

FEBRUARY 2010

## Looking Back to Move Forward

Interview with Daniela Gavshon, Head of ICTJ Honiara office

In 2009 Solomon Islands launched a Truth and Reconciliation Commission (TRC) that is scheduled to begin taking statements in late February. Its mandate is to help restore the dignity of victims and promote reconciliation. It will look at the nature, causes, responsibility for, and impacts of human rights violations that were committed during a period of political instability and armed conflict from 1998 to 2003, now known as “the tensions.” The TRC will conduct public hearings, statement taking and other forms of investigation and ultimately will present a final report with its findings and recommendations to the country.



**Q. Is the Solomon Islands TRC seeking to learn from other truth-seeking processes?**

A. The Solomon Islands TRC is not modeled after one particular TRC, but is drawing from as many truth commissions as it can. Desmond Tutu was at the official opening of the TRC back in April 2009 and South Africa is certainly an example in which the commissioners have been interested.

In October 2009 the commissioners and senior TRC staff spent time with ICTJ in Timor-Leste learning from the experiences of the Commission for Truth and Friendship (CAVR). This was a useful example to look at because it is the only TRC in the broader Asia-Pacific region, and the culture in Timor-Leste is a lot closer to Melanesian culture than African or Latin American contexts are.

**Q. The TRC has five commissioners—three local and two international. What are the benefits of having local and international commissioners?**

A. The TRC Act states that there must be three national and two non-national commissioners. It is very useful to have this combination.

The national commissioners have extensive experience working in their country, and have a deep understanding of the culture, people and conflict. There is one national commissioner from each of the three main regions that were affected by the tensions—Guadalcanal (Commissioner George Kejoa), Malaita (Commissioner and Chair, Father Samuel Ata) and Western Province (Commissioner Caroline Laore).

The non-national commissioners (Ratu Joni Madraiwiwi of Fiji and Sofia Macher of Peru) also add enormous value. They have extensive experience in their home countries, and given the conflict was about ethnic tensions, having non-national commissioners helps the TRC to both look and be neutral, independent and impartial. The non-national commissioners help emphasize international standards of human rights, accountability and transparency in the work of the commission.

**Q. Solomon Islands has implemented a variety of transitional justice measures over the past few years, including a number of “tension trials,” a compensation scheme, and local reconciliation initiatives run by the ministry of National Unity, Peace and Reconciliation. How does the TRC relate to these other initiatives?**

A. The Solomon Islands government has been discussing the idea of a TRC for a long time. They are committed to looking at the root causes and really tackling the key issues and so have created a TRC.

### INTERACTIVE TABLE OF CONTENTS

Looking Back to Move Forward	1
World Report	
Africa	3
Americas	4
Asia	6
Europe	7
Middle East and North Africa	7
Publications	8
Calendar	9
Making a Difference	10

---

The question of how the TRC will actually relate to these other transitional mechanisms is one of the key challenges the TRC is currently facing. The TRC will need to consider how it is different from all the other activities that have preceded it and how it can learn from past activities. It will also be important for the TRC to find a way to harness all these efforts so they are not acting in isolation.

**Q. How is the TRC staff communicating the commission's mandate to the public to make sure people have realistic expectations of what the TRC will accomplish?**

A. The TRC has just finished (Jan. 26-28) its third awareness-raising workshop. They have conducted workshops across the country with various stakeholders including victims, church leaders, youth leaders, ex-militants and village chiefs. These people were invited to participate in a three-day information and discussion session with various presentations including ones on transitional justice, the relevance of a TRC to Solomon Islands, the TRC mandate, confidentiality, and confronting the past. Each presentation was followed by a discussion session.

When the TRC starts its statement taking and public hearings, it will need to ensure its staff can explain to people exactly what the process is about and what they can expect from the TRC. It is a big challenge for the commission as people in Solomon Islands often talk about and request compensation. The TRC will need to be clear that its mandate does not allow it to provide compensation and it must be sure not to raise expectations.

**Q. The TRC will be based in Honiara, but will also have three regional offices. Why does it need regional offices?**

A. These offices will be bases for TRC activities. All national hearings will be in Honiara but there will be regional hearings as well. The offices are practical because Solomon Islands is a country where travel is extremely difficult, time consuming and expensive. Also, it is important that the TRC shows people that all regions are important and they want to hear all people's stories. One of the underlying issues in the conflict was resentment over the concentration of infrastructure, business and services in the capital, Honiara. It is important for the TRC to be both realistic in its need for a base, but also for it not to feed into some of the issues of the past.

