan, Lebanon, Morocco and Tunisia. By providing regional and country-specific training, we give a cadre of leaders an intensive grounding in transitional justice and its relationship to gender and women's rights. They build ties with one another, train others, and forge a regional movement.

Working with the Sisterhood Is Global Institute of Jordan, this gender justice project began with a regional conference in Amman on June 27-30, 2011. Together we covered criminal justice, institutional reform, truth-seeking, and reparations approaches, applying a gender lens to analyze the potential strengths and shortcomings of each.



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Women took a prominent role in Arab Spring movements in Tahrir Square and elsewhere. Egypt, 2011.

TRUTH AND MEMORY

Reflecting on the past

Human rights violations are often obscured by silence and systematic lies. Truth-seeking programs and memorialization efforts bring past injustices to the fore, help victims fight to restore their dignity, and help establish a culture of respect for human rights.

Survivors of the Cambodian genocide commemorate the 33rd anniversary of the Khmer Rouge's rise to power.





Reflecting on the past

Eduardo Gonzalez, a sociologist who worked with the Peruvian Truth and Reconciliation Commission, directs ICTJ's Truth and Memory Program. "Truth has a very significant value as a society builds peace and democracy," says Gonzales. "By owning up to the past, institutions restore their credibility, and society challenges lies and silence, building a future based on rights."

"Truth commissions, declassification of archives, and memorialization programs are powerful tools to spark dialogue and recognition of the crimes of the past. Silence becomes untenable and impunity is challenged. Victims can be heard, sometimes for the first time; disenfranchised peoples become empowered; and abusive leaders lose leverage."

Truth commissions were pioneered as a national response to a history of repression. Innovation, however, seems to be ceaseless: in the Western Balkans, victims' groups across the region demand a seven-nation truth commission to clarify the abuses committed in the wars of the former Yugoslavia. In Colombia, local governments and government branches launch truth processes without waiting for a possible national commission. In Canada, first nations negotiated on equal footing with the national government to create a truth commission that would investigate the abuse and forced assimilation of indigenous children.

An Inuit woman and child in Kuujjuarapik, Quebec, Canada.

ICTJ monitors and supports all these innovations, and after Canada established its truth commission and the UN passed the Declaration on the Rights of Indigenous Peoples, the Center has made the interaction of truth commissions and indigenous peoples a particular focus. This year, ICTJ hosted "Strengthening Indigenous Rights through Truth Commissions," a conference that brought together experts and advocates from around the world.

The conference highlighted traditional indigenous approaches to examining the past, and explored the failure of some previous truth commissions to appropriately and fully address the rights of indigenous peoples. Attendees discussed guidelines and a research agenda that could help future truth commissions address these interests and rights.

"Each situation requires a unique response to redress the specific wrongs committed," says Gonzalez. "This conference began the work of relating transitional justice to indigenous rights. The new expertise we are fostering will help deal with the legacy of conflicts and structural injustice affecting indigenous peoples around the world."

AFGHANISTAN PROGRAM

Dramatizing Afghan War Crimes

For several years, ICTJ has worked with the Afghanistan Human Rights and Democracy Organization (AHRDO) in Kabul to help war crimes victims address the traumatic past. Using techniques developed in transitional societies in Latin America and elsewhere, this project engages victims in "participatory theater" exercises to explore their experiences, situate them in the larger context of human rights abuses, and open spaces for discussion of justice and accountability.

"Across the country, the Afghan Independent Human Rights Commission has conducted an exhaustive mapping of war crimes," says Acting Program Head Patricia Gossman. "This project looks at abuses on a similar scale, but with a different lens: theater provides a safe and ultimately therapeutic format for ordinary people to relate their experience as victims of war crimes. It also provides an opportunity for otherwise unconnected war victims' groups to come together to start discussing their collective need for justice."

Often held in impromptu locations for participants' safety, theater workshops around the country attracted a cross-section of Afghans affected by decades of war. Participants spent over a week telling their stories and working with workshop leaders to dramatize their collective narrative.

"It is an act of tremendous bravery and strength," says Program Associate Nadia Siddiqui, "not only because of the difficulty in recounting painful memories often for the first time, but because there are powerful interests in the country that would prefer to have this kind of information suppressed."

