

MARCH 2009

More Than Just the Court

Interview with Marieke Wierda, director of ICTJ's Prosecutions Program

Q. How do you think the International Criminal Court will rule on March 4 on the prosecutor's request for an arrest warrant for Sudanese President Omar Al-Bashir?

A. I think that the court will issue an arrest warrant. The standard the court must apply is whether there is a reasonable basis to believe that certain crimes occurred, and I think they will find that there is a reasonable basis to believe that war crimes and crimes against humanity were perpetrated in the Darfur region of Sudan by Bashir.



The real question is what the court will decide about the proposed charge of genocide. The prosecutor's theory on whether genocide occurred is controversial from a legal perspective. He is arguing that the expulsion of certain tribes in Darfur constitutes not just ethnic cleansing but an attempt to destroy these tribes in part. The court could well be take a more conservative view.

Q. Will it detract from the weight and seriousness of the court's decision if genocide is not included in the charges?

A. Strictly speaking, no. Crimes against humanity are systematic or widespread crimes against civilians, which can include murder and extermination. In many ways, these crimes are at the same level of seriousness as genocide.

But politically, of course, there is a specific connotation attached to genocide. One of the most controversial aspects of the Darfur conflict has been whether or not genocide has occurred. The U.S. came out early and called it genocide based on its own investigation. The UN commission that investigated did not find that there was genocide. This question has been at the heart of the discussion about the conflict, and in that sense it has a lot of political significance.

The court's decision will be significant for victims as well. Some victims' advocates say that victims would be disappointed if the court omitted the charge of genocide. From a legal point of view, I would argue that they should not be, and that crimes against humanity should be viewed as just as serious. In any case, acknowledging the full extent of the crimes that occurred and heeding victims' demands for justice is indispensable in order to resolve the problem of Darfur.

Q. How is Sudan's government most likely to respond to an ICC arrest warrant?

A. Khartoum has obviously viewed the actions of the court with increasing hostility, and I don't see that changing. The question is whether it would seek to carry out any acts of violence or retaliation. We have to hope the Sudanese government will be responsive to domestic and international pressures not to do so. Instead of retaliatory measures that can be traced back to the government directly, the more likely scenario is a general atmosphere of fear and instability.

There's a second question here, which is about how the arrest warrant affects the power dynamics in Sudan. It is not just about how Bashir himself reacts; it's also about what everyone else is going to do. The arrest warrant after all may embolden his enemies. This could lead to a destabilization in the short to medium term.

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INTERVIEW

Q. The ICC portrays its work as apolitical, while its detractors say the opposite. Is it possible or even desirable for the court to ignore politics?

A. I have no doubt that the Court's decisions are based on the evidence rather than on political considerations. Certainly there is a debate about whether the prosecutor should take into account political considerations as a part of "prosecutorial discretion." But there's a recognition among the international justice community that allowing political considerations into your decisions is a very slippery slope, and that it could quickly create a lot of trouble. As a justice institution, you need to anchor yourself in the legal considerations and nothing more.

There are however two areas where the ICC prosecutor has some discretion. Both are quite limited. One is about when to go public, and the other is about timing. That's not the equivalent of the prosecutor being a political actor: He's proceeding based on the evidence.

More importantly, the court itself doesn't have any such discretion in terms of its decisions. It needs to make its decisions based purely on whether the prosecutor has presented sufficient evidence.

Q. The peace vs. justice debate—the argument that pursuing prosecutions during an active conflict can interfere with peace processes—has gotten lots of attention in the case of Sudan. Is there reason to fear that a warrant will make peace harder to achieve?

A. Whether future violence takes place is to a large degree in the hands of the Sudanese government. It's still their responsibility. At the same time, the international community should be alert to the fact that instability could result, and will need to try to minimize that impact.

Whether the arrest warrant would make peace in Darfur, or between North and South Sudan, more or less likely is hotly debated among the analysts. The experience of the international community in pursuing justice in ongoing conflict is still very limited. We cannot say with any degree of certainty what will happen. But accountability remains important to long-term stability in Sudan.