**Q. What is ICTJ's role in the TRC?**

A. As Solomon Islands has not had a national TRC before, ICTJ is using its comparative experience to advise the TRC as issues arise, present it with various options, and in some cases anticipate some of the obstacles that the TRC may confront. The aim is that the TRC will be able to combine comparative experience with local context and go forward with a commission that is the most suitable for the people of Solomon Islands.

Some of the things ICTJ has assisted with are: providing comments on the draft TRC Act, helping train the commissioners, assisting to draft TRC policies including a communications strategy, and statement taking and public hearings policy and procedures. ICTJ is also helping build a network of NGOs and church groups to mobilize around and support the work of the TRC.

**Q. What are some of the particular challenges that the TRC faces?**

A. Solomon Islands is made up of nearly 1000 islands and more than 100 languages. One of its main challenges is fostering a modern sense of nationhood in such a heterogeneous place. As a result, it is a challenge for the TRC to unite people and to ensure it gives appropriate respect to the varying cultures and methods for conflict resolution. In addition, the distance between and within villages and islands leads to high costs for travel and other resources.

There have also been challenges regarding funding. The government and the TRC have so far had different views on how the government's funding to the TRC should be administered, which could affect the independence of the commission. Although government funding is not a vast amount of money compared to foreign funding, it is an issue given that 2010 is an election year and the next government may feel differently about the TRC. It is important that financing mechanisms are set up so that regardless of the future government's views, the TRC is able to remain independent and can carry out its activities in the manner it deems best.

Regarding the administration of foreign donor funding, the mechanisms for this can sometimes be slow and cumbersome. For example, it took several months to issue contracts for the international commissioners. This may have been inevitable, but it has delayed the TRC's work.

Finally, capacity for this type of work within the country is currently low and it will be hard to find appropriate people to fill some of the positions within the TRC.

**Q. Looking toward the future, what outcomes are necessary for this TRC to be seen as successful?**

A. If the TRC produces a credible final report with an accurate account of the past, as well as sound findings and recommendations that are picked up by the government, then it will be a success. Solomon Islands however is a country where compensation plays a big role in customary reconciliation, so hopefully, regardless of what recommendations are put forward relating to compensation, the people will also be able to see the other benefits of an official truth-seeking process.

*ICTJ's work in Solomon Islands is generously supported by the European Commission.*

### AFRICA

---

#### DRC

The trial of Thomas Lubanga before the International Criminal Court (ICC) resumed Jan. 7 with the testimony of expert witnesses. Radhika Coomaraswamy, the Special Representative of the UN Secretary General for Children and Armed Conflict, testified regarding the conscription or enlistment of children in the DRC.

The ICC trial of alleged Ituri warlords Germain Katanga and Mathieu Ngudjolo-Chui resumed Jan. 26. Katanga and Chui have been charged with 10 counts of war crimes and crimes against humanity including murder, sexual slavery, pillage and the use of child soldiers.

- “UN expert testifies in case against alleged child soldier recruiter from DRC,” *ReliefWeb* (<http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-7ZGTNF?OpenDocument>)
- “Trial of Katanga and Chui resumes at the ICC,” *Radio Netherlands* (<http://www.rnw.nl/int-justice/article/trial-katanga-and-chui-resumes-icc>)

#### Guinea

Jean Marie Doré, President of the Union for the Progress of Guinea political party, was named interim prime minister Jan. 21 by acting leader of the military junta General Sekouba Konaté. His appointment is part of the Ouagadougou Agreement of Jan. 15 which, in addition to creating a transitional unity government, calls for: co-optation of members of a transitional parliament, elections to be held within six months, reorganization and reform of the security sector and review of voters' lists, with ECOWAS civilian and military observers to assist the process.

The UN-backed International Commission of Inquiry examining the events in Conakry Sept. 28, when an estimated 156 people were allegedly killed or disappeared by the Guinean security forces, recommended that the ICC consider investigating the situation.

- “ECOWAS Will Help Guinea Organize Credible Elections, Says Official,” *VOA News* (<http://www1.voanews.com/english/news/politics/ECOWAS-Will-Help-Guinea-Organize-Credible-Elections-Says-Official-82122862.html>)
- “Guinea’s Camara Arrives in Burkina Faso As Elections Delayed,” *Bloomberg* (<http://www.bloomberg.com/apps/news?pid=20601116&sid=aUKvi3ImLO1o>)

#### Kenya

The Kenyan Truth, Justice and Reconciliation Commission (TJRC) began operating despite a pending court case challenging the appointment of its commissioners. On Jan. 28 the commissioners began a tour of Kenya’s eight provinces to familiarize themselves with the situation on the ground and educate the public about the mandate of the TJRC.