In February 2011, members of AHRDO went to Brussels to raise awareness about human rights in Afghanistan. They performed for audiences of Afghan exiles and European policymakers, using a Northern Irish play they adapted to fit the Afghan experience and delivered in Dari. After the performance, AHRDO answered questions from the audience, and invited them onstage for a demonstration of participatory theater techniques.

Over the course of 2011, the group has refined the materials they have collected to produce an original drama, based on real events, that reflects on the extent and impact of human rights abuses from a variety of Afghan perspectives. After performances in Kabul before enthusiastic audiences, ICTJ worked with the group to bring the play overseas later in the year.



Theater provides an opportunity for otherwise unconnected war victims' groups to come together to start discussing their collective need for justice.

AHRDO performers in AH 7808, adapted from the Northern Irish play AH 6905 by Dave Duggan. Performed at the Centre Culturel Arabe in Brussels, February 2011.

CRIMINAL JUSTICE

Empowering domestic courts

A critical element of all transitions is accountability for the past: we cannot expect victims to watch human rights abusers live out their days in impunity. Prosecuting these crimes provides justice for victims, but it also signals a renewed commitment to protecting the rights of all.

A poster distributed by the International Criminal Tribunal for Rwanda, showing photos of those indicted for genocide and crimes against humanity.





Empowering domestic courts

The prosecution of human rights violations is an indispensable element of transitional justice. The International Criminal Court is an important step forward for these prosecutions, creating a new era of accountability for abusers in countries that cannot or will not bring them to trial. But the ICC is a court of last resort, and cannot supplant the development of domestic courts to prosecute war criminals or abusive officials. The complementarity principle of the Rome Statute, which established the ICC, holds that, wherever possible, international crimes should be tried in domestic courts.

“The ICC is a remarkable achievement, but we mustn’t forget that it is only one court, and it is meant to fill the breach when local trials don’t work,” says ICTJ President David Tolbert. “The international community needs to find ways to empower domestic courts to take on these difficult cases, too.”

On October 28-29, 2010, ICTJ continued the Kampala discussion at a retreat of international justice, rule of law and economic development experts. The retreat identified roles for each field in promoting domestic prosecutions, and strategies for supporting these trials.

As an initial follow-up step, ICTJ developed a strategy to provide needs assessments for countries that seek to try international crimes. At the same time, we began planning for a second retreat to build on the progress made.

In 2011, the government of the DRC proposed legislation to establish a special tribunal of local and international judges to handle war crimes committed in the country. ICTJ provided technical advice to policymakers in an effort to ensure that legislation establishing the courts would ensure their fairness and viability.

“The future of the bill remains in doubt, but rampant impunity must be confronted,” says Sharanjeet Parmar, head of our office in Kinshasa. “ICTJ worked with parliamentarians and a technical drafting committee in the Justice Ministry to strengthen the bill in process. We have also been providing detailed analysis of the proposals under consideration to civil society and international stakeholders.”

By late summer, legislation was stalled, and required government revisions at the end of the reporting period. But ICTJ is developing an action plan to provide logistical and substantive support, should an adequate bill become law.

A child soldier of the Union des Patriotes Congolais (UPC) rides a bicycle while carrying an AK-47 in Bule, DRC in 2003.

COLOMBIA PROGRAM

Pursuing Justice in Colombia

Colombia’s 2005 Justice and Peace law addresses the demobilization of paramilitary groups, providing for prosecutions, reparations and truth-seeking measures as part of the process. To date, over 750 criminal investigations have been opened. However, only five of these cases have resulted in convictions.

“At the present rate, with the resources available now,” says ICTJ Vice President Paul Seils, “it would take nearly a century to try all these cases.”

For several years, ICTJ’s Colombia program has worked to ensure that the Justice and Peace process takes a strategic approach to prosecuting systemic crimes. In August 2011, Seils attended a high-level meeting that ICTJ organized with the German Cooperation Agency and the Organization of American States. The meeting gathered a range of international experts to help set priorities and streamline the process of selecting cases for prosecution.

A few days later, ICTJ organized a meeting in Bogotá of magistrates from all the regional Justice and Peace courts. At the end of the meeting, a common understanding emerged on the need to prioritize investigation and prosecution of high-level figures most responsible for atrocities committed by paramilitary troops.