Q. Many commentators suggest that since the ICC has no independent ability to execute arrests, a warrant for Bashir would be largely symbolic. Do you agree?

A. The arrest warrant would have a certain symbolic quality. However, there are real legal obligations for states outside of Sudan to arrest Bashir, and those obligations are stronger than in other cases before the ICC, because this case began with a request from the UN Security Council. That makes the arrest warrant more than symbolic. Potentially Bashir would not be able to travel anywhere abroad—even as a head of state—without worrying about the possibility of arrest.

Q. To what degree is this case a test for the ICC?

A. On one hand, I would heavily resist the view that the fate of the court hangs on any one case. We always need to look at the entirety

of what the court is trying to do. However, this case obviously has the highest profile of any of the court's actions, and it has the potential to teach us about the interplay between peace and justice going forward. It is a test of the idea that impunity should not be tolerated even in situations where the perpetrator is someone with great political power. It is therefore of incredible importance in teaching us the potential significance of pursuing justice in ongoing conflict, and of the contribution that a permanent court like the ICC can make.

Q. How do you assess the ICC's work so far, particularly in light of the rocky start to the court's first trial, of the former Congolese warlord Thomas Lubanga?

A. First of all, this court operates in a far more challenging environment than any of its predecessors, so I don't think we can judge it by any of the standards previously established. The biggest challenge is pursuing cases in ongoing conflicts. The court is going through some growing pains, so it's not illegitimate to suggest that there are things that could have been done better.

That being said, some of the issues that from a lay perspective may look like horrible mistakes have had perfectly legitimate reasons, so people need to be a bit measured in their evaluation of that. For instance, the case against Lubanga was nearly dismissed not necessarily because of negligence but because of a real difference in interpretation of the court's rules which had to be litigated. There are also huge challenges in terms of how you deal with victims and how you act in regard to active peace negotiations, as the court has in Uganda. All in all, we should recognize that there is absolutely no way we can thoroughly test an idea as ambitious as the application of justice in ongoing conflicts in the court's first five years.

Another very important point is that the Rome Statute is about much more than just the court: It's part of an expansive legal reform movement that's taking place across the globe. The debate in Kenya about establishing a special tribunal related to post-election violence has a direct link to the existence of the ICC and the Rome Statute.

In Uganda, the fact that the court exists means that Uganda will pass legislation on its own to try war crimes and crimes against humanity. It has created a special division to try such crimes and will host the conference to review the Rome Statute in 2010. That's an endorsement of the Rome Statute as well.

Another example is Colombia, which just amended its legislation to incorporate Rome Statute provisions and which has been conducting its own criminal proceedings for some time.

In a wide variety of places, prosecutions for the most serious crimes are much more possible than they were in 2002. People need to be quite balanced when looking at setbacks such as a witness in the Lubanga court proceedings recanting his testimony. That's not a true test. It's a drop in the ocean.

AFRICA

Democratic Republic of Congo

International Criminal Court prosecutors relied heavily on video evidence in early hearings of the court's first-ever trial, against former DRC militia leader Thomas Lubanga. The videos showed children in military uniforms at various locations with Lubanga, who is charged with conscripting child soldiers into his private army during the long-running conflict in the DRC. A witness testified that he was at the video-recorded event, and identified Bosco Ntaganda in the video. Ntaganda fought alongside Lubanga and is wanted by the ICC on war crimes charges.

Congo prepared a new arrest warrant to pursue the extradition of former rebel leader and alleged war criminal Laurent Nkunda. Nkunda was apprehended by Rwanda in January, but the location and terms of Nkunda's custody remain unknown.

Meanwhile, Congo announced it would not arrest Bosco Ntaganda—wanted by the ICC for war crimes—in the interest of peace. Congo named Bosco deputy commander of joint Rwandan-Congolese operations in eastern Congo after Bosco ousted Nkunda as leader of the National Congress for the Defense of the People (CNDP) rebel group in January.

