

SEPTEMBER 2010

## New Directions, New Challenges

Interview with Kofi Appenteng, ICTJ Board Chair

**Earlier this year ICTJ bid a sad farewell to Dr. Alex Boraine, outgoing Board Chair and one of ICTJ's founders, who is now serving as Chair of the Mauritius Truth and Justice Commission. Kofi Appenteng was elected board chair in May 2010.**

**Q: Tell us a bit about your background. How did you come to be interested in ICTJ's work?**



A. I was born in Ghana, did my elementary and secondary education in England and then came to the United States to go to Wesleyan University. From there I decided to study law at Columbia University and began a career as a corporate lawyer in 1984.

Although working with businesses was interesting, early on I found a need to balance it by working in the nonprofit sector. I initially tried pro bono work, but found it much more satisfying to work with nonprofits as a board member, which enabled me to engage more directly with the challenges nonprofits face as they try to fulfill their missions. I've always been interested in international affairs, and through it, became committed to human rights work. I joined ICTJ's board about three years ago, and serve on or chair those of several other organizations, including that of the Ford Foundation.

**Q. Why is transitional justice important, and more specifically, the work of ICTJ?**

A. Transitional justice is important because it brings together different but important tools for addressing past abuse. It wasn't so long ago

that people dismissed truth commissions as just poor substitutes for prosecutions—it's now accepted that both measures have vital roles to play. Transitional justice offers ways for communities to face issues from their past which, if left unresolved and unrecognized, are likely to hamper the development of their societies.

ICTJ's work is particularly important because of its global reach. As far as I'm aware, ICTJ is the only transitional justice group that has truly global knowledge and programming. It therefore holds a very special position in the field. Based on the research we did for our strategic plan, others think so too.

**Q: You became chair just as ICTJ welcomed its incoming President, David Tolbert. What are the key issues you've had to address?**

A. ICTJ has faced testing times—the demand for ICTJ's work was very strong; we grew quickly, and that created financial and organizational pressures. But we've moved quickly to confront them while focusing strongly on keeping our program expertise. In recent months we've improved financial staffing and systems, built a new program office, and developed new leadership and board structures. It's been hard work but it's now exciting to see the underlying vision and quality of the organization come back to the fore.

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**Q: You and David are building a new, smaller governance board, while also creating an advisory board under Richard Goldstone's leadership. What are you trying to achieve?**

A. ICTJ's accomplished a great deal. It had only two presidents before David, Juan Mendez and Alex Boraine. The whole board has the utmost respect for the very high quality of work that's been done in the past 10 years.

The board, working closely with David, decided to adapt our governance structures to today's realities. We're a larger organization than we were 10 years ago, and we're operating in an environment where funds are more scarce. We're seeking to create active, focused board leadership—not to get involved with programming, but to absolutely ensure we fulfill our governance and stewardship functions.

Our advisory board will enable us to retain the tremendous knowledge and insights of the many global experts who serve on it. We're very grateful Richard Goldstone agreed to lead it, and we'll be working with him to ensure that members contribute their insights to our activities, programming, and future strategy.

Overall, ICTJ is changing from a period of fast growth into a more mature organization. It's a rewarding time to be involved, especially with the vigor and determination that David and his team have displayed since he came on earlier this year.

**Q. ICTJ will celebrate its 10-year anniversary this coming spring. What do you think ICTJ's main achievements have been to date?**

A. At the broadest level, I think our real contribution has been to make communities more aware of the different tools available to them to address past injustice. Before ICTJ came along there were a lot of local actors who were struggling—often in isolation from others—to try to address these issues. What ICTJ has done is enabled these local actors to benefit from the experience of a global actor, and one who connects them to networks they can then strengthen on their own.

ICTJ has also played an important role in how people think about justice, and the policies they put in place as a result. Instead of pursuing just a truth commission, for example, and thinking that will be enough, people are now realizing that you can and should pursue additional measures. That's a very important change.

Without a doubt we've also done very fine work on the ground. For example, look at our work in Kenya in the period immediately following the post election violence. (Editor: ICTJ supported Kenyan

civil society efforts to advocate for an international response to the violence and was invited by the Annan mediation team to advise on the establishment of Kenya's Truth Justice and Reconciliation Commission.) I was very excited about the outstanding contributions ICTJ recently made at the ICC review conference in Kampala, and I think we're planning some very interesting follow up work on complementarity.

**Q. Looking ahead, what would you like to see ICTJ achieve, and what do you see to be the challenges and opportunities ICTJ faces in the coming years?**

A. In addition to the governance and other changes that we've already put in place, we would like to see ICTJ focus on problems more deeply, rather than increasing the number of issues we work on. I'm delighted that our program leaders Hanny Megally and Lisa Magarrell are already moving in this direction, and look forward very much to developments to come.

In the next few years we'll also be working to ensure a solid, diversified funding base. Demand for our services will probably continue to grow, and so our principal challenge will be learning how to say no to things and ensure we keep within our resource limits. We are going to have to be more selective in what we do, which will take discipline—but it's not a bad problem to have.