This focus maximizes accountability, but it also creates a record of atrocities that were committed, their reasons and causes, and the sources of support that enabled paramilitary actors to carry them out.

“The justice process struggles with the sheer volume of possibilities,” says Maria Camila Moreno, Director of ICTJ Colombia. “ICTJ is helping prosecutors maximize the delivery of justice. But part of the answer—and part of what ICTJ brings

—is to see the broader picture, and how criminal justice should be integrated with truth-seeking and reparations efforts.

“For example, ICTJ gave recommendations on the design of the reparations program established in June 2011. If trials happen alongside official recognition of human rights abuses and meaningful efforts to compensate victims, the trials gain credibility and send a powerful message about the possibility for justice, even while accountability for all perpetrators remains beyond our grasp.”



Colombia’s 2005 Justice and Peace law addresses the demobilization of paramilitary groups, providing for prosecutions, reparations and truth-seeking measures as part of the process.

Family members show photos of victims of the Justice Palace massacre at a memorial event in Bogotá, Colombia in November 2010.

REPARATIONS

Restoring dignity

A full reckoning with mass human rights abuses must include victims' right to restitution for the harms they have suffered. Reparations programs can help victims recover; if they are carefully designed, they can also address the marginalization of victims, and create stronger guarantees that the past will not be repeated.

A Besuki villager, displaced from her land, shows a certificate of payment for land and house issued by the local Kepala Desa (Village Head).





Restoring dignity

International law recognizes that victims of human rights abuses have a right to reparations for the injuries they have suffered. Reparations for victims and their families are one of the most meaningful ways that transitional justice acknowledges and rectifies past abuses. Reparations programs take many forms, including financial compensation, social services and benefits, and official apologies and commemorations.

“Reparations work when they flow from an understanding of what victims need,” says Ruben Carranza, Director of ICTJ’s Reporative Justice Unit. “This can be a difficult balance. Reparations programs sometimes adopt a ‘cookie cutter’ approach, compensating victims according to a formula that does not take their specific injuries into account. Reparations mandated by courts tend to be exquisitely tailored to individual circumstance, but the narrow categories and high burden of proof can render reparations meaningless. Both systems can work, if their inherent weaknesses are addressed.”

ICTJ supports the design of reparations programs in countries around the world. In Cambodia, in the past year, ICTJ provided technical assistance to the Extraordinary Chambers in the Courts of Cambodia on reparations in international law, and the options available for court-ordered reparations. Our involvement led to several changes in the rules on victim participation and reparations. The rules now provide an

expanded understanding of collective and symbolic reparations to the millions of victims of the Khmer Rouge. And, given the inherent limitations of court-ordered reparations in the face of such widespread abuses, they also address the need for non-judicial approaches to reparations efforts.

“Without reparations, efforts to deal with atrocities ultimately fail – reparations are vital for victims to feel a sense of justice, but they are also an acknowledgment of the state’s responsibility to protect human rights,” says ICTJ Senior Associate Cristian Correa. “You can use reparations programs to help individual victims move on, and also to empower marginalized communities whose rights are at risk. Programs like this rebuild trust that our basic rights will be protected.”

In Svay Khleang, Cambodia, women read a book prepared by the Documentation Center of Cambodia on Khmer Rouge war crimes.

KENYA PROGRAM

Listening to victims on reparations

After widespread violence followed Kenya’s 2007 presidential election, ICTJ began work in Kenya to promote transitional justice and reconciliation. Given that reparations are often an important element of victims’ demands, in 2010 ICTJ conducted interviews about reparations across six regions in Kenya where victims had been killed, injured or displaced by post-election violence in 2007. We interviewed hundreds of victims of abuses committed in 2007, as well as under earlier leaders and during colonial rule.

In July 2011, ICTJ published the results as “*To Live as Other Kenyans Do: A Study of the Reparative Demands of Kenyan Victims of Human Rights Violations*.” In nearly 100 hours of testimony, victims focused time and again on the lasting economic and social impact of human rights abuses. The report reflects their overwhelming desire to live with dignity, support their families, live free from fear, and leave refugee camps for good.

