

International Center for Transitional Justice

1. What is Transitional Justice?

<http://www.ictj.org/en/tj/>

Transitional justice refers to a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuse as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law, and respect for individual and collective rights.

In making such a transition, societies must confront the painful legacy, or burden, of the past in order to achieve a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile people and communities, and to prevent future abuses. A variety of approaches to transitional justice are available that can help wounded societies start anew.

These approaches are both judicial and nonjudicial, and they seek to encompass broadly the various dimensions of justice that can heal wounds and contribute to social reconstruction. Transitional justice incorporates a realistic view of the challenges faced by societies emerging from conflict or repression, and an appreciation of their unique cultural and historical contexts, without allowing these realities to serve as excuses for inaction. All stakeholders in the transition process must be consulted and participate in the design and implementation of transitional justice policies.

The approaches to transitional justice are based on a fundamental belief in universal human rights, and rely on international human rights and humanitarian law in demanding that states halt, investigate, punish, repair, and prevent abuses. Transitional justice approaches consistently focus on the rights and needs of victims and their families.

The major approaches to transitional justice include the following:

- Domestic, hybrid, and international prosecutions of perpetrators of human rights abuse
- Determining the full extent and nature of past abuses through truth-telling initiatives, including national and international commissions
- Providing reparations to victims of human rights violations, including compensatory, restitutionary, rehabilitative, and symbolic reparations
- Institutional reform, of which one measure is the vetting of abusive, corrupt, or incompetent officials from the police and security services, the military, and other public institutions including the judiciary. Vetting refers to the process of excluding from public employment those known to have committed human rights abuses or been involved in corrupt practices.

- Promoting reconciliation within divided communities, including working with victims on traditional justice mechanisms and forging social reconstruction
- Constructing memorials and museums to preserve the memory of the past
- Taking into account gendered patterns of abuse to enhance justice for female victims.

2. Reconciliation

The word "reconciliation" continues to figure prominently both in the literature and the practice of transitional justice, despite a lack of consensus about what the term exactly means, what activities it encompasses, or what achieving such a condition would require. The ICTJ is working to articulate a definition of reconciliation and to understand the ways in which it can be achieved in practice.

In the view of the ICTJ:

- Reconciliation is something that occurs in the civic or political sphere, rather than at the level of individuals.
- Legitimate reconciliation must be distinguished from efforts to use reconciliation as a substitute for justice.
- There cannot be significant inequities in the distribution of the burdens that reconciliation inevitably entails. It cannot involve transferring responsibilities from perpetrators to victims.
- Reconciliation efforts should not focus unduly on wiping the slate clean. It is not reasonable to seek unqualified closure or a comprehensive ideal of social harmony.
- Reconciliation cannot be reduced to a state of mind, nor can it expect extraordinary attributes on the part of those being reconciled.
- Reconciliation must be articulated in terms that do not depend entirely on a particular set of religious beliefs.

For the ICTJ, the civic trust model of reconciliation best incorporates these criteria.

3. Civic Trust Model of Reconciliation

Trust involves more than relying on a person to do or refrain from doing certain things; it also involves the expectation of a commitment to shared norms and values. The sense of trust at issue here is not the profound sense of trust characteristic of relations between intimates, but rather, 'civic' trust, which can develop among citizens who are members of the same political community but are nonetheless strangers to one another.

Civic trust includes 'horizontal' trust among citizens and also 'vertical' trust between citizens and their institutions. How is the latter to be understood if trust involves something that is possible only among individuals? To trust an institution amounts to knowing that its constitutive rules, values, and norms are shared by participants and that they regard them as binding.

In this view, reconciliation is the condition under which citizens can once again trust one another as citizens. That means that they are sufficiently committed to the norms and values that motivate their ruling institutions; sufficiently confident that those who operate those institutions do so also on this basis; and sufficiently secure about their fellow citizens' commitment to abide by these basic norms and values.

What are the advantages of thinking of reconciliation in this way?

This view treats reconciliation as more than just a state of mind. It forces us to examine the preconditions of trustworthiness, and hence of reconciliation. The question is: what can be done to make institutions trustworthy and to increase the possibility that citizens will trust them and one another in the aftermath of violence?

It is reasonable to think that trust would increase through the visibly effective implementation of transitional justice initiatives like criminal accountability, truth-telling, reparations, and institutional reform. Such initiatives are likely to contribute to civic trust, because trust in institutions depends on their ability to demonstrate not only that they rest on legitimate norms, but also on their capacity to make these norms effective.

A conception of reconciliation that hinges on the trustworthiness of institutions will not lend itself to be offered as a substitute for justice; nor is it likely to lead to an inequitable burdening of victims; nor does it rest on the idea that the slate has been wiped clean. Strictly speaking, it does not require, although it may lead to, forgiveness.

