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When the Hard Work Starts

Interview with Galuh Wandita, Senior Associate, ICTJ Jakarta

Q. You've nearly completed a comprehensive study of truth and accountability measures in the years since the end of the Suharto regime in 1998. Does Indonesia's experience offer any lessons for countries in other parts of the Muslim world that are undergoing unexpected transitions?

A. Looking at the recent images on TV of Egypt and Tunisia, it reminds me of that time for Indonesia, that period of optimism that doesn't come very often in a people's history. But after you depose a dictator, that's when the hard work starts.



Indonesia's transition began in 1998. Thirteen years down the road, the real issues of justice and accountability for past crimes are far from being addressed. There were three separate incidents when students were shot at peaceful demonstrations in 1998 and 1999. The commanders responsible for these killings still haven't been brought to court.

That's an important message amid the transitions in the Middle East and North Africa right now: although these events are intense and inspiring and speak to human strength and determination against all odds, there's hard work in front of you. The lesson from Indonesia is that you actually have to push as hard as you can during the beginning.

The international community also has a role in pushing for justice and accountability during times of transition, because the people who are in the middle of it can't always see the full picture. That's one of the mistakes the international community has made in relationship to Indonesia. In the case of trials around the violence in East Timor in 1999, for example, the international community said, "If we push too hard, the transition might falter in Indonesia, so we'll let Indonesia run a domestic trial." There was an opportunity lost there.

Another message is that the window of opportunity that's now opening in some of these areas such as Egypt and Tunisia—it closes. Cronyism, cynicism, and apathy set in. Now that you're in this incredible moment, you have to seize the momentum to make sure that meaningful institutions of accountability are set up.

Q. Your study talks about three periods, starting with the initial hopeful period of "reformasi" from 1998 to 2000. What was most hopeful about that period, and what positive steps were taken then?

A. A key moment was a political commitment by the upper house of parliament to pursue truth and justice. They passed a resolution calling for a just solution in areas where conflict was still taking place, and they also committed to establishing a truth commission. The resolution stated clearly that the state had committed human rights violations, and the government had to take concrete measures to address that.

At the same time, the new president, B.J. Habibie, allowed a referendum on independence to be held in East Timor. Then in 2000, as a result of international pressure, Indonesia established what was called a human rights court: a court that had jurisdiction over international crimes as the Rome Statute defines them, crimes against humanity and genocide.

Q. Where did the breakdown happen?

A. We found that as a legacy of the past, the judiciary was so weak and corrupt that it couldn't really deliver justice. There's been a 100 percent acquittal rate for all of the people tried for human rights abuses

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since the end of the Suharto regime. In total, 34 people were tried in Indonesia's human rights court for crimes that happened in East Timor in 1999, a massacre in North Jakarta in 1984, and attacks in Abepura (Papua) in 2000. Sixteen were acquitted in the initial trials, and all 18 initial convictions were overturned on appeal. That's a pretty clear sign of a system that is too broken to deliver justice.

The other big disappointment concerned the truth commission law. It wasn't until 2004 that a law was finally passed to actually establish the commission, and by this time, it had some articles that were very concerning. One was that victims would receive reparations only if the perpetrators received amnesty for their crimes. Linking those two is obviously problematic, and under international law, giving amnesty to people who've committed international crimes is very questionable.

Some victims' groups and civil society organizations contested the law in constitutional court and in December 2006, the court decided that those articles were indeed unconstitutional. But instead of just changing those articles, the court tossed out the entire law. In a way we had a legal victory, but as a result we wound up without any truth commission law at all.

Currently there's a new draft that's been prepared by the government, but it may take a long time for parliament to pass the new law. For victims who have already been waiting these 13 years, it has been very frustrating—particularly for victims of the atrocities that took place in early days of Suharto's struggle for power in 1965–66. Many of those victims, if they're still alive, are in their 70s or 80s.

Q. Can you sum up the study's most important conclusions?

A. The core finding of our study is that weak institutions for accountability lead to the repetition of abuse. There has been a systemic failure over the last 13 years to achieve any kind of accountability for past crimes in Indonesia. There has been impunity for crimes committed during military action in Papua and in Aceh in the past, but there were also new cases of torture by the military in Papua last year.

It's very concerning that these patterns are continuing. When you have impunity for abuses that have happened in the past, they risk being repeated. That's part of the reason why transitional justice is so relevant, both in places that are entering transitions right now and in places where transitions happened years ago but abuses continue.