“The loss of land and livelihood raises an important question,” says Ruben Carranza. “Money cannot compensate for the loss of loved ones, for the agony of torture or rape. But reparations programs can address the added vulnerability that comes with poverty. For many Kenyan victims of violence and displacement, land, income and social services are central to any meaningful form of reparations.”

ICTJ recommended that the Kenyan government establish an urgent reparations program for the most vulnerable victims, without waiting for the outcome of judicial measures seeking accountability. Meanwhile, our research has been used by victims to advocate with the government for themselves.

Civil society organizations have used the study to argue for a comprehensive transitional justice approach, beyond just reparations, that centers on victim participation.

Said one participant in the study: “What you are doing is very good.... We never expected someone to come to us and ask us about everything. So when you place this report before the government we shall even put our bows and arrows aside and be hopeful that they will do something.”



ICTJ recommended that the Kenyan government establish an urgent reparations program for the most vulnerable victims, without waiting for the outcome of judicial measures seeking accountability.

In Nairobi, Kenya, policemen monitor crowds lining up for food aid at the Jamhuri grounds.

Justice, peace and development: The World Bank embraces transitional justice

Developing nations carry many burdens as they struggle to overcome a history of exploitation: the legacy of colonialism, long-standing ethnic tensions and other rivalries, misused natural resources, and the effect of poverty on systems of education and governance. In many places, these issues are compounded by a history of conflict and pervasive human rights abuses that erode trust and destroy the infrastructure necessary for a thriving economy.

ICTJ did seminal research in this area, which was published as *Transitional Justice and Development* in 2009. In April 2011, the World Bank's annual *World Development Report* focused for the first time on armed conflict and human rights, arguing that development is not possible without an end to armed conflict, and that the specter of conflict is always present when claims of injustice are ignored.

Says ICTJ President David Tolbert: "Never before has the World Bank recognized the role of justice in promoting peace and development. ICTJ played an important role in the report. We were able to offer the World Bank guidance drawn from the substantial body of scholarship we have developed on the successes and failure of transitional justice efforts around the world. This research improves our practice, and it is also a resource for policy development at the international level."

ICTJ's Research Unit Director, Pablo De Greiff, produced a background paper to inform the larger report. This foundational work outlined the range of transitional justice mechanisms and showed the ways in which accountability for past human rights abuses strengthens the rule of law, security, and development.

