# ICTJ Justice Truth Dignity

Justice

## **ICTJ World Report**

June 2015

# In Focus

#### In Kenya, Organizing Women Victims to **Help Inform Future Reparations Policies**

As Kenya moves closer to a climate where comprehensive reparations for victims of post-election violence are possible, ICTJ is supporting women victims of sexual violence to ensure that their needs are reflected in any program of restitution. Read More...





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# World Report

#### **AFRICA**

A recent spike in violence in Mali in May threatened a potential truce between the government and rebel groups. The ICC will seek additional charges against Dominic Ongwen, former leader of the Lord's Resistance Army in Uganda. Meanwhile, the country has extended its amnesty law for two more years in order to allow more members of rebel groups to give themselves up. Allegations that the ANC may have protected killers in South Africa surfaced in May when the family of Umkhonto we Sizwe operative Nokuthula Simelane filed a lawsuit calling for a proper investigation into her abduction and murder in 1983. The South African History Archive filed court papers in an effort to compel the DOJ to grant public access to the TRC Victims database. Also in south Africa, the ANC courted controversy when it called the ICC "no longer useful" in June, following a court application requesting the government arrest Sudanese President Omar al-Bashir. The president of Sudan, who is wanted for war crimes, left South Africa before the court could decide on the application. The Central African Republic began discussions on the best way to set up its own Special Court to deal with human rights violations in the country. In Burundi, weeks of unrest over President Pierre Nkurunziza's bid for a third term led to the postponement of parliamentary and presidential elections. Rwanda announced that all Gacaca cases will be completed and all reparations paid by the end of 2015. The ICC announced that opening statements in the trial of Bosco Ntaganda, former rebel leader in the Democratic Republic of Congo, will take place in The Haque.

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#### AMERICAS

The supreme court in Chile sentenced former Pinochet spy chief General Manual Contreras to an additional 15 years in prison for two 1974 killings. In May, Uruguay created the Truth and Justice Working Group to investigate human rights violations in the country between 1968 and 1985. In Ecuador, national ombudsman David Morales called for the investigation into the murder of Archbishop Oscar Romero to be reopened, saying that the case has been handled differently than others and the killers have been given impunity. President Santos has announced that Colombia will now include peace-building and reconciliation curricula in their schools. Meanwhile, FARC announced in early June that the leadership would be willing to do time for their crimes provided it was not in an ordinary prison. The Colombian government and FARC agreed to establish a truth commission once a peace deal is signed. Also in Colombia, the leadership of the so-called "battalion of death" were arrested for killing 72 civilians between 2006 and 2007. Earlier this month, the European Union announced the creation of a fund to support the implementation of a Colombian peace deal. Also in Colombia, a controversial reform transferring crimes committed by the military to military courts was approved by Congress. Chief Justice Beverley McLachlin made headlines in Canada in advance of the TRC's closing ceremonies when she called the treatment of First Nations peoples in her country "cultural genocide," making her the highest-ranking Canadian official to use the phrase. The Truth and Reconciliation Commission of Canada released its final report in June, finding Canada guilty of cultural genocide against indigenous people, through the use of residential schools as its primary weapon. A UN commission called for justice for Peru's disappeared, following an investigation into forced disappearances that took place during the conflict in the 1980s and 1990s. The Maine Wabanki-State Child Welfare TRC published its final report during a closing ceremony on June 14.

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#### ASIA

In May, **Nepal** <u>petitioned</u> the Supreme Court for a review of the country's Truth and Reconciliation Commission and Commission to Inquire on Enforced Disappearance Act, citing provisions which violate international law and human rights principles. Political rivals in Nepal <u>agreed</u> on a new national charter earlier this month. Former wartime General Sarath Fonseka of the **Philippines** <u>stated</u> that he would welcome a war crimes investigation to prove his innocence. Also in the country, MILF is <u>scheduled</u> to begin decommissioning its weapons on June 16. A study <u>performed</u> by a US-based thinktank found little evidence of reconciliation in **Sri Lanka**, citing continued displacement of people and ongoing military occupation in the northern an eastern provinces. Meanwhile, the Presidential Commission Investigating Cases of Missing Persons will <u>present</u> its final report in August. The International Crimes Tribunal in **Bangladesh** <u>sentenced</u> Sayed Hasan Ali to death for war crimes following his trial in absentia. In other news, a human rights group in **Myanmar** <u>called</u> for a truth commission in the country, and asked that the government come clean about its role in past human rights violations.