- “Kenya Truth team to begin work despite suit,” *Daily Nation* (<http://www.nation.co.ke/News/-/1056/847394/-/vpekhy/-/>)

#### Liberia

The Judiciary Committee of the Liberian Senate was mandated Jan. 21 to review the Truth and Reconciliation Commission (TRC) Act and amend any provisions that contradict the constitution of Liberia. The review is in response to allegations made by Senior Senator Isaac Nyenabo that the TRC final report and recommendations, published Dec. 2, are illegal under Liberian law.

In a state of the nation address Jan. 25, Liberian President Ellen Johnson Sirleaf addressed the debate over the TRC report, expressing support for the implementation of reparations and “Palaver Hut” programs, and proposing that the Independent National Human Rights Commission work with the Ministry of Justice to determine the constitutionality of the recommendations for sanctions and prosecutions.

- “Senate Sets up Committee to Review Proposed TRC Act,” *The Inquirer* ([http://theinquirer.com.lr/story.php?record\\_id=2188&sub=14](http://theinquirer.com.lr/story.php?record_id=2188&sub=14))
- “Annual Message to the Fifth Session of the 52<sup>nd</sup> National Legislature of the Republic of Liberia By Her Excellency Ellen Johnson Sirleaf,” *FrontPageAfrica* (<http://www.frontpageafrica.com/newsmanager/anmviewer.asp?a=10542>)

#### Rwanda

A government-appointed “Committee of Experts” investigating the fatal plane crash of April 6, 1994 of then President Habyarimana has released the Mutsinzi Report. The plane crash was a significant political development leading up to the Rwandan genocide. Citing 600 witnesses, the report concludes that President Habyarimana was assassinated by former Hutu extremist allies opposed to his plans for power sharing and coalition building.

The International Criminal Tribunal for Rwanda (ICTR) resumed the trial of the former president, vice-president and secretary general of the MRND Jan. 15. Mathieu Ndirumpatse, Edouard Karemera and Joseph

Nzirorera are charged with top-level involvement in the planning and execution of the 1994 genocide. The trial is expected to conclude in March.

Charles Bandora, a Rwandan national wanted for his alleged involvement in training Interahamwe militias and overseeing massacres during the genocide, was arrested Jan. 11 in Malawi. The arrest followed accusations made by the ICTR Chief Prosecutor that Malawi, Zambia and Mozambique have failed to arrest known fugitives wanted in Rwanda for crimes against humanity.

Sosthene Munyemana, a Rwandan doctor living in France, was arrested Jan. 21 on charges of war crimes and genocide following an extradition warrant from the Rwandan government. France had previously rejected an asylum bid from Munyemana in 2008, on grounds of suspected involvement in the Rwandan genocide.

- “Rwanda: Beyond Reasonable Doubt,” *All Africa* (<http://allafrica.com/stories/201001250737.html>)
- “ICTR starts judicial marathon Monday,” *Hirondelle News* (<http://www.hirondellenews.com/content/view/13102/333/>)
- “Genocide fugitive is arrested,” *Hirondelle News* (<http://thecitizen.co.tz/newe.php?id=16762>)
- “Rwandan genocide suspect arrested in France,” *BBC News* (<http://news.bbc.co.uk/2/hi/europe/8471667.stm>)

### South Africa

On Jan. 11, a New York Circuit Court heard the appeal of five defendant international corporations accused of aiding and abetting crimes committed by the apartheid government in South Africa. ICTJ filed an amicus brief in November 2009 supporting the decision by the South African government not to oppose legal action against these companies.

Opposing the appeal, the University of Cape Town honorary professor and former minister of education Kader Asmal joined a group of 15 international lawyers in issuing an amicus brief that supported the multinationals’ request in the Khulumani litigation that the lawsuit should be thrown out.

- “No immunity for multinationals implicated in apartheid crimes,” *Cape Times* (<http://constitutionallyspeaking.co.za/michael-osborne-no-immunity-for-multinationals-implicated-in-apartheid-crimes/>)

### Uganda

The LRA Disarmament and Northern Uganda Recovery Act of 2009 was unanimously approved by the U.S. Senate Foreign Relations

Committee in December 2009 and has garnered support from over 50 percent of the Senate, making it the most widely supported legislation focusing on Sub-Saharan Africa in American history. The Recovery Act calls for U.S. involvement in resolving the conflict, and authorizes funding for “reconstruction, reconciliation, and transitional justice,” including the establishment of war crimes trials, reparations programs, truth-telling and memorialization efforts.