- “Prosecution focuses on video evidence,” *Institute of War and Peace Reporting* (<http://www.iwpr.net/?p=acr&cs=f&co=350274&apc=state=henh>)
- “Congo issues new arrest warrant for rebel leader Laurent Nkunda,” *Bloomberg* (<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a1OV27ro3ivY>)
- “Peace before justice, Congo minister tells ICC,” *AFP* (<http://www.monuc.org/News.aspx?newsId=20091>)
- ICTJ Fact Sheet: Who is Bosco Ntaganda? (PDF) (http://www.ictj.org/static/Factsheets/ICTJ_DRC_BoscoNtaganda_fs2009.pdf)

Kenya

After weeks of controversy, a pair of bills that would have established a special tribunal on political violence were defeated. According to Kenya's constitution, the bills cannot be re-introduced in parliament for six months, which made the future for prosecutions uncertain. ICTJ urged the Kenyan government to work closely with civil society and the Annan Mediation Team in redrafting the Special Tribunal bills in coming months.

UN human rights investigator Philip Alston called on the Kenyan president to fire the police chief and the attorney general for failing to act against police who execute criminal suspects and others with impunity. Alston said such executions are not the work of rogue officers but are widespread and carefully planned.

- “Kenya: A faulty legislative process to combat impunity,” ICTJ (<http://ictj.org/en/news/press/release/2294.html>)
- “UN Special Rapporteur on extrajudicial, arbitrary or summary executions Mission to Kenya,” *UNHCHR* (<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/52DF4BE7194A7598C125756800539D79>)
- “Diplomats: Kenya risks descending into violence,” *International Herald Tribune* (<http://www.iht.com/articles/ap/2009/02/26/africa/AF-Kenya-Police-Executions.php>)

Liberia

On Feb. 12, President Ellen Johnson-Sirleaf testified before the TRC. The president apologized for her initial support of Charles Taylor at the early stages of Liberia's 14-year-long civil war, though she denied appearing in combat fatigues among Taylor's fighters, as was claimed at a recent TRC hearing. She condemned Taylor's murderous internal purges and the humanitarian catastrophe that he began through his attacks on civilians.

President Johnson-Sirleaf had earlier declared that she would not appear before the Commission, preferring to reserve her recollections for her memoirs which she will be writing after her retirement. Her appearance was generally welcomed, though it did little to restore sagging confidence in the TRC. The commission's preliminary report generated significant controversy when it was released in late January, with four commissioners publicly disowning it in a letter to the president. In mid-February the report was quietly removed from the TRC's website.

The TRC began separate hearings in mid-February addressing economic crimes such as corruption and the illicit exploitation of natural resources to the country's civil war.

- “Sirleaf ‘sorry’ she backed Taylor,” *BBC* (<http://news.bbc.co.uk/2/hi/americas/7887117.stm>)
- “Liberia's Truth Commission Begins Hearing on Economic Crimes Monday,” *New Liberian* (<http://newliberian.com/?p=690>)

Sierra Leone

On Feb. 25, the UN-backed Special Court for Sierra Leone convicted three rebel leaders of war crimes and crimes against humanity committed during the country's 1991-2002 civil war. Revolutionary United Front commanders Issa Hassan Sesay, Morris Kallon and Augustine Gbao were found guilty of most of the 18 counts against them, including the recruitment of child soldiers. The conviction was the court's third since its establishment in 2002.

The official National Commission for Social Action began interviewing victims of the country's 11-year civil war to determine who should receive reparations payments and in what amount. A comprehensive reparations program was recommended by the 1999 Lomé Peace Agreement and Sierra Leone's TRC Act of 2000.

- "U.N. court convicts S. Leone rebels of war crimes," *Reuters* (http://www.reuters.com/article/homepageCrisis/idUSLPG688235.CH_2400)
- "Sierra Leone War Victims Sign Up for Reparations," *Voice of America* (<http://www.voanews.com/english/2009-02-19-voa30.cfm>)

Sudan

Tensions rose sharply in Sudan in the weeks leading to the expected Mar. 4 ruling by the International Criminal Court on whether to issue an arrest warrant for Sudanese President Omar al-Bashir. Authorities intensified a campaign against opposition groups and civil society aimed at stifling any likely form of support for the action. The ICC prosecutor is seeking a warrant for Bashir on charges of genocide, war crimes and crimes against humanity related to the conflict in Darfur.