Q. Where are the prospects for progress today?

A. I think there have been some shows of leadership by the current administration. There has been some discussion of how, in their words, to "provide rehabilitation and restitution for victims." There has also been some discussion with civil society organizations and victims'

groups around setting up a truth commission or a committee for restitution and rehabilitation. However none of this talk has yet been implemented, and victims are getting weary.

In our study's recommendations, we urge the leadership of Indonesia to take action. There's a chance that this might happen, but both civil society in Indonesia and the international community have to do more to ensure that Indonesia makes good on its promises.

Another of our recommendations is that Indonesia has to act on promises it made six years ago regarding truth commissions and a human rights court. There's been a lot of stalling since then. The international community needs to remind Indonesia of its promises.

Q. How does the international community walk the line between pushing for accountability and respecting the sovereignty of countries in transition?

A. It's a difficult question, and it's a difficult line to walk. There's no one formula. The international community needs to not look at countries it's dealing with as one homogenous entity. It really depends on the context of country in question.

The main issue is that sometimes you have to go out of your comfort zone and push a bit more. The case of Aceh is a perfect example: Indonesia already signed a peace agreement. It made a political commitment—now the issue is simply one of implementation. Some people think that the Aceh peace process is complete, but that's not how the victims feel. There's more work for the international community to do: pushing, questioning, even hand-holding the Indonesian government to make sure that it keeps its promises.

Q. Are there places you see signs of hope?

A. Certainly. It's important to understand that the picture's not all bleak, and that's something we note in the study. There have been some interesting examples of state institutions pushing for some degree of accountability. One example is the reports by the women's commission that documented gender-based abuse that happened in 1965–66, and in Papua, Aceh, and some other conflict areas in Indonesia. It's an example of how when other roads are blocked, a creative institution can, within its mandate, do some of the work of acknowledging the truth.

Another example is the early work of the National Human Rights Commission. The commission began pushing for accountability in the early days of the reformation. It prepared five cases to go to the attorney general's office—even though they're now being blocked by that office. Ultimately, it's really the work of civil society groups that's kept accountability for past crimes on the agenda. ♦

AFRICA

African Union

At a Jan. 29–30 summit, the African Union (AU) rejected further work toward the establishment of an International Criminal Court (ICC) liaison office in Addis Ababa, where the AU is headquartered. Thirty-one African countries are member states of the ICC, but the AU has often come in conflict with the court. At its annual summit, the AU also resolved to ask the UN to suspend ICC proceedings against six Kenyans accused of inciting post-election violence in 2007.

- “African Union Refuses ICC Office, Slams Prosecutor,” *Hirondelle News* (<http://www.hirondellenews.com/content/view/14002/564/>)

Burundi

The political and security situation in Burundi is continuing to deteriorate due to ongoing conflict between the ruling Conseil National pour la Défense de la Démocratie et Forces de Défense de la Démocratie (CNDD-FDD) and opposition parties, International Crisis Group (ICG) warned in a new report. After the CNDD-FDD won landslide victories in the May 2010 elections, opposition parties including the Forces Nationales de Libération cried fraud, though the elections were certified fair by outside observers. The current political impasse threatens to undermine a decade of democratic progress in the country, ICG said.

- “Burundi: From Electoral Boycott to Political Impasse,” *International Crisis Group* (<http://www.crisisgroup.org/en/regions/africa/central-africa/burundi/169-burundi-from-electoral-boycott-to-political-impasse.aspx>)

Central African Republic

The UN Mission to the Central African Republic (CAR) reported success in recent efforts to combat violence against women. The mission set up a special humanitarian police force that works in refugee camps and comprises 10 percent women. Deputy Special Representative of the UN mission to CAR Rima Salah said that the female police officers have encouraged more women to report cases of sexual violence, leading to more prosecutions, particularly in mobile courts.

- “Humanitarian police in C.A.R. protect women,” *UN Radio* (<http://www.unmultimedia.org/radio/english/detail/114219.html>)

Cote d’Ivoire

Human Rights Watch revealed details of killings, rapes and torture allegedly committed by the security forces of President Laurent Gbagbo, and said it had evidence of an organized campaign of violence that targets members of opposition political parties and specific ethnic

groups. ICC Chief Prosecutor Luis Moreno-Ocampo said he had opened an investigation into attacks on UN peacekeepers.