In ten years ICTJ has come very far, and we're excited about building on that history. There will be a lot of great things ahead. ♦

## AFRICA

### DRC/CAR

The International Criminal Court (ICC) ordered the unconditional release of former Congolese militia leader Thomas Lubanga from custody Jul. 14, after the Trial Chamber halted the trial Jul. 8 on grounds that the prosecutor did not obey court orders to disclose certain information to the defense. Lubanga is accused of war crimes, including the conscription and use of children under the age of 15 in hostilities.

On Jul. 23 the prosecution filed appeals against the stay of proceedings and the release order, and on Aug. 6 requested appeals judges to grant an application by victims' lawyers to participate in the appeals process, including oral hearings. Lubanga will remain in custody until a final decision on the appeal is reached.

A report by the UN High Commissioner on Human Rights (UNHCHR) was leaked to press Aug. 26. The report reportedly details mass human rights abuses and war crimes that occurred in the DRC in the 1990s, resulting in "probably several tens of thousands" of deaths. The report asserts that Rwandan Tutsi troops massacred Hutu refugees in Congo, a claim dismissed by the Rwandan government, who has threatened to withdraw peacekeeping troops from Sudan if the report is published. The report is scheduled to be made public Oct. 1.

The trial of Jean-Pierre Bemba, former DRC vice-president charged with alleged war crimes committed by troops in the Central African Republic (CAR) under his command, was postponed from Jul. 5, pending a motion by the defense to suspend the proceedings.

- "Court orders release of former Congo warlord Lubanga," *Reuters* (<http://uk.reuters.com/article/idUKTRE66E5UZ20100715>)
- "Victims Ask to Take Part in Lubanga Release Appeal," *AllAfrica* (<http://allafrica.com/stories/201008060315.html>)
- "UN to release Congo 'genocide' report in October," AP (<http://www.google.com/hostednews/ap/article/ALeqM5i5i2gv3p3AXg5dZJtPZWfFXM93LwD9HVTHG80>)
- "DRC: International justice denied?" *IRIN* (<http://www.irinnews.org/Report.aspx?ReportId=90140>)

### Kenya

Kenya voted for a new constitution in a referendum Aug. 4, and promulgated it Aug. 27. Changes to the constitution include measures

to address the root causes of the post-election violence that occurred after the 2007 presidential elections, including the establishment of a bill of rights and the opening of the governance structure to greater citizen participation. The new constitution, if followed by direct action, will improve Kenya's prospects for democracy, justice and respect for human rights, ICTJ said.

On Aug. 27, the Kenyan government invited Sudanese President Omar al-Bashir, subject to two ICC arrest warrants, to the constitution promulgation ceremony and, despite being a State Party to the Rome Statute, made no attempt to arrest him. ICTJ and other organizations condemned the failure to arrest al-Bashir.

- "Kenya: New Constitution Major Step Towards Justice," ICTJ (<http://www.ictj.org/en/news/press/release/3953.html>)
- "Sudan leader defies arrest warrant, visits Kenya," *AP* (<http://www.google.com/hostednews/ap/article/ALeqM5hj-2B3Qw3azisvSZQnF-3Uts7iyQD9HRVBK00>)

### Liberia

On Aug. 13, Liberian President Ellen Johnson Sirleaf nominated seven candidate commissioners to the Independent National Commission on Human Rights (INCHR), mandated in 2003 to promote and protect human rights in post-conflict Liberia, and to monitor the implementation of the recent TRC recommendations. This is the second round of nominations; the senate rejected six candidates in Feb. 2010. Moving forward with the appointment process is an important step in promoting and protecting human rights, ICTJ said.

- "Liberia: Senate Should Act on New Human Rights Commissioners," ICTJ (<http://www.ictj.org/en/news/press/release/3982.html>)

### South Africa

ICTJ submitted an amicus curiae brief in *The Citizen v. McBride* case on behalf of relatives of apartheid victims. On Sep. 30, the Constitutional Court of South Africa will evaluate a previous decision by the Supreme Court of Appeals that ruled that applying a description of "murderer" to anyone given amnesty under the Truth and Reconciliation Commission (TRC) constituted defamation. The brief argues that such a ruling goes against the TRC process implemented earlier and restricts freedom of expression.

- "Written Arguments of Fourth and Fifth Amici Curiae," ICTJ ([http://www.ictj.org/static/Publications/ICTJ\\_ZA\\_AmicusBrief\\_McBride\\_July2010.pdf](http://www.ictj.org/static/Publications/ICTJ_ZA_AmicusBrief_McBride_July2010.pdf))

### Sudan

The Pre-Trial Chamber of the ICC issued a second arrest warrant for Sudanese President Omar al-Bashir Jul. 12, this time for the crime of genocide. This is the first time genocide has been charged before the ICC. The Chamber held that there are reasonable grounds to believe al-Bashir is responsible for three counts of genocide committed against the Fur, Masalit and Zaghawa ethnic groups.