On Feb. 12, the Sudanese government and the largest Darfur rebel group, the Justice and Equality Movement (JEM), signed a "goodwill agreement" at talks in Doha, Qatar. The agreement's significance was called into question after reports that the Sudanese military had bombed JEM camps the following day. JEM leader Khalil Ibrahim gave an interview several days later vowing to intensify the war if an ICC warrant doesn't lead to Bashir's arrest.

- "UN Security Council Welcomes Darfur Agreement," *Voice of America* (<http://www.voanews.com/english/2009-02-17-voa66.cfm>)
- "Darfur rebel leader vows to topple President al-Bashir," *The Times* (UK) (<http://www.timesonline.co.uk/tol/news/world/africa/article5792810.ece>)

Zimbabwe

On Feb. 11, Movement for Democratic Change (MDC) leader Morgan Tsvangirai was sworn in as prime minister, ending an 11-month standoff with President Robert Mugabe's ZANU-PF following disputed elections in March 2008. Tsvangirai said he would work to end to political violence in Zimbabwe and promised the release of a group of about 30 high-profile political prisoners. He also said he would work to rebuild the country's shattered economy, which he said could cost up to \$5 billion. Meanwhile, a string of retaliatory attacks by MDC supporters on ZANU-PF officials threatened to strain the two parties' power-sharing agreement.

UN Secretary-General Ban Ki-moon called on Mugabe to free the political prisoners to help "heal the nation."

- "Zimbabwe recovery costs 'massive,'" *BBC* (<http://news.bbc.co.uk/2/hi/africa/7901909.stm>)
- "MDC Supporters Take Revenge," *Institute for War and Peace Reporting* (http://www.iwpr.net/?p=zim&s=f&o=350426&apc_state=henh)
- "UN chief urges release of jailed Zim activists," *Mail and Guardian* (<http://www.mg.co.za/article/2009-02-25-un-chief-urges-release-of-jailed-zim-activists>)

AMERICAS

Argentina

In late February, President Nestor Kirchner signed a bill into law repealing military jurisdiction for crimes committed by members of the military during peacetime. The bill also eliminated the death penalty from the military penal code, as well as the criminalization of homosexuality.

- "El Ejército argentino entra en el siglo XXI," *El País* (http://www.elpais.com/articulo/internacional/Ejercito/argentino/entra/siglo/XXI/elpepuint/20090225elpepuint_15/Tes)

Brazil

The Amnesty Commission of the Brazilian Ministry of Justice granted compensation to 19 people judged to be victims of the military regime in Brazil (1964-1985), including students and professors who were expelled, dismissed or forced to retire. The students will receive 30 times the minimum wage for each year during which they were

persecuted, and their right to complete their studies was restored. Some recipients of reparations were detained for up to 12 years and tortured. The Brazilian Supreme Court will examine the application of the amnesty law after legal actions by Federal Prosecutors in Sao Paulo.

- “Comissão indeniza alunos expulsos durante ditadura,” *Folha* (<http://www1.folha.uol.com.br/folha/brasil/ult96u510689.shtml>)

Colombia

The Colombian High Court overturned a military judge's effort to take control of a trial against Colonel Luis Alfonso Plazas, an army officer accused of involvement in the disappearance of 11 people during the 1985 military assault on the Colombian Supreme Court. ICTJ filed an amicus curiae maintaining that military courts do not have judicial authority over cases involving human rights violations. The trial is scheduled to resume in civil court in March.

In a separate decision, the Constitutional Court struck down laws restricting the rights of lesbian, gay, bisexual and transgendered (LGBT) individuals, ordering the recognition of full civil, political, social and economic equality for same-sex couples. ICTJ had filed an amicus curiae brief urging the court to guarantee that LGBT individuals be recognized as victims and granted reparations in cases of grave human rights violations.