- “Gbagbo forces accused over killings, rapes in I. Coast,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5irN6l4d4S7kMPLADzZDhBalkfHzw?docId=CNG.66611c06a3acd7de23902bf90fe8c74c.12d1>)

Democratic Republic of Congo

In a landmark mass rape trial this month, 47 women testified against 11 military officers who stand accused of rape and crimes against humanity for events that took place in the eastern town of Fizi on Jan. 1. The case is part of Congo’s efforts to increase access to justice for victims of sexual violence. On Feb. 14, the UN held a training for magistrates, police officers, and court prosecutors on how to investigate crimes of sexual violence.

- “DRC judicial officers train on sexual violence crimes,” *Africa Review* (<http://www.africareview.com/News/DRC+judicial+officers+train+on+sexual+violence+crimes/-/979180/1108758/-/souplew3z/-/>)
- “Fizi Diary: Justice Comes to the ‘Rape Capital of the World,’” *Open Society Foundation* (<http://www.reliefweb.int/rw/rwb.nsf/db900sid/ADGO-8E6R8P?OpenDocument&cc=cod>)

Kenya

On Feb. 15, 29 of Kenya’s political parties announced a joint resolution in support of a local tribunal to deal with cases stemming from the 2007 post-election violence. The parties favor a local tribunal over action by the ICC. On Jan. 28, Kenya secured the support of the AU Council of Ministers in asking the UN Security Council to request that the ICC defer the case against six prominent Kenyans accused of inciting violence. The parties called on the Kenyan Parliament to establish a tribunal to try the suspects, and also asked the government to contribute to a mass education effort to clarify the tribunal process for Kenyan citizens.

Nobel Laureate Wangari Mathai launched a civil society campaign to collect one million signatures by Feb. 28 in support of the ICC process. U.S. Ambassador Michael Ranneberger also made it clear that his government supports the ICC as a forum for seeking accountability for post-election crimes.

“Kenya political parties back local tribunal,” Kenya Broadcasting Corporation (<http://www.kbc.co.ke/news.asp?nid=68923>)

- “Kenya wins round as AU buys motion,” *The Standard* (<http://www.standardmedia.co.ke/sports/InsidePage.php?id=2000027788&cid=4>)
- “Civil society in bid to block ICC deferral,” Capital FM (<http://www.capitalfm.co.ke/news/Kenyanews/Civil-society-in-bid-to-block-ICC-deferral-11576.html>)

- “Ranneberger explains why U.S. supports the Hague Process,” *The Standard* (<http://www.standardmedia.co.ke/InsidePage.php?id=2000028944&catid=4&a=1>)

Liberia/Sierra Leone

On Feb. 8, Charles Taylor’s defense attorney walked out of the UN Special Court for Sierra Leone, calling it a “farce.” The attorney objected to the judges’ lack of response to a motion that challenged the court’s independence. The defense had filed the challenge after leaked diplomatic cables from Wikileaks suggested the U.S. might attempt its own prosecution of Taylor. Taylor is charged with 11 war crimes for atrocities committed in Sierra Leone by the Liberian-backed Revolutionary United Front (RUF) rebels between 1991 and 2001. Arguments in the trial closed Feb. 11, and a judgment from the court is expected later this year.

- “Charles Taylor fails to return to war crimes tribunal after lawyer row,” *The Telegraph* (<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sierraleone/8311185/Charles-Taylor-fails-to-return-to-war-crimes-tribunal-after-lawyer-row.html>)

Rwanda

Rwandan opposition leader Bernard Ntaganda was sentenced on Feb. 11 to four years in prison for “endangering state security” and “harboring ethnic divisionism.” Ntaganda is the leader of the PS-Imberakuri party and had considered a run for president against Rwandan President Paul Kagame, but was arrested June 24, the day to register for candidacy. He was accused of criticizing an economic program and Rwanda’s special genocide courts. Amnesty International objected to the sentence, saying Ntaganda was a victim of the misuse of post-genocide anti-hate speech laws, and that Kagame’s government had “criminalized peaceful dissent.”