Despite two pending ICC arrest warrants, al-Bashir traveled to Chad Jul. 21 and Kenya Aug. 27, both states parties to the Rome Statute. He also attended a discussion on the conflict in Darfur in Libya Aug. 4. At a summit meeting Jul. 19–27, the African Union urged its members not to arrest al-Bashir, holding that the warrants complicate efforts to reach peace, justice and reconciliation in Sudan.

- “Q&A: ICC Arrest Warrant Charging Genocide Issued for President al-Bashir,” ICTJ (<http://www.ictj.org/en/news/features/3899.html>)
- “Chad refuses to arrest Sudan’s al-Bashir,” *CBC News* (<http://www.cbc.ca/world/story/2010/07/21/chad-sudan-bashir.html>)
- “Kenya president ratifies new constitution,” *BBC News* (<http://www.bbc.co.uk/news/world-africa-11106558>)

### Uganda

On Jul. 11 Uganda became the 28th country to ratify the Maputo Protocol, formally the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa. The Protocol guarantees political, social, economic and cultural rights, frames reproductive health as a right, and provides a legal framework for addressing gender inequality.

- “Uganda: Country Ratifies Protocol on African Women Rights,” *AllAfrica* (<http://allafrica.com/stories/201008031178.html>)

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## AMERICAS

### Argentina

The second trial of former Argentine military ruler Jorge Videla opened Jul. 2 for the murders of over 30 political prisoners during Argentina’s 1976–1983 “Dirty War.” Twenty other former government officials are also defendants in this trial, all accused of human rights violations. A life sentence for torture and murder against Videla was pardoned in 1990 under a presidential decree, but the pardon was overturned by the Supreme Court in 2007, clearing the way for new cases to be brought against him.

During his trial Aug. 26, former Marine Antonio Pernías admitted the use of “death flights” during the 1976–1983 dictatorship. Pernías is on trial with 18 other defendants for crimes against humanity committed at the ESMA Navy Mechanics School, a former torture and detention center used by the dictatorship.

An Argentine court sent over 1,000 forensic samples from suspected remains of missing persons to a lab in the U.S. for identification. Over 15,000 people are thought to have been disappeared during the five year dictatorship; so far 181 have been identified by the Latin American Initiative for the Identification of Missing Persons.

- “Videla trial opens in Argentina,” *BBC News* (<http://www.bbc.co.uk/news/10496171>)
- “Ex marino argentino reconoce existencia de “vuelos de la muerte” en dictadura,” *Agencia EFE* ([http://www.google.com/hostednews/epa/article/ALeqM5jji2pd5Q7MIHB5m4wZ9hU1p\\_mH5A](http://www.google.com/hostednews/epa/article/ALeqM5jji2pd5Q7MIHB5m4wZ9hU1p_mH5A))
- “Argentina envía más de mil muestras a EE.UU. para identificar desaparecidos,” *Agencia EFE* (<http://www.google.com/hostednews/epa/article/ALeqM5hZDiaeLZIB54MEu0RbB-BzrXtEng>)

### Brazil

On Aug. 26 the House of Representatives began evaluating a proposal to revise the country’s 1979 amnesty law, which provides full amnesty for all crimes committed during the military dictatorship of 1964–1985. The revision, drafted by the Brazilian Bar Association (OAB) and introduced by congresswoman Luciana Genro, argues that crimes such as torture, sexual abuse of prisoners, murder and disappearances committed by state or military officials cannot be considered political crimes. A similar proposal was rejected by the Supreme Court Apr. 29.

On Aug. 12 an administrative tribunal decided to review and reverse a significant portion of the reparations granted by the Amnesty Commission of the Ministry of Justice, arguing “inconsistencies” in the sums granted. The chair of the Amnesty Commission criticized the decision as a serious step backward in the political transition in Brazil. Since 2002, the government of Brazil has granted individual compensation to 9,371 persons certified as victims of the 1964–1985 military dictatorship, for a total amount of USD\$ 2.2 billion. The Ministry of Justice has appealed the decision.

- “Ditadura militar: projeto permitirá julgamento de torturadores,” *Vermelho* ([http://www.vermelho.org.br/noticia.php?id\\_secao=1&id\\_noticia=135788](http://www.vermelho.org.br/noticia.php?id_secao=1&id_noticia=135788))

- “Revisão das indenizações a anistiados é golpe contra democracia,” *Vermelho* ([http://www.vermelho.org.br/noticia.php?id\\_secao=1&id\\_noticia=134977](http://www.vermelho.org.br/noticia.php?id_secao=1&id_noticia=134977))

### Colombia

Jul. 22 marked the fifth anniversary of the Justice and Peace Law, which offers paramilitaries reduced prison sentences in return for cooperation with the criminal investigation process. The armed conflict between government forces and the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) remains ongoing, however. In a recent report, The UN estimated that more than 7,500 people have been displaced in 2010 alone.

On Aug. 26 former paramilitary commanders in detention under the JPL sent a letter to José Miguel Insulza, Secretary General of the Organization of American States (OAS), requesting OAS involvement in the justice and peace process. The letter claims that thousands of paramilitaries wish to demobilize but have lost confidence in the current process.