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#### EUROPE

In **Northern Ireland**, Justice Minister David Ford <u>announced</u> that judges would begin to hear inquests into "Troubles"-related killings. A new BBC Panorama investigation <u>revealed</u> more evidence of British security force collusion with paramilitaries in Northern Ireland. In other news, hopes for the implementation of the Stormont House Agreement are on hold as the Northern Ireland Executive<u>reached</u> an impasse over welfare reform in June. In other Northern Ireland news, the so-called "Hooded Men" were <u>granted</u> a judicial review of their allegations that they were subjected to torture when they were held without trial at a British Army base in 1971. A decision has been made to <u>prosecute</u> former IRA leader Ivor Bell for his role in the disappearance and murder of Jean McConville; a decision on whether or not

Sinn Fein President Gerry Adams will be charged is expected in the coming weeks. In May, Croatia indicted two former police officers of the Republic of Serbian Krajina for crimes against humanity. Croatia's parliament passed a law to compensate victims of wartime rape. In other news, the country moved forward with the prosecution in absentia of Martic, the leader of the unrecognized Republic of Serbian Krajina for his alleged role in the ethnic cleansing of non-Serbs. Gordana Tadic, head of Bosnia's war crimes prosecution department, asked for a three year extension to continue investigations into complex cases. Meanwhile, hundreds of people gathered in Trnopolje to mark the 23rd anniversary of one of the most notorious camps of the 1992-1995 conflict. Victims' associations also marked the 23rd anniversary of the killing of 438 men in Zvornik by asking for additional perpetrators to be brought to justice. Also in the country, the International Commission on Missing Persons began a review of mortuaries in Travnik in an effort to locate some of the thousands estimated to be unidentified in local morgues. The Pope visited Sarajevo for two days in June on a mission to support post-war reconciliation in Bosnia. Two mass graves containing war victims were located in the country earlier this month. Also in June, Naser Oric, former Bosnian Army commander was arrested on the basis of a Serbian warrant for alleged war crimes against Bosnian Serb civilians in 1992. In other news, the UN urged Kosovo to establish a special court to try cases involving alleged war crimes committed during the war in 1988-99. The Federal Court of Justice in Germany in May referred a genocide case to a court in Frankfort due to their belief that the currently-incarcerated Onesphore Rwabukombe is also guilty of the more serious crime of actively participating in the genocide in Rwanda. In June, Rwandan genocide survivors asked France to retry a recently released Rwandan man suspected of participating in the 1994 genocide. The UK is drafting a UN resolution to mark the 20th anniversary of the Srebrenica massacre. Read More...

#### MENA

In May, the **Palestinian** Authority <u>asked</u> the ICC for a deadline to submit cases related to Israeli war crimes. **Tunisia's** Truth and Dignity Commission <u>began</u> hearing testimony from victims in late May.**Egypt** has <u>decided</u> to retry former President Mubarak over his alleged complicity in the murder of protestors during the 2011 uprising. Also in Egypt, a government committee <u>rejected</u> proposals to the country's election laws submitted by opposition parties. A senior official from **Yemen's** Houthi group<u>announced</u> that the movement will attend peace talks in Geneva in June.

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## **Publications**

# Squaring Colombia's Circle: The Objectives of Punishment and the Pursuit of Peace

This paper weighs the possible modes and competing policy objectives of punishing FARC members for serious crimes in the context of Colombia's ongoing peace negotiations. It argues that punishment has to occur in a way that does not damage one of the underlying objectives of the peace process, transforming the FARC from an insurgent group into a political actor.

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# On the Path to Vindicate Victims' Rights in Uganda: Reflections on the Transitional Justice Process Since Juba

The government of Uganda has been slow to address and remedy serious human rights abuses committed against civilians throughout the country, despite its commitment under the Juba peace talks.

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