- “Opposition Leader in Rwanda is Sentenced to 4 Years,” *New York Times* (http://www.nytimes.com/2011/02/13/world/africa/13rwanda.html?_r=2&sq=rwanda&st=cse&adxnml=1&scp=2&adxnmlx=1298044846-vGE3FOi7WYpP/Aqf98fy2Q)

Sudan

Senior officials reported over 200 people dead and 20,000 displaced in clashes between the south Sudanese army and the followers of a renegade general in Jonglei state. The majority of victims were civilians, who attempted to escape two days of fighting on Feb. 9–10, just after the certification of South Sudan’s secession referendum. The attacks from the rebel army broke a ceasefire that had been signed prior to the referendum. Officials from South Sudan’s ruling party accused northern authorities of aiding the rebels.

On Feb. 16, the UN’s peacekeeping mission in Darfur (UNAMID) announced it had secured permission from the Sudanese government to

move freely and without restrictions in the region. UNAMID no longer has to wait for clearance from the government, but must inform it of any plans to move its operations.

- “South Sudan clashes force 20,000 to flee: official,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5haSqr-d2jxQdv4isxZ24ZpmNjYQ?docId=CNG.9e7fe2533379600587a5ef13cdfb59e7.c61>)
- “Darfur peacekeepers have new approach to protecting civilians,” *Sudan Tribune* (<http://www.sudantribune.com/Darfur-peacekeepers-have-new,38020>)

Uganda

In a Feb. 18 vote, President Yoweri Museveni, who has been in power for the past 25 years, was re-elected to a fifth term. Museveni received 68 percent of the vote. After the election results were announced on Feb. 20, Ugandan police chief Kale Kayihura immediately threatened a crackdown on any street protests that might contest the vote. But on Feb. 24, opposition candidate Kizza Besigye claimed the voting was rigged and called for peaceful protests of the election results. Besigye received 26 percent of the vote. In his campaign, he asserted only electoral fraud would deprive him the presidency and asked supporters to prepare to contest the election results.

- “Uganda opposition urges post-poll protests,” *AFP* (<http://www.google.com/hostednews/afp/article/ALeqM5i6mu2bTr8uoPzFFtJeVtAj-pH74A?docId=CNG.9fa1ad68e35f7997bfe4b91388f9a522.371>)

AMERICAS

Argentina

Evidence of the use of rape as a tool of state terrorism under Argentina’s 1976–83 military dictatorship has come to light in the Mendoza trials, where 10 defendants stand accused of killings and disappearances. Prosecutor Pablo Salinas stressed the importance of the testimonies of victims of rape by members of the Mendoza police’s Department of Intelligence. The trials have also seen testimony on the direct involvement of judges and prosecutors in state terrorism during Argentina’s Dirty War.

- “Mendoza: denuncian violaciones como herramienta de terrorismo de Estado durante la dictadura,” *Telam* (<http://www.telam.com.ar/vernota.php?tipo=N&idPub=212978&id=403804&dis=1&sec=1>)

Brazil

On Feb. 24, the chairman of Brazil’s Bar Association sent a letter to President Dilma Rousseff demanding the government comply with a sentence handed down last November by the Inter-American Court of Human Rights. *Gomes Lund vs. Brazil* sought justice for the disappearance of nearly 70 people under the military dictatorship. The

Brazilian Supreme Court ruled on Sep. 30, 2010, that those accused of the disappearances were covered under the 1979 Amnesty laws. But the Bar Association said that as a member of the American Convention on Human Rights, Brazil agrees to the jurisdiction of the Court, and must accept its ruling as binding.

- “OAB: Dilma tem que cumprir sentença para apurar as violações da ditadura,” *OAB* (<http://www.oab.org.br/noticia.asp?id=21468>)

Chile

On Feb. 20, Chilean courts ruled that the questioning of witnesses could begin in an investigation into the death of former president Salvador Allende. Allende was long believed to have committed suicide as Popular Unity troops entered the Presidential Palace in Augusto Pinochet’s 1973 military coup. Human rights groups, however, have suggested that Allende may have been assassinated, and say the suicide story has prevented a proper investigation.

- “Confirman inicio de interrogatorios por muerte de Salvador Allende,” *Prensa Latina* (http://www.prensa-latina.cu/index.php?option=com_content&task=view&id=265670&Itemid=1)

Colombia

Colombia’s Senate debated which victims should receive reparations under the country’s Victims’ Law. Five of the law’s six proponents said reparations should extend retroactively to include crimes committed in the 1980s, while the sixth, Senator Roy Barreras, said such a law would not be fiscally viable. Senators also disagreed on which institution should be in charge of administering reparations—the office of the vice president or a new, autonomous body.