- “Uganda: Majority of U.S. Senate Now Backs Feingold Brownback Bill to Help Stop LRA,” *All Africa* (<http://allafrica.com/stories/201001201034.html>)

---

## AMERICAS

### Argentina

Brazil extradited Uruguayan former military officer Manuel Cordero to Argentina on Jan. 23 for his alleged involvement in Operation Condor, the campaign of political repression by right-wing South American governments during the 1970s. Cordero is charged with the torture and disappearance of Argentine Adalberto Soba in 1976.

Spain ordered the extradition of former Argentine airline pilot Julio Alberto Roch on Jan. 18. Roch is charged in Argentina with piloting “death flights” that resulted in the deaths of over 1,000 people during the 1976-1983 dictatorship.

- “‘Operation Condor’ suspect extradited to Argentina,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5i099geK38WjAbJK3F-j3jGykinw>)
- “Spain To Extradite Alleged ‘Death Flights’ Pilot To Argentina,” *RTT News* (<http://www.rttnews.com/ArticleView.aspx?Id=1182379&SMap=1>)

### Brazil

A truth commission proposed by the Brazilian government as part of a National Human Rights Plan to investigate abuses that occurred during the 1964-1985 military dictatorship has generated significant opposition from the military. Senior military officials including the heads of the army, navy and air force have threatened to resign, stating that a truth commission is in violation of an amnesty law passed before democracy was restored which granted immunity to military and state officials involved in arbitrary arrests, torture and killings.

- “Brazil truth commission arouses military opposition,” *BBC News* (<http://news.bbc.co.uk/2/hi/8451109.stm>)

### Canada

On Jan. 23 the Canadian Human Rights Tribunal halted an investigation into claims that the government is continuing to discriminate against aboriginal children by chronically underfunding the welfare system that supports children living on reserves. The suspension came after the federal government argued that the case does not fall within the jurisdiction of the Canadian Human Rights Act.

- “Feds put human rights probe of funding for aboriginal kids in limbo,” *The Gazette* (<http://www.montrealgazette.com/life/Feds+human+rights+probe+funding+aboriginal+kids+limbo/2475020/story.html>)

### Chile

On Jan. 11, Chile inaugurated the Museum of Memory and Human Rights, in commemoration of the human rights violations committed during the Pinochet dictatorship of 1973-1990, characterized by thousands of disappearances, arbitrary arrests and torture. ICTJ provided information on comparative case studies for an exhibit in the museum.

- “Chile inaugurates Museum of Memory and Human Rights,” ICTJ (<http://www.ictj.org/en/news/features/3379.html>)

### Colombia

The families of 11 men from the Bogotá suburb of Soacha who were summarily executed by military forces want to appeal to the ICC, following a decision by a pre-trial judge to release from custody 17 soldiers accused of the crime. A total of 1,900 such cases of “false positives,” civilians executed by military forces and then reported as having been killed in combat, are under investigation.

For the third time in 19 months, the Colombian Supreme Court of Justice changed its jurisprudence on the prosecution of ex-paramilitaries under the Justice and Peace Law. On Dec. 14 the Court ruled that trials against demobilized combatants can be partially carried out, contradicting two previous decisions from September and July 2009. This shift was welcomed by prosecutors, who consider partial trials necessary to expedite a process that has not produced a single conviction in the four years since its implementation.

- “Kin of Colombians Slain by Army Look to International Criminal Court,” *Latin American Herald* (<http://laht.com/article.asp?CategoryId=12393&ArticleId=350216>)
- “Corte destraba imputaciones parciales de Justicia y Paz,” *Verdad Abierta* (<http://www.verdadabierta.com/justicia-y-paz/2114-corte-destraba-imputaciones-parciales-de-justicia-y-paz>)

### El Salvador

El Salvador’s president Mauricio Funes made a public apology Jan. 16 for the widespread human rights violations committed by state forces during the country’s 1980-1992 civil war. The apology breaks an 18-year pattern of impunity. ICTJ recommended El Salvador implement the recommendations of the 1993 truth commission—namely prosecutions and reparations—as a next step.