Transitional justice measures such as these significantly increase the willingness of citizens to place their trust in a common political project and in state institutions that have protected their fundamental rights. It does not matter how much we talk about restorative justice, reconciliation, apologies, or pardons; it is necessary to give citizens reasons to trust again. Only then can we properly conceive of reconciliation.

4. Truth-seeking

In an increasing number of countries, local actors have begun to emphasize nonjudicial truth-seeking measures. These have often taken the form of truth commissions - official inquiries into patterns of past abuse that seek to establish an accurate historical record of events.

ICTJ staff members have considerable expertise in this area, based on detailed study and prior involvement in truth commissions at senior levels. The Center has been asked to provide technical assistance in the formation and operation of many recent and upcoming truth commissions, in countries as diverse as Burundi, Canada, the Democratic Republic of the Congo, Ghana, Liberia, Morocco, Peru, Timor-Leste, Sierra Leone, and the United States.

Truth-seeking Efforts

A number of important truth commissions have concluded their work and submitted their reports over the last few years. The Peru Truth and Reconciliation Commission, the largest commission to date in terms of staff numbers (500 at its peak), submitted its report in August 2003. It was the first Latin American truth commission to hold public hearings, and it undertook a careful outreach strategy to explain its work, which paid off with strong public support. Through numerous regional offices, it collected more than 17,000 statements from victims. It was also the first truth commission to create a "judicialization unit," which prepared case files and publicly recommended that a number of individuals be prosecuted for serious crimes. Since 2003, national civil society has been working to get some of the key recommendations of the report implemented, including those on prosecutions and on reparations. There have been some important successes in this regard, including new prosecutions and a law creating a comprehensive reparations plan, but also significant challenges. The ICTJ has continued to provide technical support in connection with these aspects of the Commission's legacy.

The Ghana National Reconciliation Commission (NRC) completed its report in October 2004, which was released by the government, together with a supportive white paper, in April 2005. When the Commission was inaugurated in May 2002, few recognized the level of abuse that had taken place during prior unconstitutional regimes, and some doubted the need for a truth commission. But the Commission received more than 4000 statements pertaining to human rights violations, including disappearances, killings, and a level of torture that few had previously realized. Through almost daily public hearings between January 2003 and July 2004, the Commission captured widespread national attention. Close to 80 individuals accused of wrongdoing voluntarily came to the Commission to testify in response. Some admitted wrongdoing and, in a few cases, even begged forgiveness from their victims. In October 2006, two years after the NRC submitted its report, the government began implementation of a reparations program through a commitment of 13 billion Ghanaian Cedi (over \$1.3 million) awarded through individual cash disbursements as recommended in the NRC final report. The reparations disbursement process is overseen by a government appointed committee headed by retired Justice V.C.E. Crabbe, a long-time member of the civil society coalition that worked on the national reconciliation process.

In Timor-Leste, a Commission for Reception, Truth and Reconciliation was created in 2002 to establish the truth about past human rights violations and promote reconciliation. Perpetrators of non-serious crimes (excluding rape and murder, for example) were able to take part in a community reconciliation process in which they agreed to undertake an act of reconciliation, which might include community service or making a symbolic payment, after responding to victim testimony and admitting and apologizing for their crimes. The Commission facilitated hundreds of hearings across the country, took statements from thousands of victims, and undertook in-depth investigations into key aspects of the violence and repression that occurred from 1974 to 1999.

In October 2005, the Commission delivered its report to President Xanana Gusmao, marking the culmination of more than three years of intensive work during which more than 7000 victims gave testimony on violations committed during that period. In November 2005, the president

handed the report over to the Timorese parliament and cabinet and in January 2006, to the UN Secretary-General. It was later released to the public. ICTJ continues to work with civil society on ensuring the implementation of the recommendations.

The Sierra Leone Truth and Reconciliation Commission received more than 9000 statements and held countrywide victim and thematic hearings. Its report was completed and made available to the public in mid-2005. The government released a short white paper on the TRC report shortly thereafter, but the government and its white paper have been widely criticized for not seriously grappling with many of the report's conclusions and recommendations. There has been little progress on implementation of the Commission's recommendations since. Civil society assisted in drafting an Omnibus Bill that incorporated many of the "imperative" recommendation of the Commission, but the Bill has not yet been fully considered by Parliament. In late 2006, a National Human Rights Commission was established; it was expected that this commission would be asked to lead efforts pertaining to TRC follow-up and implementation.

The TRC in Sierra Leone worked in parallel with the Special Court for Sierra Leone. The two institutions agreed to operate independently and not to share information on cases or investigations so that each would receive information confidentially. The simultaneous operation of these two bodies revealed their complementarities, but also some of the difficulties and confusion that can sometimes arise under such an arrangement.