- “Colombia: Court Case Involving Human Rights Violations Not For Military Courts,” ICTJ (<http://ictj.org/en/news/press/release/2285.html>)
- “42 disposiciones modificó la Corte Constitucional para amparar derechos de las parejas gay,” *El Tiempo* (Colombia) (http://www.eltiempo.com/colombia/justicia/ARTICULO-WEB-PLANTILLA_NOTA_INTERIOR-4780782.html)

Peru

With an initial verdict in the trial of former Peruvian President Alberto Fujimori for human rights abuses expected in late March, Fujimori's lawyer complained the trial had been politicized, though international monitors have praised the proceedings for adhering to fair trial standards. Fujimori faces a sentence of up to 30 years in prison if convicted of charges related to the massacre of 25 civilians and two kidnappings during his 1990-2000 presidency.

- “Extradited Fujimori lodges appeal in Peru court over accusations of graft and rights violations,” *Agence France Presse* (<http://www.thejakartaglobe.com/news/world/article/10332.html>)

United States

A call from U.S. Senator Patrick Leahy for a congressional truth commission to investigate allegations of abuses by the Bush administration during the “war on terror” provoked sharp debate. House Speaker Nancy Pelosi insisted on the need for prosecutions and criticized Leahy's proposal as potentially allowing immunity for lawbreakers.

ICTJ and 17 other prominent human rights organizations meanwhile called on President Barack Obama to create a non-partisan commission of inquiry into policies and actions relating to the treatment of detainees since Sep. 11, 2001.

On Feb. 23, a former British resident released from the U.S. military prison at Guantanamo Bay arrived in London and issued a statement alleging the U.S. government subjected him to seven years of “medieval” torture, rendition to secret prisons, and legal limbo.

- “Senate to advance torture commission,” *Salon.com* (http://www.salon.com/news/feature/2009/02/24/torture_commission/)
- “US Accountability: Commission of inquiry into ‘war on terror’ abuses,” ICTJ (<http://ictj.org/en/news/press/release/2305.html>)
- “Freed detainee in U.K. tells of abuse by U.S.,” *Washington Post* (<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/23/AR2009022301200.html>)

ASIA

Afghanistan

In its report *Addressing Gender-specific Violations in Afghanistan*, ICTJ's Afghanistan program provides an overview of three decades of conflict and the complex gender relations in Afghan society. It also offers recommendations on how to address gender-based violence, emphasizing the need for better documentation and the role of civil society in providing support for victims, fostering accountability and promoting reconciliation.

- *Addressing Gender-specific Violations in Afghanistan* (<http://ictj.org/en/news/features/2315.html>)

Cambodia

The first trial by joint UN-Cambodian Khmer Rouge war crimes tribunal, the Extraordinary Chambers in the Courts of Cambodia (ECCC), opened on Feb. 16. The defendant is Kaing Guek Eav, known as Duch, who faces charges of war crimes and crimes against humanity for his alleged role as chief of the notorious S21 detention center, which sent at least 14,000 people to their deaths.

ICTJ's Memory, Memorials and Museums Program released a report on the impact of the public memorial in Choeung Ek, one of Cambodia's notorious "killing fields," where some 20,000 people died under the Khmer Rouge regime. The project, focusing on surveys and interviews of visitors to the site, emphasized the potential of Choeung Ek as a mechanism of transitional justice and reconciliation through education and commemoration.

- "Trial Begins for Khmer Rouge Leader," *New York Times* (<http://www.nytimes.com/2009/02/17/world/asia/17cambodia.html>)
- Q&A: First trial by Cambodia's Khmer Rouge tribunal (<http://ictj.org/en/news/features/2291.html>)
- *Transforming a Legacy of Genocide: Pedagogy and Tourism at the Killing Fields of Choeung Ek* (PDF) (http://www.ictj.org/static/Asia/Cambodia/ICTJBickford_KHM_ChoeungEK_pa2009.pdf)

Nepal

Amid widespread criticism, President Ram Baran Yadav signed bills into law making forced disappearances a crime and creating a Commission to Investigate Disappearances during the country's 10 years of civil conflict. Domestic politicians, civil society and international human rights organisations had raised an outcry when the bills were promulgated without public or parliamentary review.