- “El Salvador: Petition Breaks 18 Years of Silence on Human Rights Agenda,” ICTJ (<http://www.ictj.org/en/news/press/release/3400.html>)

### Honduras

The Inter-American Commission on Human Rights (IACHR) released a report Jan. 20 stating that serious human rights abuses, including numerous deaths, arbitrary detention, mistreatment of prisoners and violence against women have occurred since the military coup on Jan. 28, 2009. The report condemned the ongoing impunity and called for the reestablishment of a democratic system of government.

- “Honduras: Human Rights and the Coup D’état,” *IACHR* (<http://cidh.org/countryrep/Honduras09eng/Toc.htm>)

### United States

The Department of Justice referred Guantánamo prisoner Obaidullah to a military tribunal Jan. 7 on charges of possessing mines to be used against American forces in Afghanistan. Obaidullah is the sixth prisoner referred to the military justice system by the Obama administration.

Guantánamo detainee Saeed Mohamad Saleh Hatim was ordered to be released Jan. 8 by D.C. District Court Judge Ricardo Urbina after findings showed that Hatim’s confession to being an al-Qaida operative was obtained by torture. Lawyers for former Guantánamo detainee Ahmed Khalfan Ghailani, who is scheduled to be tried in New York courts, filed a motion to dismiss charges relating to the 1998 bombings of two American Embassies in East Africa citing torture and an unnecessarily lengthy detention.

- “Afghan held at Guantanamo referred to military trial,” *Reuters* (<http://www.reuters.com/article/idUSTRE60608E20100107>)
- “Gitmo Confession Tainted by Torture, Judge Says,” *Courthouse News Service* ([http://www.courthousenews.com/2010/01/08/Guantanamo\\_Rulings.htm](http://www.courthousenews.com/2010/01/08/Guantanamo_Rulings.htm))
- “Terror Suspect’s Lawyer Asks for Dismissal of Case,” *New York Times* (<http://www.nytimes.com/2010/01/12/nyregion/12ghailani.html>)

### ASIA

---

#### Bangladesh

The War Crimes Committee (WCC) of the International Bar Association published a legal opinion critiquing Bangladesh's 1973 war crimes act, arguing the act contains outdated definitions of criminal offenses and crimes against humanity and that it fails to adequately protect defendants' rights. WCC members state they currently have no plan to take action, but will follow the legal developments with interest in the coming months.

- "War Crimes Act Needs Reform," *The Daily Star* (<http://www.thedailystar.net/newDesign/news-details.php?nid=123502>)

#### Burma

Burma's military junta, known as the State Peace and Development Council, has pledged to hold elections this year amid concerns of legitimacy. The key opposition party, the National League for Democracy won the previous elections in 1990, but was prohibited by the junta from taking office.

"Myanmar pushes poll 20 years after ignoring NLD win," *Reuters* (<http://www.reuters.com/article/idUSTRE60314F20100104>)

#### Cambodia

On Jan. 7, thousands of Cambodians commemorated the 31<sup>st</sup> anniversary of the end of the brutal Khmer Rouge regime. Top government officials attended the ceremonies, including Cambodian People's Party President Chea Sim, who delivered a speech highlighting the achievements of the past 31 years and expressing support for the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC), tasked with the prosecution of crimes committed during the Khmer Rouge regime.

The co-investigating judges of the ECCC's Pre-Trial Chamber concluded their investigation into the alleged crimes of five former Khmer Rouge officials, Ieng Sary, Ieng Thirith, Nuon Chea, Khieu Samphan and Kaing Guek Eav. The case now enters a 30-day appeals process, to be followed by a decision determining indictment or dismissal of the case, which is expected by September.

- "Cambodia celebrates 31<sup>st</sup> anniversary of ousting Khmer Rouge," *VOV News* (<http://english.vovnews.vn/Home/Cambodia-celebrates-31st-anniversary-of-ousting-Khmer-Rouge/20101/111523.vov>)

- "Judges conclude Khmer Rouge investigations," *Radio Netherlands Worldwide* (<http://www.rnw.nl/int-justice/article/judges-conclude-khmer-rouge-investigations>)

#### Indonesia

Following a comparative study of Sweden's treatment of human rights cases, members of the Indonesian Supreme Court published a contentious report stating Indonesia's human rights courts were unnecessary, as human rights cases could be heard in national courts.