On Aug. 25 President Juan Manuel Santos agreed to include land restitution as one of the clauses in the Victims' Law, a bill introduced in Colombia's Congress in 2007 providing for a system of redress to victims of human rights abuses committed during the past 40 years of conflict. This measure would allow for persons displaced by conflict to return to land they previously owned.

- “Conflicto armado en Colombia ha dejado más 7.500 desplazados en lo que va de año: ONU,” *El Espectador* (<http://www.elespectador.com/noticias/paz/articulo-220722-conflicto-armado-colombia-ha-dejado-mas-7500-desplazados-va-de-ano-onu>)
- “Ex paramilitares piden intervención de OEA en proceso de paz,” *Caracol Radio* (<http://www.caracol.com.co/nota.aspx?id=1349440>)
- “Santos aceptó incorporar restitución de tierras a Ley de Víctimas,” *El Espectador* (<http://www.elespectador.com/articulo-220876-santos-acepto-incorporar-restitucion-de-tierras-ley-de-victimas>)

### Honduras

Following the death of journalist Israel Zelaya Aug. 25, National Human Rights Commissioner Ramón Custodio urged government authorities to investigate ongoing crimes committed against journalists, reportedly including kidnapping, torture and selective assassinations. Allegations of targeted violence against reporters and journalists have been widespread since the military coup on Jun. 28, 2009, which

ousted Manuel Zelaya from presidency. A report released in March by the Inter-American Commission on Human Rights (IACHR) places the responsibility for ending the violence with the new government.

- “CONADEH condena asesinato y pide investigar crímenes contra periodistas,” *Proceso Digital* (<http://proceso.hn/2010/08/25/Nacionales/27270.html>)

### Peru

Peru marked the seventh anniversary of the publication of the TRC Final Report Aug. 25. The TRC was mandated in 2001 to investigate human rights abuses committed during the 1980–2000 armed conflict between state forces and the Shining Path guerilla group. To mark the day ICTJ, with support from the European Union and Luxembourg, organized a series of public events in which national and international transitional justice experts shared experiences of historical memory and reparations initiatives.

- “Piden al Gobierno peruano un mensaje pro DDHH para superar las secuelas del conflicto,” *Agencia EFE* (<http://www.google.com/hostednews/epa/article/ALeqM5iBx5yuA8wvHrohOw-AMf1RcFkzNQ>)

### United States

The American Civil Liberties Union (ACLU) filed a lawsuit Aug. 18 against the CIA, FBI and other federal intelligence agencies on behalf of American citizen Naji Hamdan, who was allegedly detained and tortured in the United Arab Emirates. The suit alleges that American agencies colluded in Hamdan's detention in a secret military prison and illegal interrogations conducted by United Arab Emirates security forces.

On Aug. 4, a Canadian judge refused to extradite Abdullah Khadr, a Canadian citizen, to the U.S. for trial on terrorism charges on the basis that incriminating statements he made in Pakistan were the result of torture and the U.S. had no credible evidence on which to try Khadr.

- “ACLU sues over detention in United Arab Emirates,” *AP* (<http://www.google.com/hostednews/ap/article/ALeqM5hk1l6hCGtaZX5LJwGd5wFmt8v2dQD9HMB8JO0>)
- “Canadian judge rejects US request to extradite Canadian on terrorism charges,” *AP* (<http://www.washingtonexaminer.com/world/99962524.html>)



### ASIA

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#### Bangladesh

On Aug. 2 Bangladesh's war crimes tribunal ordered the imprisonment of four top leaders of the Jamaat-e-Islami party on charges of war crimes—including genocide, murder rape and torture—committed during the 1971 Bangladesh independence conflict. This is the first ruling of the tribunal, established by the International Crimes Tribunal Act of 1973 to investigate the conflict between East and West Pakistan that may have killed between one and three million people. The accused have filed applications seeking stays on future proceedings, which the tribunal is scheduled to hear Sep. 21.

- “Bangladesh: Bringing a Forgotten genocide to Justice,” *Time* (<http://www.time.com/time/world/article/0,8599,2008085,00.html>)

#### Burma

On Aug. 13 the Election Commission announced that the first parliamentary elections in Burma since 1990 will take place Nov. 7. Earlier this year the National League for Democracy (NLD), the leading party in opposition to the ruling military junta, chose to disband rather than accept flawed election laws. Their leader, Aung San Suu Kyi, remains under house arrest as one of over two thousand imprisoned political opponents.

On Aug. 18 a senior U.S. administration official announced that the United States supports the creation of an international commission of inquiry into alleged war crimes and crimes against humanity committed by the junta against Burmese civilians. U.S. State Department spokesman Philip Crowley also said the U.S. would consider increasing the existing economic sanctions against Burma to leverage for democratic change.

The leader of a large brigade has led a defection from the Democratic Karen Buddhist Army (DKBA) in opposition to joining the government armed forces as a Border Guard Force. Colonel Saw Lah Pwe is responsible for approximately 1,500 troops, who are expected to join forces with the Karen National Liberation Army (KNLA) against the junta forces.