On Feb. 17, former paramilitary Alirio Antonio Ayala López, alias “Fred,” was sentenced to 40 years in prison for 12 killings in the township of El Pueblito in 1999. Ayala López had entered a plea agreement, but the judge chose to impose the maximum sentence, saying that the multiple homicide was a crime against humanity and a shorter sentence would violate the rights of the victims.

- “Fecha de reparación a víctimas: En centro del debate en el Senado,” *Radio Santa Fe* (<http://www.radiosantafe.com/2011/02/21/fecha-de-reparacion-a-victimas-en-centro-del-debate-en-el-senado/>)
- “40 años de cárcel para paramilitar por masacre de 12 personas en Antioquia,” *Radio Santa Fe* (<http://www.radiosantafe.com/2011/02/17/40-anos-de-carcel-para-paramilitar-por-masacre-de-12-personas-en-antioquia/>)

El Salvador

On Feb. 16, the government of El Salvador and veterans of the governing Frente Farabundo Martí para la Liberación Nacional (FMLN) met to discuss public policy toward veterans of El Salvador’s

1980-1992 civil war. The president’s Technical Secretary Alex Segovia announced a census of veterans would be taken, and measures directed at supporting them would benefit a group whose efforts for peace had been “marginalized.” He said the government would also provide care for war-disabled veterans and their families.

- “Realizará gobierno salvadoreño censo a excombatientes del FMLN,” *Provincia* (<http://www.provincia.com.mx/16-02-2011/135654>)

Guatemala

On Feb. 24, a coalition of human rights and religious groups marched in the country’s capital to commemorate the victims of the 1960-1996 civil conflict. The “Day of Dignity” for victims of the armed conflict has been observed each February since it was approved by Congress in 2004. March organizers said they planned to call on the government to enact a comprehensive reparations program for victims.

- “Guatemala conmemorará con una marcha el día de la dignificación de las víctimas de la guerra,” *Que* (<http://www.que.es/ultimas-noticias/espana/201102211947-guatemala-conmemorara-marcha-dignificacion-victimas-efe.html>)

Honduras

The Commission of Truth and Reconciliation established in the wake of the 2010 coup that ousted President Manuel Zelaya delivered an ambiguous verdict on Feb. 24. Commission President Eduardo Sten said there was constitutional justification for removing Zelaya as president, but to force him from the country without trial violated his human rights.

- “La verdad, de la comisión de la verdad,” *La Prensa* (<http://www.laprensa.hn/Ediciones/2011/02/17/Opinion/La-verdad-de-la-comision-de-la-verdad>)

Paraguay

Civil society organizations plan to distribute the report of the Commission of Truth and Justice, which treats human rights violations under the dictatorship of Alfredo Stroessner, in Paraguay’s middle schools. The organizations leading the project signed an agreement on Feb. 21 with the Ministry of Education to collaborate in helping students and teachers analyze the report.

- “Verdad y Justicia, en colegios,” *ABC Digital* (<http://www.abc.com.py/nota/verdad-y-justicia-en-colegios/>)

Uruguay

On Feb. 22, the Uruguayan parliament reopened debate on the Limitation Act, an amnesty law that prevents punishment of human rights violations committed during the 1973–1985 dictatorship. Human rights groups say repealing the law is the only way to ensure

justice. Last year, the ruling Frente Amplio party introduced an initiative for a new interpretation of the law that would allow judges to investigate crimes committed during the dictatorial regime without waiting for approval by the executive branch. The initiative is stuck in the senate because three lawmakers oppose the law's annulment. The government is promoting the initiative in order to prevent action by the Inter-American Court of Human Rights, which will soon make a ruling on the disappearance of María Claudia Irureta Goyena.

- “Un largo debate sobre la amnistía,” *Página 12* (<http://www.pagina12.com.ar/diario/elmundo/4-162813-2011-02-22.html>)

ASIA

Burma

On Jan. 27, the UN Human Rights Council's Universal Periodic Review addressed the human rights situation in Burma. In response to well-documented allegations of human rights violations, including torture, forced labor and arbitrary arrests, the regime denied the allegations and claimed that impunity for human rights abuse does not exist in the country. The regime also issued blanket denials of the use of landmines and the detention of over 2,000 political prisoners, whom they claimed were common criminals. The denials help strengthen the call for the UN to initiate a commission of inquiry.