- "Prez puts stamp on 3 ordinances," *Ekantipur* (<http://ekantipur.com/kolnews.php?&nid=179737>)

Solomon Islands

Solomon Islands Prime Minister Derek Sikua called on South African Archbishop Emeritus Desmond Tutu to assist in setting up a Truth and Reconciliation Commission on the islands. The Solomon Islands government plans to set up the commission to investigate ethnic violence that raged in the islands from 1998 to 2003. Tutu, who was

chairman of South Africa's TRC in the late 1990s, plans to visit the Solomon Islands in April.

- "Tutu to set up TRC on Solomon Islands," *Good News* (South Africa) (http://www.sagoodnews.co.za/south_africa_in_the_world/tutu_to_set_up_trc_on_solomon_islands.html)

EUROPE

Former Yugoslavia

The International Criminal Tribunal for the former Yugoslavia (ICTY) handed down verdicts in cases against former Serbian President Milan Milutinovic and five former top Serbian officials related to an alleged campaign of terror and violence directed against Kosovo Albanians and other non-Serbs in Kosovo during 1999. Milutinovic was acquitted of charges of crimes against humanity, while the five officials were convicted and received sentences of between 15 and 22 years in prison for various charges related to "the deportation and forcible transfer of several hundred thousand people, as well as the murder and persecution of thousands of Kosovo Albanians," according to a court statement.

At a conference in Belgrade focusing on European integration and transitional justice, ICTJ Europe Director Dick Oosting argued that the EU needed to form a strategy on transitional justice that will deal with traumatic legacies of the past in order to build a stable future. Oosting said that special attention should be given to victims and survivors, and that only a comprehensive approach—one not limited to the prosecution of war crimes—will rebuild trust between citizens and the state.

- "Kosovo trial clears Serbia leader," *BBC* (<http://news.bbc.co.uk/2/hi/europe/7911761.stm>)
- "The EU's transitional justice strategy: gaps and opportunities," ICTJ (http://www.ictj.org/static/Europe/Belgrade_seminar_090207.pdf)

MIDDLE EAST AND NORTH AFRICA

Lebanon

The Special Tribunal for Lebanon in the Hague, which is trying suspects in the killing of former Lebanese Prime Minister Rafik Hariri, officially opened on Mar. 1. In opening remarks, Prosecutor Daniel Bellemare called the court the world's "first international anti-terrorist tribunal." Hariri was killed with 22 others in a massive car bomb that targeted his convoy in Beirut on Feb. 14, 2005.

- "Hariri trial opens in the Hague," *Daily Star* (Lebanon) (http://dailystar.com.lb/article.asp?edition_id=1&catid=2&article_id=99761)

THEMATIC REPORT

Reparations

From Feb. 12-14 in Rabat, Morocco, the Consultative Council on Human Rights of Morocco and the International Center for Transitional Justice held a joint International Meeting on Collective Reparations. The meeting brought together participants from Peru, Colombia, Liberia, Sierra Leone, Indonesia (Aceh) and Timor Leste to share their experiences, debate best practices, and generate new ideas to meet the numerous challenges of collective reparations. February 2009 marked a year and a half since the Moroccan government launched a community reparations program.

Security Sector Reform

The Legacy of Four Vetting Programs: An Empirical Review, written by ICTJ's Security Sector Reform program and Caspar Fithen, assessed the legacies of vetting programs in Bosnia and Herzegovina, Liberia, Hungary and the Czech Republic during the 1990s and early 2000s. The review offers recommendations on how to improve the quality of post-conflict reconstruction and post-authoritarian transition mechanisms.