- “Reclusive Myanmar sets date for elections,” *Reuters* (<http://ca.reuters.com/article/topNews/idCATRE67C0HO20100813>)
- “U.S. backs inquiry into Myanmar war crimes charges,” *Reuters* (<http://www.reuters.com/article/idUSN18217465>)

- “Fresh DKBA troops reject junta Border Guard Force,” *Mizzima* (<http://www.mizzima.com/news/inside-burma/4234>)

#### Cambodia

On Jul. 26 the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) delivered its first verdict, finding Kaing Guek Eav, alias Duch, guilty of crimes against humanity and grave breaches of the Geneva Conventions. Duch was sentenced to 35 years in prison for his role as the former director of the S-21 detention and torture center under the Khmer Rouge regime of 1975–1979. This verdict is an important but partial victory for victims of the regime and the ECCC, as many of the claims for reparations made by victims were not met, ICTJ said.

- “Cambodia: First Verdict A Victory But Some Victims Left Disappointed,” ICTJ (<http://www.ictj.org/en/news/press/release/3919.html>)

#### Indonesia

Aug. 15 marks the fifth anniversary of the signing of the Helsinki Memorandum of Understanding (MoU) that ended more than 30 years of conflict between government forces and the Free Aceh movement (GAM), during which over 15,000 people were killed, and hundreds of thousands displaced. Despite some development efforts and assistance to victims groups, little government action has been taken to establish a truth and reconciliation commission or a human rights court as set out in the agreement, ICTJ said.

- “Aceh: Five Years after Helsinki, Victims Wait for Justice,” ICTJ (<http://www.ictj.org/en/news/press/release/3968.html>)

#### Philippines

On Jul. 19 Filipina women who were forced to provide Japanese soldiers with sexual services before and during World War II asked the Philippine Supreme Court to reconsider an earlier decision against compelling the government to seek reparations from Japan on their behalf. On Apr. 28 the court dismissed a case by a group of some sixty former “comfort women” requesting reparations and a formal apology from the Japanese government. ICTJ called on the Philippines government to support this call for justice.

President-elect Benigno Aquino announced on Jun. 29 the establishment of a commission to investigate allegations of rights abuses and corruption committed by the previous administration.

- “Filipina ‘Comfort Women’ Deserve Political Support,” ICTJ (<http://www.ictj.org/en/news/press/release/3911.html>)
- “Philippines’ Aquino sets up ‘truth commission,’” *Reuters* (<http://in.reuters.com/article/idINIndia-49743820100629>)

### Solomon Islands

The Solomon Islands TRC held its third regional hearing in the Western and Choiseul Provinces in Gizo Jul. 13–15. Over the course of the three day hearings, 33 victims of the 1998–2003 ethnic tensions testified. The first and second hearings were held on May 25 in Malatia and June 23–25 in Guadalcanal, respectively.

- “Truth is the key to reconciliation: Fr Ata,” *Island Sun* (<http://www.islandson.com.sb/index.php/latest-news/latest-news/947>)

### Sri Lanka

The Commission on Lessons Learnt and Reconciliation, appointed by President Mahinda Rajapaksa to investigate events that occurred between 2002 and 2009 in the Sri Lankan civil conflict, was formally inaugurated Aug. 11. International organizations and some governments, including the UN and the U.S. government, have criticized the commission’s mandate for not including the investigation of widespread allegations of war crimes committed by both sides of the conflict. In a letter to U.S. Secretary of State Hillary Clinton, 56 congress members called on the U.S. to support the call for an international and independent commission of inquiry.

- “Sri Lanka’s Commission convenes as US calls for independent investigations,” *TamilNet* (<http://www.tamilnet.com/art.html?catid=13&artid=32384>)

### Thailand

The government of Thailand has set up a truth commission to examine the political conflict that occurred during April and May of this year, which resulted in the deaths of 90 people and the arrests of hundreds. On Jul. 6, the Thai Cabinet acknowledged the selection of eight commissioners to serve on the independent commission, under the chairmanship of former Attorney-General Dr. Kanit Na Nakron.

- “Kanit: Independent fact-finding commission seeks reconciled society within two years,” *MCOT* ([http://www.mcot.net/cfcustom/cache\\_page/75712.html](http://www.mcot.net/cfcustom/cache_page/75712.html))

### Timor-Leste

On Jul. 6–7, parliament held public hearings to consider draft laws on the establishment of an “Institute for Memory” and a national reparations program, to address abuses that occurred during the brief civil war and subsequent 1975–1999 Indonesian occupation of Timor. These laws implement in part the recommendations made in the 2005 Commission for Reception, Truth and Reconciliation (CAVR) and the 2008 Truth and Friendship Commission (CVA) reports. ICTJ provided a detailed submission to parliament on both laws, highlighting potential issues and suggesting revisions.

- “Timor-Leste: Draft Laws on a National Reparations Program and an Institute for Memory,” ICTJ (<http://www.ictj.org/en/news/features/3933.html>)

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## EUROPE

### The Former Yugoslavia

The 15th anniversary of the 1995 massacre of over 8,000 men and boys in and around the town of Srebrenica by Serbian forces was commemorated Jul. 11. More than 700 newly identified victims were buried at the Potočari cemetery and memorial, a ceremony attended by top international officials including Serbian President Boris Tadic.