- “Myanmar faces flak over rights record,” *AFP* (http://news.yahoo.com/s/afp/20110127/wl_asia_afp/unrightsmyanmar)

Indonesia

On Feb. 21, the Jayapura Military Court sentenced three low-ranking officers of the Indonesian Army (TNI) to 8–10 months in prison on “insubordination” charges for the torture of two native Papuans in May 2010. Human rights activists and the international community were disappointed with the verdicts and called the rulings a “miscarriage of justice.” They urged the government, including the president, the Defense Ministry, and the Attorney General's office, to bring the case to a civilian court. In a speech to leaders of the TNI and the national police, President Susilo Bambang Yudhoyono referred to the torture as “a minor incident.”

On Feb. 10, ICTJ, civil society groups, the National Commission on Violence Against Women, and LKK (Creativity for Humanity Institute) launched a documentary film entitled “Plantungan,” which chronicles the stories of five women who were imprisoned in Plantungan during the Soeharto era. Plantungan is a women's prison in Central Java that held about 500 women political detainees during the 1965 atrocities. The event that included the showing of the film and a public debate was attended by about 400 people, including survivors, civil society

members, and high school students. The film was produced by LKK and Tapol, a UK-based human rights NGO based in London.

- “Papua ruling blasted as ‘miscarriage of justice,’” *Jakarta Post* (<http://www.thejakartapost.com/news/2011/01/25/papua-ruling-blasted-miscarriage-justice.html>)

Nepal

With the exit of Nepal's UN Mission on Jan. 24, the Maoist PLA in seven cantonments formally came under the control of the Special Committee for the Supervision, Integration, and Rehabilitation of Maoist Combatants. The committee is a national body that includes representatives from all three major parties—Nepali Congress, UML and UCPN (Maoists). The government and the Maoists, however, have yet to agree on the specifics of integration and rehabilitation.

The UN Human Rights Council's Universal Periodic Review (UPR) held its session on Nepal on Jan. 25. The Government stressed that it is human rights friendly and is committed to ending impunity. However, submissions from non-governmental organizations pointed out that very little has been done to address the issue of impunity. Establishment of transitional justice mechanisms to address the conflict was also discussed, with the Government reiterating its commitment to these mechanisms. Others have described the UPR session as a “human rights fantasy.”

- “No humiliating integration: PLA commanders,” *Repubblica* (http://www.myrepublica.com/portal/index.php?action=news_details&news_id=27519)
- “Human rights fantasy in Geneva,” *The Kathmandu Post* (<http://www.ekantipur.com/the-kathmandu-post/2011/02/16/oped/human-rights-fantasy-in-geneva/218520.html>)

Bangladesh

On Feb. 2, the High Court in Dhaka denied a plea to bring 195 Pakistani Army personnel to trial for war crimes. The High Court rejected a writ petition to bring former Pakistani prisoners of war to Bangladesh to stand trial at the International War Crimes Tribunal. These 195 POWs were held in India in 1971 during the liberation war and were repatriated after the signing of the Shimla treaty between India and Pakistan in 1972.

- “Dhaka court rejects plea on ‘war criminals’ in Pakistan,” *Thaindian News* (http://www.thaindian.com/newsportal/south-asia/dhaka-court-rejects-plea-on-war-criminals-in-pakistan_100497140.html)

Solomon Islands

On Jan. 27, the police announced a planned reconciliation ceremony with the families of three people who were killed during police

operations during the tensions at the Gold Ridge area. The TRC is mediating between the police and the communities at Gold Ridge.

- “People will reconcile with Gold Ridge communities,” *Solomon Star* (<http://www.solomonstarnews.com/news/national/9974-police-will-reconcile-with-gold-ridge-communities>)

Thailand

Amid challenges to its investigative powers, Thailand’s TRC began conducting public hearings on Feb. 1 to continue investigations into the violence surrounding protests in April and May 2010. It is anticipated that around 11 public hearings will be conducted before the end of April.

On Jan. 31, a Canadian lawyer submitted a 250-page application to the ICC requesting an investigation into crimes against humanity in Thailand. The application, filed on behalf of Thailand’s National United Front for Democracy against Dictatorship (UDD), claims that depositions made under oath by Thai military officials contain incriminating evidence. It also claims that even though Thailand is not a party to the Rome Statute, the ICC has jurisdiction over a case against the current prime minister, Abhisit Vejjajiva, on the grounds that he allegedly has British citizenship.