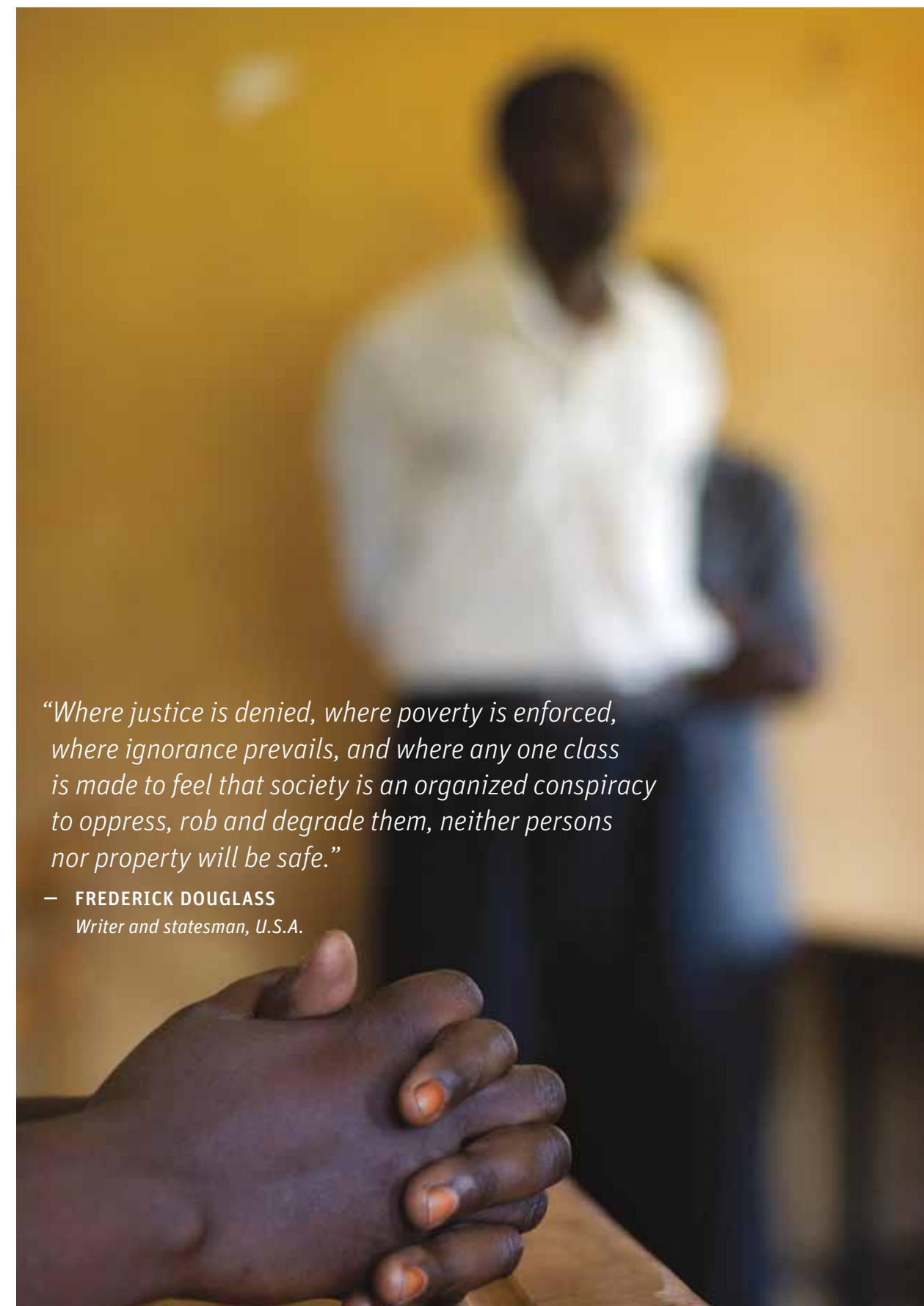
"Nobody is secure when human rights norms are not enforced," says de Greiff. "And this insecurity in the end hampers development, even when it is understood in purely economic terms."

De Greiff's engagement in the WDR process helped strengthen the case for the Report's conclusion that transitional justice should be recognized as a "core program tool" by governments trying to emerge from conflict. Transitional justice measures act as signaling mechanisms that indicate a break with the past, and a commitment to respect the basic rights of citizens.

"In order to emerge from conflict, states must take tangible action to demonstrate their commitment to the

rights of citizens, and to address the conditions that put those rights at risk," he says. "That is the foundation of civic trust. But in addition to affirming the basic norms on which fundamental rights rest, we find that transitional justice efforts play an additional role in restoring trust: they galvanize civil society, help spawn more robust NGOs and social movements focused on human rights. This citizen engagement is integral to public confidence in human rights and the commitment of the state to enforcing them."

In Rwanda, Gacaca courts are a nationwide justice project to try detainees accused of offences and participation during the genocide in 1994. Here, a photo from a Gacaca trial in Kigali.



"Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob and degrade them, neither persons nor property will be safe."

— FREDERICK DOUGLASS
Writer and statesman, U.S.A.

Engaging citizens in transitional justice

Effective transitional justice measures can provide both justice for the past and a stable base for the future; when they engage the public imagination and inspire citizen engagement, they can help rebuild the trust and sense of shared purpose that have been lost.

But these benefits require broad awareness and understanding of the measures being carried out, and too often, outreach efforts around transitional justice efforts are under-resourced or overlooked.

“Ultimately, successful efforts to address human rights violations must be responsive to the people,” says ICTJ President David Tolbert. “Good processes require significant technical expertise, but no process is truly effective if it is not transparent and accessible.”

In January 2011, ICTJ published *Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice*, a systematic look at effective outreach practices for truth commissions, tribunals and reparations programs. *Making an Impact* is the first such effort to

provide options and a roadmap for transitional justice initiatives in the future.

Recognizing the need for both the input of victims and the awareness and assent of the wider public, *Making an Impact* approaches outreach as a collaborative process, one in which information is solicited from, as well as provided to, the public. It provides information on developing a strategic

plan and monitoring program, creating effective outreach materials, and carrying out activities to build an informed and engaged civil society constituency.