- "Supreme Court questions need for human rights court after 'comparative study'," *APSN* ([http://www.asia-pacific-solidarity.net/southeastasia/indonesia/indoleft/2010/kompas\\_maquestionsneedforhamcourt\\_040110.htm](http://www.asia-pacific-solidarity.net/southeastasia/indonesia/indoleft/2010/kompas_maquestionsneedforhamcourt_040110.htm))

#### Nepal

The release of thousands of former child soldiers who served in the Maoist army during the 1996-2006 civil war began Jan. 7. Most have spent the past three years in military cantonments, and will now be enrolled in rehabilitation programs operated by the Nepal government with UN assistance.

Nepal's Peace Ministry finalized a draft bill on its proposed Truth Reconciliation Commission (TRC) on Jan. 21. If created, the TRC will conduct investigations into abuses that occurred during the civil war, and will provide recommendations to the government on prosecutions, pardons and reparation and reconciliation programs. The bill will now be sent to the cabinet for approval.

- "First batch of child soldiers discharged by Maoists in Nepal," *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=33424&Cr=nepal&Cr1>)
- "Draft bill on TRC ready," *My Republica* ([http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=14351](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=14351))

#### Pakistan

The Supreme Court of Pakistan issued a detailed judgment Jan. 19 on the National Reconciliation Ordinance (NRO), an executive order established by former dictator Pervez Musharraf in 2007, which granted amnesty to political officials accused of corruption. The Court ruled the NRO unconstitutional on Dec. 16, holding that criminal cases previously buried under the ordinance could be reopened.

- "SC releases detailed judgment on NRO," *The News* ([http://www.thenews.com.pk/top\\_story\\_detail.asp?Id=26761](http://www.thenews.com.pk/top_story_detail.asp?Id=26761))

### Solomon Islands

The Truth and Reconciliation Commission (TRC) held a workshop in Gizo Jan. 26-28 to educate participants on the goals of the commission and to nominate individuals for the provincial TRC support teams. The commission is due to begin inquiries in February.

- “Truth body in Gizo for awareness workshop,” *Solomon Star News* (<http://www.solomonstarnews.com/news/national/2238-truth-body-in-gizo-for-awareness-workshop>)

### Sri Lanka

Following the release of video footage appearing to document the summary execution of prisoners by government forces, UN Special Rapporteur on extra-judicial killings Philip Alston called for the establishment of an independent inquiry into alleged war crimes committed in the ongoing Sri Lankan civil war.

The Permanent People’s Tribunal (PPT), an independent opinion tribunal that stages public discussions on allegations of war crimes and human rights violations, issued a preliminary report finding the Sri Lankan government guilty of war crimes and crimes against humanity.

- “Deeming Sri Lanka execution video authentic, UN expert calls for war crimes probe,” *UN News Centre* (<http://www.un.org/apps/news/story.asp?NewsID=33423>)
- “Dublin Verdict: Sri Lanka Guilty of War Crimes,” *TamilNet* (<http://www.tamilnet.com/art.html?catid=13&artid=31009>)

### Timor-Leste

The Indonesian National Human Rights Commission signed a cooperation agreement with the Provedoria for Human Rights and Justice of Timor-Leste Jan. 26, to coordinate a search for missing persons from the 1999 post-referendum violence. Following a majority vote for Timorese independence from Indonesia on a UN-sponsored referendum, pro-Indonesian militias killed an estimated 1,400 Timorese civilians.

- “Indonesia and East Timor Cooperate to Find Missing Persons,” *Tempo Interactive* (<http://www.tempointeractive.com/hg/nasional/2010/01/26/brk,20100126-221515,uk.html>)

---

## EUROPE

### Former Yugoslavia

The trial of former Bosnian Serb General Zdravko Tolimir is scheduled to begin this month at the International Criminal Tribunal for the

former Yugoslavia (ICTY). Tolimir is accused of committing genocide, war crimes and crimes against humanity in Srebrenica and Zepa in 1995 during the Bosnian civil war. The ICTY also resumed the trial of Serb nationalist Vojislav Seselj for war crimes including the planning of an ethnic cleansing campaign, after threats against witnesses delayed the trial for over a year.

Police in Bosnia and Herzegovina (BiH) arrested two former Serb detention camp guards, charged with war crimes and crimes against humanity including the deaths of around 50 civilians and prisoners of war during the civil war. Ratko Dronjak and Dragan Rodic will appear before the BiH war crimes court this month.