In June 2004, five women and two men were appointed to the Greensboro Truth and Reconciliation Commission—the first self-styled truth commission in the United States, located in Greensboro, North Carolina, and drawing on international experience. The GTRC was charged with looking into the shooting deaths of five protestors and wounding of 10 others by the Ku Klux Klan and the American Nazi Party on November 3, 1979. In 2005, the GTRC collected statements and reviewed other information, held public hearings, and organized a public dialogue in November. The Commission submitted its final report to the City of Greensboro and the general public in May 2006.

The Greensboro Commission's localized focus and its grassroots nature (having been created independently of state authorities) was an innovative attempt to apply the methodologies used by truth commissions in other countries to deal with past human rights violations in the United States. The Greensboro process may also offer a useful model to other communities in the United States, as well as to communities in other established democracies seeking to address unresolved histories of injustice.

The first truth commission in the Middle East and North Africa region, the 17-member Equity and Reconciliation Commission in Morocco was formally established in April 2004 by King Mohammed VI. The Commission was charged with investigating the period from the 1950s to the 1990s when thousands of Moroccans were illegally detained, imprisoned, tortured, or forcibly 'disappeared' by state actors. The Commission was also mandated with providing compensation to the victims and their families. Over the course of 18 months, the Commission received more than 22,000 applications for consideration and held victim-centered, public hearings televised throughout the country. The Commission presented its final report to the Royal Palace in November 2005. Two weeks later, the King mandated the public dissemination

of the several hundred-page report, marking a crucial moment in Moroccan history. By late January 2006, the report in Arabic was posted to the Commission's web site.

Current Initiatives and Considerations

In Liberia, a Comprehensive Peace Agreement signed in 2003 mandated the creation of a national Truth and Reconciliation Commission. An act establishing the Commission was passed into law by the National Transitional Legislative Assembly in June 2005, and, after a rigorous selection and interview process, nine national commission members were named in October 2005. The Commission formally launched its two-year operating period in June, 2006. It is currently in the process of receiving many thousands of statements from victims and witnesses, and is expected to begin public hearings in April of May of 2007.

There have also been examples of troubled truth commissions: a joint initiative by the governments of Timor-Leste and Indonesia, and the Democratic Republic of the Congo have both established truth commissions which have, for different reasons, been criticized by national and international actors, either for lack of diversity and legitimacy in membership or for a process of establishment that excluded the views of civil society, for example. In Indonesia, the national TRC has been struck-down by the constitutional court, however civil society groups continue to work on locally-based truth-seeking commissions in conflict and post conflict areas, and on alternative victim-based initiatives.

The ICTJ supports initiatives that intend to develop strong investigative bodies to reveal the full truth about state or nonstate abuses that are denied, hidden, or misunderstood. Truth commissions are challenging processes, but can be for learning lessons from the past, making changes to prevent future violations, and recognizing the experiences of victims. However, commissions should be created only through broad national consultation, the formulation of an appropriate mandate, and a clear political commitment to allow an independent and robust inquiry. Furthermore, prosecutorial efforts should also be pursued-including strengthening local court systems-and as well as other measures to prevent future abuses.

4. Reparations

Reparation is a critical dimension of transitional justice, and the only one that is most specifically focused on the recognition of victims' rights and the harms suffered. The ICTJ's work on reparations policy wrestles with the difficult question of how nations can repair harm, restore rights and dignity, and build trust through reparations. Differences in country contexts, institutional frameworks, and resources require a nuanced approach and varied policy options for reparations programs. Yet, the challenges are similar: defining concepts and objectives clearly; addressing financial questions; responding fairly to massive numbers of victims and a range of violations; attending to gender and other disparities; and reinforcing victims' dignity by relating reparations to truth-seeking, accountability, and reform.

The ICTJ's groundbreaking studies on reparations programs and critical issues in this field, coupled with in-depth country work on reparations policy and implementation are helping to

develop this important dimension of transitional justice. Through an experienced reparations team and consultants, the ICTJ provides technical assistance and policy input to the ICTJ's regional and country experts and to partners in countries where reparations is on the transitional justice agenda; continues to develop the field of transitional justice with respect to reparations policy and to advance research on reparations in specific cases; and facilitates the exchange of expertise and insights across experiences.

Reparations Research

The ICTJ's Research Unit has published two volumes of significant research on reparations. The Handbook of Reparations, edited by Research Director Pablo de Greiff, was published in May 2006 as the first comprehensive volume on reparations policies, presenting in-depth case studies and discussion of key themes that arise in connection with reparations. More recently, in December 2006 the ICTJ released another publication titled: What Happened to the Women: gender and Reparations for Human Rights Violations. Edited by Ruth Rubio-Marín this volume explores gender and reparations policies in Guatemala, Peru, Rwanda, Sierra Leone, South Africa, and Timor-Leste. Thematic studies on gender and reparations are underway.