The guidelines were authored by Clara Ramírez-Barat, Senior Associate in ICTJ’s research unit. “Even as our understanding of how to do transitional justice has become very sophisticated, too little attention has gone to improving citizen engagement,” says Ramírez. “We need to work harder to genuinely bring citizens into the process from the very beginning, because there is no more legitimate and powerful way to create accountability and move beyond the past than including the people whose human rights are most at stake.”



ICTJ President David Tolbert at a commemoration ceremony at a former camp for displaced persons in Gulu, Uganda in 2010.

Promoting transitional justice through new channels

Efforts to seek justice in times of transition, whether through criminal trials, truth-seeking efforts, reparations programs or institutional reform, depend on effective communication to foster a sense of involvement and ownership in key constituencies. Recognizing the importance of such outreach, ICTJ has invested in better strategic communications over the past year.



The launch of new ICTJ websites in English, Spanish and Arabic has provided improved access to our publications and expertise worldwide. The sites have been integrated with our blog, livestream and social media to extend our reach. Today, we can report live on events, such as this year’s ICTJ conferences on the Arab Spring and on Truth-seeking and Indigenous Rights, while serving as a permanent resource on transitional justice.

This year we introduced two e-mail bulletins, the *World Report* (a digest of transitional justice news) and *In Focus* (a compilation of ICTJ news), reaching over 7,000 readers in English and Arabic. Over the summer we launched ICTJ’s podcast channel and released ‘Peace and Justice,’ a video viewed by thousands online and presented by Witness.org and Global Transitional Justice as a powerful example of the use of multimedia to promote justice.

ICTJ has greatly expanded the reach of our publications through our websites, e-mails, and podcasts, and through media outreach. Through these channels, we were able to spread the word about ICTJ’s role in this year’s groundbreaking *World Development Report*, and about our own publications such as ‘*To Live as Other Kenyans Do*’; *Through a New Lens: A Child Sensitive Approach to Transitional Justice*; and *Derailed: Transitional Justice in Indonesia since the Fall of Soeharto*.

We have positioned ICTJ’s experts to reach critical audiences across the globe. Important news outlets such as *The Economist*, Al Jazeera’s *Opinion*, CNN’s *Global Public Square*, Al Ahram, and others increasingly understand that ICTJ is a valuable source of opinion, and they readily rely on our experts for guidance, context, and analysis.

We have done much to reach those who can benefit from ICTJ’s expertise, and will continue to do so. The next years will see the introduction of new communications strategies. We will extend the reach and increase the impact of ICTJ’s publications, digital content and social media presence, all with one goal: to ensure that ICTJ’s knowledge can be accessed by those who need it most.

Graffiti in central Cairo, including logos for both Facebook and the 6 April Movement.