- “TRC steps up protest deaths investigation,” *Bangkok Post* (<http://www.bangkokpost.com/news/politics/219404/trc-steps-up-protest-deaths-investigation>)
- “Red Shirt lawyer asks ICC to probe ‘crimes against humanity’ in Thailand,” *MCOT* (http://www.mcot.net/cfcustom/cache_page/163434.html)

Timor-Leste

On Feb. 14, the National Parliament voted to further postpone the debate of two bills that would establish a national reparations program and an institute to oversee implementation of key truth commission recommendations. Legislators who are veterans of the Timor-Leste resistance and the opposition party Fretilin are opposing the two laws. Victims’ groups reacted to the lack of action with anger and disappointment.

- “Timor-Leste: Parliament Denies Victims Justice Again,” ICTJ (<http://ictj.org/en/news/press/release/4443.html>)

MIDDLE EAST/NORTH AFRICA

Algeria

On Feb. 22, Algerian officials adopted an order to lift the country’s 19-year-old state of emergency. At weekly rallies, protestors have been demanding an end to the government’s emergency powers. Other

demands have included better living conditions, more freedoms, and in some cases, an end to the government of current president, Abdelaziz Bouteflika. Security forces have arrested hundreds of protesters since early January.

- “Algeria repeals emergency law,” *Al-Jazeera* (<http://english.aljazeera.net/news/middleeast/2011/02/2011223686267301.html>)

Bahrain

Ongoing demonstrations in Bahrain intensified after two protestors were killed in mid-February. Police forces attempted to remove protestors camped out in Manama’s Pearl Square in a raid, using tear gas and firing into the crowd, but protestors returned within days. Large rallies have also been held by pro-government demonstrators. Officials have freed dozens of political prisoners and said they would permit peaceful demonstrations and investigate the deaths of some protestors. King Hamad bin Issa al-Khalifah shuffled his cabinet on Feb. 26, but has not fired the prime minister as protestors have demanded. Opposition groups say they will refuse to enter dialogue with the ruling family until it accepts the principles of constitutional monarchy.

“Bahrain: Allow medical care, investigate attacks on medics,” HRW (<http://www.hrw.org/en/news/2011/02/18/bahrain-allow-medical-care-investigate-attacks-medics>)

“Bahrain frees political prisoners,” *Al-Jazeera* (<http://english.aljazeera.net/news/middleeast/2011/02/20112238343514111.html>)

Egypt

Following weeks of popular protests across the country, most visibly in Cairo’s Tahrir Square, Egyptian President Hosni Mubarak stepped down on Feb. 12. He handed power over to the Supreme Council of Armed Forces. In the wake of his departure, officials announced the decision to dissolve the unrepresentative parliament and promised to speed up the constitutional reforms required to ensure free and fair elections. However, concerns remain about broader issues such as the continuation of the state of emergency and the detention of political prisoners.

- “Egypt crisis: President Hosni Mubarak resigns as leader,” *BBC* (<http://www.bbc.co.uk/news/world-middle-east-12433045>)
- “Justice is central to the future of the new Egypt and Middle East,” *Al-Ahram* (<http://english.ahram.org.eg/News/6271.aspx>)

Israel/Occupied Palestinian Territory

After a five-day visit in early February, UN High Commissioner for Human Rights Navi Pillay raised concerns about human rights violations in Israel and the Occupied Palestinian Territory, including the overarching problem of impunity. Pillay noted that officials and members of the security and military forces in Israel/OPT, including

the de facto authorities in Gaza, have been violating international human rights law for years with no accountability. She said that the “culture of impunity” has led to more abuses, stirred anger and resentment, and impeded efforts towards peace. On Feb. 18, the United States vetoed a UN Security Council resolution that condemned Israeli settlements as an obstacle to peace. All 14 other Security Council members had approved the resolution.

- “Opening remarks by the UN High Commissioner for Human Rights at press conference in Jerusalem,” Office of the High Commissioner for Human Rights (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10721&LangID=e>)
- “Israeli settlements: US vetoes UNSC resolution,” *BBC* (<http://www.bbc.co.uk/news/world-middle-east-12512732>)

Libya

Protests raged throughout Libya amid brutal crackdowns, and several cities came under control of anti-government protestors. Tripoli appeared to remain in the hands of the country’s ruler Colonel Muammar Gaddafi. Security forces and mercenaries reportedly opened fire on civilians, and hundreds of people have been killed. The UN Security Council condemned the use of force, voting unanimously to impose sanctions and referring the matter to the International Criminal Court. European Union officials have indicated support for a UN-led investigation into the violence.