On Aug. 20, the Dutch public prosecutor’s office announced it will launch an inquiry into the actions of the Dutch UN peacekeeping forces in Srebrenica in 1995, following a formal complaint made by relatives of victims of the massacre against three top Dutch commanders. The complainants hold that the UN peacekeepers were complicit in the massacre, having turned refugees who sought protection in the UN-guarded Potočari compound over to the Serbian forces.

- “Victims buried as Bosnia marks Srebrenica anniversary,” *BBC News* (<http://www.bbc.co.uk/news/10589614>)
- “Dutch to probe Srebrenica massacre,” *Al Jazeera* (<http://english.aljazeera.net/news/europe/2010/08/201082017131395913.html>)

### MENA

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#### Algeria

On Aug. 11 Algerian authorities brutally broke up the weekly protest families of the “disappeared” have held for 12 years in front of Algeria’s official human rights body in Algiers. The families have been prevented from gathering again in the following weeks. Algeria’s decade-long conflict in the 1990s, known as the “dirty war,” has left hundreds of thousands affected and thousands “disappeared.” So far, no serious measures have been taken by the authorities to address the legacy of the conflict.

- “Les mères de disparus sauvagement dispersées,” *SOS Disparus on Algeria Watch* ([http://www.algeria-watch.org/fr/mrv/mrvrepr/repression\\_meres\\_disparus.htm](http://www.algeria-watch.org/fr/mrv/mrvrepr/repression_meres_disparus.htm))

#### Lebanon

The Lebanese parliament approved a bill Aug. 12 which grants Palestinian refugees the same rights to work as other foreigners. An estimated 400,000 Palestinian refugees from the 1948 and 1967 Arab-Israeli wars currently reside in Lebanon where their status has long been a point of contention.

On Aug. 17, Hezbollah submitted a dossier to Lebanon’s state prosecutor providing material it claims to constitute evidence of Israel’s involvement in the 2005 killing of former Premier Rafik Hariri. The material was then transferred to the Office of the Prosecutor of the Special Tribunal for Lebanon (STL) that had requested the information following a presentation by Hezbollah Secretary General Hassan Nasrallah arguing Israel was behind the assassination.

- “Lebanon Gives Palestinians New Work Rights,” *New York Times* (<http://www.nytimes.com/2010/08/18/world/middleeast/18lebanon.html?ref=world>)
- “The Office of the Prosecutor of the Special Tribunal for Lebanon requests additional information and evidence held by the Secretary General of Hezbollah,” *Special Tribunal for Lebanon* (<http://www.stl-tsl.org/sid/196>)
- “Mirza receives Hizbullah data, transfers to Bellemare,” *Daily Star* ([http://dailystar.com.lb/article.asp?edition\\_id=1&category\\_id=2&article\\_id=118304#axzz0wxHDB200](http://dailystar.com.lb/article.asp?edition_id=1&category_id=2&article_id=118304#axzz0wxHDB200))

#### Israel/Occupied Palestinian Territory

On Aug. 2 UN Secretary-General Ban Ki-moon announced the creation of a panel of inquiry to investigate a raid by Israeli commandos of a Gaza-bound aid flotilla on May 31, during which nine activists were killed. The panel is headed by former New Zealand Prime Minister Geoffrey Palmer and vice-chaired by former Colombian President Alvaro Uribe. The two other members of the panel are representatives of Israel and Turkey.

On Aug. 9–11, the Israeli prime minister, defense minister and military chief appeared before an Israeli government appointed commission charged with investigating whether Israel’s raid on the Gaza-bound flotilla was in conformity with international law. He declared that Israel “acted under international law” when it intercepted the flotilla.

U.S. Secretary of State Clinton announced Aug. 20 that Israelis and Palestinians have agreed to resume direct peace talks. The Israeli Prime Minister Benjamin Netanyahu and Palestinian Authority President Mahmoud Abbas have been invited to Washington on September 2, 2010 to start the negotiations.

- “U.N. panel on Gaza flotilla incident begins work,” *Reuters* (<http://www.reuters.com/article/idUSTRE6794YP20100810>)
- “Raid was lawful, Netanyahu tells Gaza flotilla inquiry,” *BBC News* (<http://www.bbc.co.uk/news/world-middle-east-10910082>)
- “Israel and the Palestinians to resume direct talks,” *BBC News* (<http://www.bbc.co.uk/news/world-middle-east-11042430>)

#### Iraq

U.S. President Barack Obama confirmed Aug. 2 that all U.S. combat troops would be withdrawn from Iraq by Aug. 31, 2010. Approximately 50,000–65,000 American troops will remain in Iraq until the end of 2011 as Advise and Assist Brigades to the Iraqi forces during the transition period.