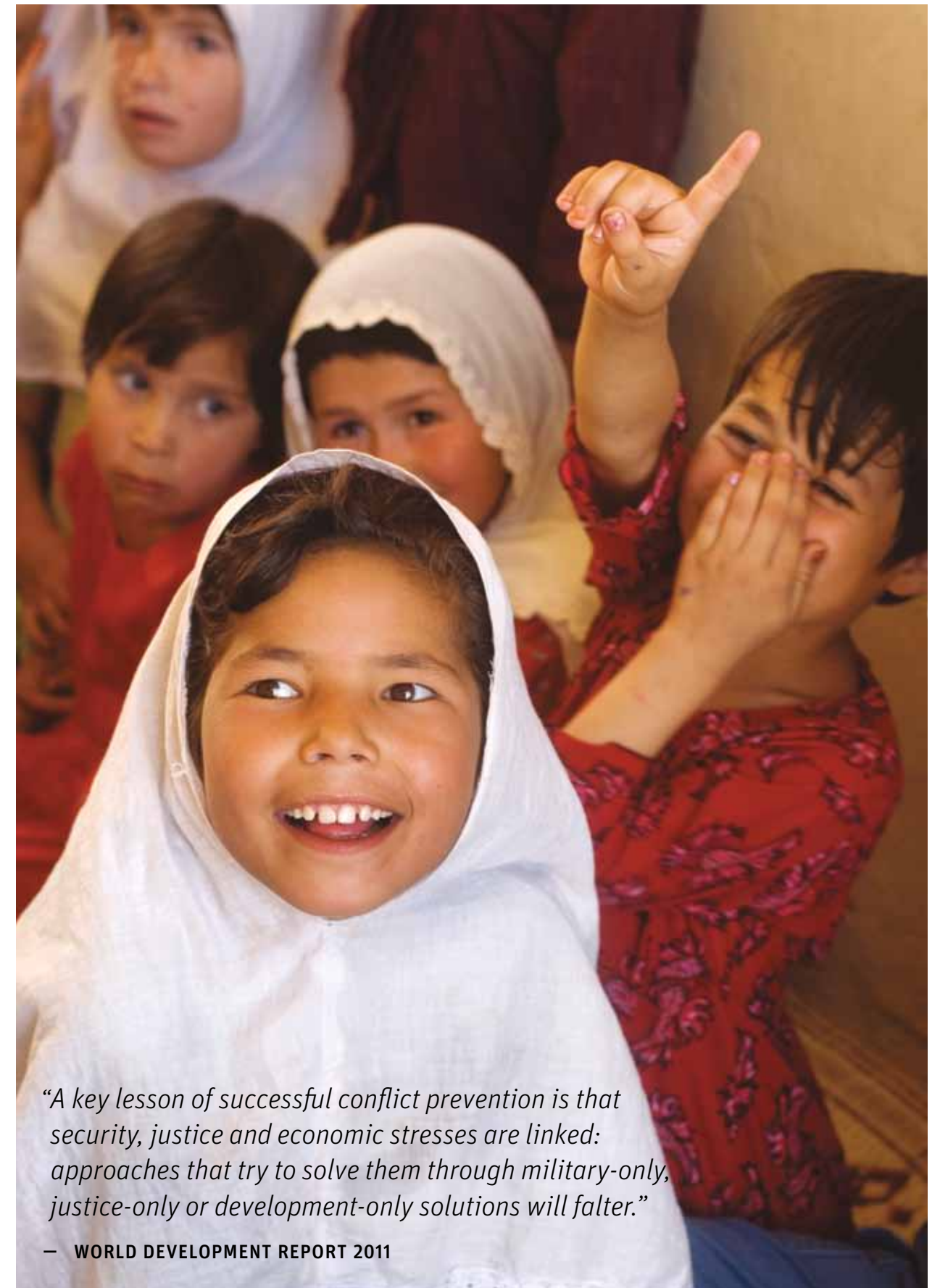
Young Afghans at a children's center in the Balkh province, where they go for extra educational classes.

Bosnian Muslim refugees arrive in Tuzla, Bosnia Herzegovina.



“Fear persists latent because those responsible for the killings had not been caught. Several former commanders still live in the communities. We don't trust in government because we feel forgotten.”

— MEMBER OF POTZOTENI COMMUNITY
Junin, Peru



“A key lesson of successful conflict prevention is that security, justice and economic stresses are linked: approaches that try to solve them through military-only, justice-only or development-only solutions will falter.”

— WORLD DEVELOPMENT REPORT 2011

Financials*

Consolidated Statement of Financial Position

Year Ended March 31, 2010

Assets	
Cash and cash equivalents	\$ 7,271,801
Grants and contribution receivable, net	14,855,993
Prepaid expenses and other assets	427,307
Property and equipment, net	401,554
	\$22,956,655
Liabilities and net assets	
Liabilities:	
Accounts payable and accrued expenses	\$ 951,489
Deferred rent	409,670
	1,361,159
Commitments and contingencies (Note G)	
Net assets:	
Unrestricted (net of cumulative foreign currency losses of \$2,523,949 for 2010)	8,708,001
Temporarily restricted	12,887,495
	21,595,496
	\$22,956,655

Consolidated Statement of Activities

Year Ended March 31, 2010

	Unrestricted	Temporarily Restricted	Total
Public support and revenue:			
Grants and contributions	\$ 9,908,131	\$16,563,201	\$26,471,332
Other revenue	68,448		68,448
Total revenue and public support before release of restrictions	9,976,579	16,563,201	26,539,780
Net assets released from restrictions	15,623,935	15,623,935	0
Total revenue and public support	25,600,514	939,266	26,539,780
Expenses:			
Program services	15,009,090		15,009,090
Management and general	4,297,355		4,297,355
Development	714,095		714,095
Total expenses	20,020,540		20,020,540
Change in net assets before foreign currency translation loss	5,579,974	939,266	6,519,240
Foreign currency translation loss for the year	60,970		60,970
Change in net assets	5,519,184	939,266	6,458,450
Net assets - beginning of year	3,188,817	11,948,229	15,137,046
Net assets - end of year	\$ 8,708,001	\$12,887,495	\$21,595,496