- “UN Security Council votes sanctions on Gaddafi,” *BBC* (<http://www.bbc.co.uk/news/world-africa-12589434>)
- “Global community isolates Gaddafi,” *Al-Jazeera* (<http://english.aljazeera.net/news/europe/2011/02/201122313501843624.html>)

Morocco

On Feb. 20, thousands of Moroccans demonstrated nationwide in favor of political reform and social rights. The protesters have not called for the removal of King Mohammed VI, but for a new constitution that would curb his powers. Police did not interfere with the Feb. 20 protests, but used violence to disperse protesters at demonstrations in following days.

- “Morocco: Thousands march for reform,” *HRW* (<http://www.hrw.org/en/news/2011/02/20/morocco-thousands-march-reform>)

Tunisia

The interim Tunisian government sought the extradition of ousted President Zine al-Abidine Ben Ali, who fled the country to Saudi Arabia in mid-January. Although presidential elections should be held in six months, protests erupted again Feb. 6, as demonstrators raised concerns about the scope of reforms thus far. In the wake of protests that left several people dead in Tunis, interim Prime Minister Mohammed Ghannouchi resigned on Feb. 27.

- “Fresh violence erupts in Tunisia,” *Al-Jazeera* (<http://english.aljazeera.net/news/africa/2011/02/201126185250639125.html>)
- “Tunisia seeks Ben Ali extradition from Saudi Arabia,” *BBC* (<http://www.bbc.co.uk/news/world-africa-12520040>)

Yemen

Although President Ali Abdullah Saleh promised that he would not run in the 2013 elections or hand power over to his son, Yemenis continued to protest in Sana’a and other cities throughout the country. Several people have been killed and many more injured in clashes between pro- and anti-government supporters, as well as attempts by security forces to stop the demonstrations. Seven members of the president’s ruling party in government have resigned in protest against the violence used to quell protests. On Feb. 28, the president said he would accept opposition members in a new government, but protesters continued to demonstrate in the capital, calling for him to step down.

- “Protestors attacked as Yemen steps up crackdown,” *Amnesty International* (<http://www.amnesty.org/en/for-media/press-releases/protesters-attacked-yemen-steps-crackdown-2011-02-18>)
- “Yemen protest: Ruling party MPs resign over violence,” *BBC* (<http://www.bbc.co.uk/news/world-middle-east-12557617>)

PUBLICATIONS

We Can’t Be Sure Who Killed Us: Memory and Memorialization in Post-conflict Northern Uganda

As part of the Justice and Reconciliation Project, ICTJ released this report examining the role of memorials in transitional justice processes. A research team traveled to the Acholi and Lango subregions of northern Uganda and spoke with a total of 280 participants in activities memorializing several massacres committed during fighting between the Ugandan government and rebels of the Lords Resistance Army. The report offers recommendations to those planning memorial activities on how to achieve the highest impact.

- “We Can’t Be Sure Who Killed Us: Memory and Memorialization in Post-conflict Northern Uganda,” ICTJ (http://www.ictj.org/static/Publications/ICTJ-JRP_UGA_Memorialization_pb2011.pdf)

CALENDAR

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March 1

Premiere: La Toma (The Siege), at the Cartagena International Film Festival

Cartegena, Colombia

For more information, visit:

http://ficcifestival.com/int_peli.php?id=154@a=Fuera%20de%20Concurso

March 2–4

Workshop: Security Sector Governance Capacity Building, co-organized with the Moroccan Advisory Council for Human Rights

Agadir, Morocco

For more information, contact Julie Guillerot at jguillerot@ictj.org

March 4

Report: Memory and Memorialisation

Gulu, Uganda

For more information contact Michael Otim at motim@ictj.org

March 8

Knitting Memories, Demanding Rights: The Scarf of Hope Movement in Post-War Peru

New York, NY

For more information, see <http://ictj.org/en/news/event/4464.html>

March 11–12

Seminar: Post Truth Commission Processes, co-organized with the Moroccan Forum for Truth and Justice and the Foundation Friedrich Erbert

Rabat, Morocco

For more information, contact Julie Guillerot at jguillerot@ictj.org

March 23–24

Expert Meeting: Children and Transitional Justice

New York, NY

For more information, contact Valerie Waters at vwaters@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