- *The Legacy of Four Vetting Programs: An Empirical Review* (PDF) (<http://www.ictj.org/images/content/1/2/1276.pdf>)

CALENDAR AND COURSE OFFERINGS

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March 4:
**Announcement of decision on
prosecutor's request for arrest warrant
for Sudanese President Omar Al-Bashir**

*International Criminal Court
The Hague, Netherlands
For more information, contact Laurence
Blairon: laurence.blairon@icc-cpi.int*

March 4:
**Conference "The Challenges of Peace and
Justice in Africa" - keynote speaker: ICTJ
President Juan E. Méndez**

*Geneva Centre for Security Policy
Geneva, Switzerland
For more information, contact:
gpp@gcsp.ch*

March 5:
**ICTJ/Initiative for Peacebuilding round
table "Justice in Peacebuilding"**

*Martin's Central Park, Brussels, Belgium
For more information, contact Thomas Unger:
tunger@ictj.org*

March 12-14:
**ICTJ/Stanford Law Essentials Course in
Transitional Justice**

*Stanford Law School, Palo Alto, California
For more information, visit: <http://www.ictj.org/en/workshops/courses/index.html>*

March 30:
**Conference "Healing the Wounds:
Speech, Identity, and
Reconciliation in Rwanda"**

*Cardozo School of Law, New York
For more information, contact Sheri P.
Rosenberg: sprosenb@yu.edu <http://www.ictj.org/en/workshops/fellowships/ottawa/index.html>*

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Date TBA:
**ICTJ Bogotá launch event for guidelines
on representing victims within
framework of Peace and Justice Law**

*Bogotá, Colombia
For more information, contact María Cristina
Rivera: mrivera@ictj.org*

Making a Difference

ICTJ needs your support to help societies address the past as they emerge from conflict, to give them a better chance for a decent future and a lasting peace. Since 2001 ICTJ has worked in more than 35 countries, partnering with justice and truth-seeking institutions, local civic groups, governments and international organizations.

At ICTJ, we help local actors use transitional justice tools to heal the wounds of the past. We also collaborate with like-minded institutions to build the field of transitional justice. Sixty years after the landmark judgment of the International Military Tribunal at Nuremberg, we co-convened a conference entitled “Building a Future on Peace and Justice” in Nuremberg in June 2007 to seek ways in which peace and justice can be pursued simultaneously. Attended by more than 300 dignitaries and practitioners from more than 80 countries, including representatives from governments, local and international NGOs, and academia, the Nuremberg conference was the largest ICTJ-organized gathering to date.

Building a Future on Peace and Justice, a recently released book based on the conference, collects the speeches, essays and case studies presented there, providing a comprehensive overview of international legal norms. It also illustrates challenges facing the field of peace building, particularly the real and perceived tensions between sustaining peace and pursuing justice. Finally, it presents case studies in which holistic approaches to transitional justice were able to overcome these tensions.

The book includes pieces by International Criminal Court Chief Prosecutor Luis Moreno-Ocampo, UN Secretary-General Ban Ki-moon, Jordanian Minister of Justice Sharif Al-Jubi, as well as ICTJ Prosecutions Program Director Marieke Wierda, Research Unit Director Pablo de Grieff, Associate Catalina Diaz and Program Associate Thomas Unger. Copies of *Building a Future on Peace and Justice* are available [here](#).

ICTJ provides expertise that transforms the lives of victims and creates healthy judicial systems and sustainable societies. International demand for our assistance increases each year, and your support has never been more important. Learn more at www.ictj.org/support or contact MaryClaire Brooks, Director of Individual Giving, at 917-637-3844, or mbrooks@ictj.org.



Opening ceremony of the “Building a Future on Peace and Justice” conference in Nuremberg’s Higher Regional Court in June 2007. In the back row, ICTJ President Juan E. Méndez is fourth from the right. International Criminal Court chief prosecutor Luis Moreno-Ocampo is fifth from the left.

About ICTJ

The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ, headquartered in New York, has offices in Beirut, Bogotá, Brussels, Bujumbura, Cape Town, Dili, Geneva, Jakarta, Kathmandu, Kinshasa and Monrovia.

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