Consolidated Statement of Financial Position

Year Ended March 31, 2011

Assets	
Cash and cash equivalents	\$ 5,721,405
Grants and contribution receivable, net	12,004,472
Prepaid expenses and other assets	356,944
Property and equipment, net	217,702
	\$18,300,523
Liabilities and net assets	
Liabilities:	
Accounts payable and accrued expenses	\$ 700,476
Deferred rent	425,082
	1,125,558
Commitments and contingencies (Note G)	
Net assets:	
Unrestricted (net of cumulative foreign currency losses of \$2,193,457 at 2011 and \$2,523,949 at 2010)	3,118,548
Temporarily restricted	14,056,471
	17,174,965
	\$18,300,523

Consolidated Statement of Activities

Year Ended March 31, 2011

	Unrestricted	Temporarily Restricted	Total
Public support and revenue:			
Grants and contributions	\$ 1,405,500	\$10,073,401	\$11,478,901
Other revenue	43,600		43,600
Total revenue and public support before release of restrictions	1,449,100	10,073,401	11,522,501
Net assets released from restrictions	8,904,479	8,904,479	0
Total revenue and public support	10,353,579	1,168,922	11,522,501
Expenses:			
Program services	12,414,716		12,414,716
Management and general	3,237,190		3,237,190
Development	621,618		621,618
Total expenses	16,273,524		16,273,524
Change in net assets before foreign currency translation gain (loss)	5,579,974	11,68,922	4,751,023
Foreign currency translation gain (loss) for the year	330,492		330,492
Change in net assets	5,589,453	1,168,922	4,420,531
Net assets - beginning of year	8,708,001	12,887,495	21,595,496
Net assets - end of year	\$ 3,118,548	\$14,056,417	\$17,174,965

*Audited financial statements for fiscal year 2010, released by EisnerAmper in September 2010. For a copy of the full audit, contact Devon Kearney at dkearney@ictj.org

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In Memoriam

ICTJ lost a dedicated and talented board member on October 31, 2010, when Ted Sorensen passed away at the age of 82. He was a founding member of the ICTJ board.

“Ted came to ICTJ with a long record as a human rights advocate, and provided invaluable guidance in ICTJ’s efforts to support human rights and peace building worldwide,” said Kofi Appenteng, ICTJ Board Chair. “His presence was a gift, for the institution and all of those who knew him, and he will be deeply missed.”

Sorensen was former special counsel and adviser to President John F. Kennedy and a widely published author on foreign affairs, as well as on the Kennedy White House. He practiced international law for over 36 years in the prominent US law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP. In this capacity and as a director of the Council on Foreign Relations, just two among the many roles he played, Sorensen was engaged in world events during a period of tumult and progress on human rights. He advised many governments and international leaders, ranging from the late Egyptian President Anwar Sadat to former President Nelson Mandela of South Africa.

“Ted Sorensen helped shape the Kennedy era and decades of United States history, but he was also an important figure in the development of international law and the human rights movement. He was a wise, thoughtful, and frank member of ICTJ’s board, and we will greatly miss him,” said ICTJ President David Tolbert.



White House photo of Sorensen during the Kennedy administration.

Reports and Publications

For ten years, the International Center for Transitional Justice has provided advice, based on broad experience in transitional justice processes around the world, to national governments, civil society organizations, and policymakers at the regional and international level. Our work has supported justice in Africa, the Americas, Asia, Europe and the Middle East/North Africa.

For more detailed information about our programs, please visit ictj.org. Annual reports and financial statements can be downloaded at <http://ictj.org/reports>. All ICTJ books, reports, and fact sheets are available at <http://ictj.org/publications>.

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5 Hanover Square, 24th Floor
New York, NY 10004
Tel +1 917 637 3800
Fax +1 917 637 3900
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