- “President Obama confirms Iraq troop withdrawal,” *BBC News* (<http://www.bbc.co.uk/news/world-us-canada-10844473>)



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## PUBLICATIONS

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#### **Fighting Past Impunity in Bangladesh:**

##### **A National Tribunal for the Crimes of 1971**

This ICTJ briefing paper provides background on and analysis of the International Crimes Tribunal recently established in Bangladesh, a domestic court with a mandate to prosecute Bangladeshi collaborators involved in atrocities that occurred during the 1971 conflict. The tribunal provides an opportunity for domestic justice for the victims of these crimes. However, certain factors, such as the independence of the process, the limits on the rights of suspects/accused, and the lack of experience in investigations and prosecutions must be carefully monitored to ensure that it meets international standards.

- “Fighting Past Impunity in Bangladesh: A National Tribunal for the Crimes of 1971,” ICTJ ([http://www.ictj.org/static/Publications/ICTJ\\_BGD\\_NationalTribunal\\_pb2010.pdf](http://www.ictj.org/static/Publications/ICTJ_BGD_NationalTribunal_pb2010.pdf))

#### **The Need for Accountability:**

##### **The Helsinki Memorandum Five Years On**

For the fifth year anniversary of the Memorandum of Understanding, ICTJ prepared a fact sheet discussing the successes and challenges of implementing the agreement over the past five years. The fact sheet highlights the transitional justice elements agreed on in Helsinki and the lack of political will thus far in executing them, opening the possibility to further violence. Despite the lack of government activity in instituting reforms, civil society has been active in documenting human rights violations and introducing draft laws to the Aceh parliament to push forward the truth-seeking process and create a truth commission.

- “The Need for Accountability: The Helsinki Memorandum Five Years On,” ICTJ ([http://www.ictj.org/static/Factsheets/ICTJ\\_ID\\_AcehMoU\\_fs2010.pdf](http://www.ictj.org/static/Factsheets/ICTJ_ID_AcehMoU_fs2010.pdf))
- Also available in Indonesian ([http://www.ictj.org/static/Factsheets/ICTJ\\_ID\\_AcehMoU\\_fs2010\\_Ind.pdf](http://www.ictj.org/static/Factsheets/ICTJ_ID_AcehMoU_fs2010_Ind.pdf))

#### **Myanmar: Submission to the Universal Periodic Review of the UN Human Rights Council 10th Session**

This ICTJ UPR submission is based on research conducted by ICTJ in 2008 and 2009 on impunity in Myanmar/Burma, as well as developments in the last six months. It analyzes the 2008 constitution as it relates to Burma’s treaty obligations under international conventions, and asserts that the new constitution, rather than being

a true catalyst for lasting democratic change, perpetuates the existing culture of impunity through a blanket amnesty for serious human rights crimes committed by junta members.

- “Myanmar: Submission to the Universal Periodic Review of the UN Human Rights Council 10th Session,” ICTJ ([http://www.ictj.org/static/UPR/UPR\\_Myanmar\\_ICTJ\\_July2010\\_Eng.pdf](http://www.ictj.org/static/UPR/UPR_Myanmar_ICTJ_July2010_Eng.pdf))
- Also available in Burmese ([http://www.ictj.org/static/UPR/UPR\\_Myanmar\\_ICTJ\\_July2010\\_Burmese.pdf](http://www.ictj.org/static/UPR/UPR_Myanmar_ICTJ_July2010_Burmese.pdf))

#### **Chega! An Illustrated Version of the Commission for Reception, Truth and Reconciliation Final Report**

President Jose Ramos-Horta launched an illustrated version of the CAVR final report to celebrate the 11th anniversary of Timor-Leste’s Aug. 30 independence vote. The five-part illustrated series was designed by ICTJ, the Post-CAVR Technical Secretariat and INSIST Press. *Chega!* is a simplified version of the CAVR final report and is written in the local Tetum, designed to make the CAVR’s message of nonviolence, accountability and reconciliation accessible to a general population.

- “Timor-Leste: Illustrated Version of Truth Report Launched,” ICTJ (<http://www.ictj.org/en/news/press/release/4030.html>)

#### **That Someone Guilty Be Punished**

In this publication, produced by the Open Society Justice Initiative and ICTJ, Professor Diane F. Orentlicher looks at the effects and effectiveness of the ICTY, including lessons to improve future efforts to provide justice for survivors of atrocious crimes. Based on hundreds of hours of interviews, Orentlicher examines the impact of the Tribunal through the words and experiences of those in whose name the Tribunal was established: the victims and survivors.