- “Bosnian Serb general to go on trial next month,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5jtqeiUPvRcOFjjqVWIdT6z0AQxfQ>)
- “Serb leader Vojislav Seselj war crimes trial resumes,” *BBC News* (<http://news.bbc.co.uk/2/hi/europe/8454990.stm>)
- “Bosnian Serb detention camp guards arrested for war crimes,” *Jurist* (<http://jurist.law.pitt.edu/paperchase/2010/01/bosnia-serb-detention-camp-guards.php>)

---

## MENA

### Iraq

On Jan. 14, the Iraqi Election Commission approved a ban imposed by the Accountability and Justice Commission on over 500 political candidates from participating in the parliamentary elections scheduled for Mar. 6. Those banned are primarily Sunni candidates, suspected of association with the former ruling Baath party. The Accountability and Justice Commission is the successor to Iraq’s controversial Higher National Debaathification Commission, which was renamed in 2008.

On Jan. 25, Iraqi officials announced that Saddam Hussein’s cousin and key official Ali Hassan al-Majid, alias Chemical Ali, was executed after being convicted in four separate trials of 13 counts of genocide and crimes against humanity committed under the Hussein regime.

- “More names on Iraq election ban,” *BBC News* ([http://news.bbc.co.uk/2/hi/middle\\_east/8474480.stm](http://news.bbc.co.uk/2/hi/middle_east/8474480.stm))
- “‘Chemical Ali’ executed in Iraq,” *BBC News* ([http://news.bbc.co.uk/2/hi/middle\\_east/8479115.stm](http://news.bbc.co.uk/2/hi/middle_east/8479115.stm))

---

## PUBLICATIONS

---

### **Fact Sheet: Germain Katanga and Mathieu Ngudjolo Chui Face Justice at the ICC**

This ICTJ fact sheet provides an overview of the ICC's second trial, which opened Nov. 24, 2009 against Germain Katanga and Mathieu Ngudjolo Chui. The men are former leaders of armed rebel movements from the Ituri district of the DRC. The ICC is prosecuting them for war crimes and crimes against humanity allegedly committed in the context of a massacre in the Iturian village of Bogoro in February 2003. This trial is the first to pursue Ituri militia leaders on charges of sexual crimes among other alleged crimes committed during the conflict in DRC.

- *Germain Katanga and Mathieu Ngudjolo Chui Face Justice at the ICC* ([http://www.ictj.org/static/Factsheets/ICTJ\\_DRC\\_KatangaChuiTrial\\_fs2010\\_en.pdf](http://www.ictj.org/static/Factsheets/ICTJ_DRC_KatangaChuiTrial_fs2010_en.pdf))
- *Germain Katanga et Mathieu Ngudjolo Chui face à la justice devant la CPI* ([http://www.ictj.org/static/Factsheets/ICTJ\\_DRC\\_KatangaChuiTrial\\_fs2010\\_fr.pdf](http://www.ictj.org/static/Factsheets/ICTJ_DRC_KatangaChuiTrial_fs2010_fr.pdf))

### **Conference Report: Planning for Residual Issues for International and Hybrid Criminal Tribunals**

ICTJ and the University of Western Ontario Faculty of Law organized an expert group meeting in 2007 entitled *Planning for Residual Issues for International and Hybrid Criminal Tribunals*. Four tribunals, the ICTR, ICTY, Special Court for Sierra Leone, and the ECCC are scheduled to complete their mandates in the coming years. Some of their practical and legal obligations, however, will continue after the physical closure. This report provides a summary of the discussions on these continuing obligations and the possible mechanisms with which to address them.

- *Planning for Residual Issues for International and Hybrid Criminal Tribunals* ([http://www.ictj.org/static/Prosecutions/ICTJ\\_ResidualIssues\\_rp2010.pdf](http://www.ictj.org/static/Prosecutions/ICTJ_ResidualIssues_rp2010.pdf))



# feb

**January 31 - February 6**  
**International Parliamentary Conference on Peacebuilding: Tackling State Fragility**  
Belfast, Ireland  
For more information, visit <http://www.ictj.org/en/news/event/3395.html>

---

**February 1-5**  
**Transitional Justice Workshop, Hiroshima Peacebuilders' Center**  
Hiroshima University, Japan  
For more information, contact Ana Patel at [apatel@ictj.org](mailto:apatel@ictj.org)

---

**February 2-6**  
**Workshop: Statement Taking**  
Solomon Islands  
For more information, contact Daniela Gavshon at [dgavshon@ictj.org](mailto:dgavshon@ictj.org)

---

**February 3-11**  
**Training of Trainers Workshop**  
Nepal  
For more information, contact Ruth Thapa at [rthapa@ictj.org](mailto:rthapa@ictj.org)