- “That Someone Guilty Be Punished,” OSJI ([http://www.ictj.org/static/Publications/Orentlicher\\_BiH\\_OSJI-ICTJ\\_ThatSomeoneGuilty\\_pb2010.pdf](http://www.ictj.org/static/Publications/Orentlicher_BiH_OSJI-ICTJ_ThatSomeoneGuilty_pb2010.pdf))

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**September 7**

**A Critical Assessment of 40 Truth Commissions and the State of Transitional Justice**

New York, NY

For more information, visit

<http://www.ictj.org/en/news/event/3993.html>

**September 9**

**Sudan at a Critical Juncture: Panel discussion and Occasional Paper Launch**

New York, NY

For more information, visit

<http://www.ictj.org/en/news/event/4034.html>

**September 12–13**

**Economic Crimes and Transitional Justice**

Essex, UK

For more information, contact Ruben Carranza at [rcarranza@ictj.org](mailto:rcarranza@ictj.org)

**September 16**

**Public Discussion: Is Transitional Justice a Tool of Conflict Prevention?**

Geneva, Switzerland

For more information, visit

<http://www.ictj.org/en/news/event/4042.html>

**September 16–19**

**Shaping the Future of Transitional Justice: Growing Synergies Between Theory and Practice**

Essex, UK

For more information, contact Cristian Correa at [ccorrea@ictj.org](mailto:ccorrea@ictj.org)

**September 23**

**WAR DON DON Screening and Panel Discussion**

New York, NY

For more information, contact Sarah Anderson at [sanderson@ictj.org](mailto:sanderson@ictj.org)

**September 27**

**Negotiating Justice: The Challenge of Justice and Accountability in Peace Negotiations**

Wilton Park, UK

For more information, visit

<http://www.ictj.org/en/news/event/3818.html>

**September 27–October 2**

**Intensive Course on Truth-seeking and Transitional Justice**

Barcelona, Spain

For applications and more information, visit

<http://www.ictj.org/en/workshops/courses/index.html>

**September 29–30**

**OHCHR Expert Meeting: Transitional Justice and Economic, Social and Cultural Rights**

Geneva, Switzerland

For more information, contact Pablo de Greiff at [pdegreiff@ictj.org](mailto:pdegreiff@ictj.org)

**October 14**

**Reconciling Race, the Church, and Sexual Violence: Canada's Truth-seeking Experience**

New York, NY

For more information, visit

<http://www.ictj.org/en/news/event/3971.html>

**October 28-29**

**Complementarity after Kampala: The Way Forward**

Long Island, New York

For more information, contact Marieke Wierda at [mwierda@ictj.org](mailto:mwierda@ictj.org)

**November 10**

**The Fifth Annual Emilio Mignone Lecture on Transitional Justice: The Dilemmas of Human Rights Fact Finding**

New York, NY

For more information, contact Kelly Ryan at

[ryank@exchange.law.nyu.edu](mailto:ryank@exchange.law.nyu.edu)

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## Making a Difference

Throughout nearly a quarter century of Indonesian occupation, grassroots activists nurtured the movement that led to independence for Timor-Leste in 1999. These same citizens suffered egregious and systemic human rights violations, including extra-judicial killings, forced displacement, arbitrary detention, torture and sexual violence.

ICTJ has supported ongoing truth-seeking and other efforts by Timorese and international stakeholders. But we recognize that truth is most important to the grassroots activists and innocent civilians who bore the brunt of repression and war. Reconciliation is impossible if it does not arise from informed citizens who are engaged in the process. ICTJ's Timor-Leste office supports a range of initiatives to empower community-based organizations and citizens groups.

ICTJ, together with the Post-CAVR Technical Secretariat and INSIST Press, created *Chega!*, a graphic novel-style version of the 2005 final report of the Commission for Reception, Truth and Reconciliation (CAVR). This illustrated version, written in the local language Tetum, makes the information and messages of nonviolence, reconciliation and accountability contained within the 2,000 page final report accessible to the general population. *Chega!* was released August 31.

“*Chega!* is an effort to give all Timorese citizens the information they deserve about the period of occupation,” said Manuela Pereira, Program Coordinator for the ICTJ Timor-Leste Office. “These books will be of use to human rights advocates and civic engagement groups, as well as to the teachers and parents who want to make sure that history is not forgotten.”

ICTJ's Timor-Leste office is also working to help women's rights NGOs implementing a pilot project for women affected by the conflict. The project, facilitated by the Timorese NGOs Women Working Together and the HAK Association, works with six women's groups in five districts. It provides space and resources for participants to discuss their experiences during the occupation and armed conflict, helping them voice their painful memories and collectively construct a narrative of the violence and its effects on their present day lives and communities.



*Chega!*, a five-volume illustrated version of the CAVR final report, created by ICTJ, the Post-CAVR Technical Secretariat and INSIST Press. 2010

The project also assists women seeking to start businesses and develop skills to meet their basic economic needs. Women in the project determine what types of businesses they would like to establish and what kinds of training or other support they need to bring their plans to fruition. ICTJ provides technical support, in particular to give a transitional justice framework for understanding the causes and impacts of past violence and the range of responses available for coming to grips with trauma.

“Recovery for survivors of torture and rape is a long and difficult process,” said ICTJ Program Associate Naomi Kinsella. “We hope that this project will assist us in addressing some of the debilitating psychological and economic effects of past violations and allow women to enjoy a more secure future for themselves and their families.”

These are just two ways in which ICTJ supports grassroots initiatives that work with the many ordinary people whose great courage was matched by unimaginable violence. The right to truth is, fundamentally, their right, and the need to overcome the damage of past violations is most pressing at the level of everyday civilians targeted by repression and war.

### 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.

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