---

**February 4-5**  
**Closing the International and Hybrid Criminal Tribunals: Mechanisms to Address Residual Issues**  
New York, NY  
For more information, contact Jesica Santos at [jsantos@ictj.org](mailto:jsantos@ictj.org)

---

**February 22-24**  
**Workshop: Victims Rights to Judicial Damages under Congolese Law**  
Democratic Republic of Congo  
For more information, contact Mirna Adjami at [madjami@ictj.org](mailto:madjami@ictj.org)

---

**February 23-24**  
**Assessing the Legacy of the ICTY**  
The Hague, Netherlands  
For more information, visit <http://www.ictj.org/en/news/event/3394.html>

---

# mar

**March 2-3**  
**Outreach Strategies in Transitional Justice Measures**  
Phnom Pehn, Cambodia  
For more information, contact Clara Ramirez-Barat at [cramirezbarat@ictj.org](mailto:cramirezbarat@ictj.org)

---

**March 26**  
**From Peace to Justice in Cambodia: Reconciliation and the Khmer Rouge Trials**  
Association for Asian Studies Conference Panel  
Philadelphia, PA  
For more information, contact Jesica Santos at [jsantos@ictj.org](mailto:jsantos@ictj.org)

---

**April 21-24**  
**Negotiating Justice: The Challenge of Justice and Accountability in Peace Negotiations**  
Wilton Park, West Sussex, UK  
For more information, visit <http://www.ictj.org/en/news/event/3412.html>

---

# apr

---

## Making a Difference

Wherever they occur, conflict and repression lead to widespread violations of human rights and distort the political fabric of society. Mending that fabric requires confronting the past. The International Center for Transitional Justice (ICTJ) supports local efforts to examine and address past human rights abuses through truth-telling, prosecution, reparations and other measures that collectively define the field of transitional justice.

ICTJ provides support to civil society actors and governments seeking to craft transitional justice processes in the wake of war and repression. We operate directly in more than 30 countries, from the Balkans to Cambodia, with offices in 12 locations around the world.

Through these offices, we oversee a wide variety of projects in an array of social and political contexts. In Liberia, we have collaborated on the production of a radio program promoting accountability for human rights abuses committed during that country's civil war (accessible from our website at <http://www.ictj.org/en/news/features/2518.html>). In Algeria, where we have not previously been allowed to operate, we were recently invited by Parliament to discuss with government and civil society actors ideas for the development of transitional justice approaches there. In Indonesia last spring, we co-organized the first ever Victims' Congress, which gave voice to the needs and demands of Indonesian citizens and activists brutalized by state-organized violence committed over the past 33 years.

The blending of local and global expertise is fundamental to ICTJ's work. Through our experience with transitional justice processes in many different countries, we refine our understanding of how such processes operate, what pitfalls they face, and how they might be applied to best address the needs of victims of human rights abuse. Thematic staff members have deep knowledge of mechanisms such as truth commissions; they work alongside our country- and region-based staff to ensure that new transitional justice initiatives benefit from efforts that preceded them. These local efforts, in turn, strengthen our understanding of the many different approaches to transitional justice that are possible.



*Theys Eleay, an indigenous leader of Papua who was killed in 2001, is part of the video gallery of victims that forms a backdrop during the welcome address of the Indonesian Victims' Congress. Photo courtesy of Poriaman Sitanggang.*

---

All of ICTJ's work is guided by the principle that legacies of abuse, and their victims, cannot simply be swept away when repression and war come to an end. Moreover, grappling with these legacies enables us to strengthen opportunities for a more resilient peace, and societies where human rights flourish more fully. For example, our Gender Justice program works to build the capacity of women's rights advocates and other activist women to participate in transitional justice processes, also building support for women's human rights while doing so.

You can help us build a better future by helping societies confront past suffering and abuse. ICTJ's work is supported by a variety of funders from around the world, but to ensure that we can respond quickly and effectively to future needs, every gift is crucial. To learn more or to make a gift, visit [www.ictj.org](http://www.ictj.org) or contact Lesley Bourns, Director of Development, at (917) 637-3841 or [lbourns@ictj.org](mailto:lbourns@ictj.org).

---

### About ICTJ

The International Center for Transitional Justice works to redress and prevent the most severe violations of human rights by confronting legacies of mass abuse. ICTJ seeks holistic solutions to promote accountability and create just and peaceful societies.

### Contact

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

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