The Research unit has also collaborated with the Office of the High Commissioner for Human Rights to develop a "tool document" on reparations (forthcoming from OHCHR), and is exploring reparations topics in connection with Disarmament, Demobilization and Reintegration practice, Transitional Justice and Development, and Transitional Justice and Identity through targeted studies. The ICTJ's program work in Peru has also led to three publications. An international research team led by Senior Associate Lisa Magarrell and DeGreiff, working in collaboration with the Peruvian NGO Asociación pro Derechos Humanos APRODEH, published a paper titled, Parameters for the Design of a Reparations Policy in Peru (2002, in Spanish and English). In March 2004, the ICTJ and APRODEH published further research, this time a paper by Magarrell and consultant Julie Guillerot: Insumos para el debate acerca del propósito y naturaleza de un Registro Nacional de Víctimas en el Perú (Input to the Debate on the Purpose and Nature of a National Victim Registry, in Spanish only), and in August 2006, Magarrell and Guillerot published an in-depth study of the reparations process in Peru (Lima: ICTJ, APRODEH, OXFAM-GB) titled Memorias de un proceso inacabado: reparaciones en la transición peruana, forthcoming in English.

Finally, in 2004 the Research and Prosecutions Units (De Greiff and Senior Associate Marieke Wierda) produced a paper on Reparations and the International Criminal Court: a Prospective Role for the Trust Fund for Victims.

Reparations Country Work

Through its country work, the ICTJ has assisted local actors in framing reparations questions appropriate to each situation, while sharing relevant information and analysis on prior and contemporary experiences in connection with reparations design, implementation, and relation to other elements of transitional justice.

In a number of countries, reparations have come up in the context of truth commissions. This was the case in Peru, in which the ICTJ not only produced the publications mentioned above, but also advised on drafts and facilitated communications about policy options and demands among the TRC, human rights organizations, and victim groups. Through consultants, our Lima-based Associate, and staff, the ICTJ assisted these groups with developing strategies around policy design and implementation strategies. Once legislation was passed in 2005, the ICTJ continued to work with local actors toward implementation, and in late 2006 and early 2007, provided technical assistance to a member of the newly installed National Reparations Council. This work is ongoing.

The ICTJ continued its work in Peru, where a consultant has been providing technical expertise to the Reparations Council as it prepares to implement the reparations policies.

As truth commissions in Ghana, Morocco, Sierra Leone, and Timor-Leste, began to wrestle with formulating recommendations on reparations, the ICTJ responded to their requests for reparations information and analysis. For example, working with the CDD-Ghana, the Center held a workshop with civil society organizations to consider reparations issues and provide input to the National Reconciliation Commission (NRC). Subsequently, the ICTJ and CDD submitted a compilation of papers to the NRC addressing relevant legal principles, practical precedents, and policy options for reparations. In 2006, the ICTJ assisted the Guatemalan National Reparations Commission and the Moroccan Equity and Reconciliation Commission as well as local NGOs in their deliberations on reparations. A Peruvian consultant shared her expertise with the Timor-Leste commission, and the ICTJ also consulted on reparations issues in Guatemala. The ICTJ continues to follow developments on reparations in these countries, as well as Liberia, in which a truth commission is now underway.

However, truth commission contexts are not the only transitional justice arenas in which reparations are at stake. In Colombia, where the issue has arisen in connection with the 'justice and peace law' intended to facilitate the demobilization of armed groups, the ICTJ has organized a variety of activities, including workshops with legislators, government officials, victims' groups and NGOs representatives on the topic of reparations. In 2006, the ICTJ provided technical National Commission on Reparations and Reconciliation, through consultants and staff. The ICTJ continues to assess and develop policy advice on reparations in this complex context of ongoing conflict. In Iraq, ICTJ staff met with members of the Higher Council for Reparations to Victims of the Former Regime Council over several days in March 2005 to provide them with information and analysis to assist in the eventual design and implementation of a reparations process. The Center stressed the need for victim consultations as an integral part of program design as well as the importance of linking reparations with other transitional justice mechanisms. In the following months the ICTJ gave similar feedback on draft laws developed by government officials and the Iraqi National Assembly.

In 2005 the ICTJ provided comparative information and conducted a workshop for policy-makers in the Philippines in connection with proposed legislation there to redress human rights victims of martial law. In 2006 the ICTJ also provided comparative information to members of a working group on reparations in Bosnia and Herzegovina, and in connection with the development of regulations for the Extraordinary Chambers in the Courts of Cambodia for the

Prosecution of Crimes Committed during the Period of Democratic Kampuchea. Similarly, the Center has participated in discussions about how the International Criminal Court should deal with this issue through its Victims Trust Fund and held a workshop with the legal staff of the Inter-American Commission on Human Rights to discuss reparations issues.

6. Vetting

Justice-sensitive Security System Reform (SSR)

Institutional reform to prevent serious abuses from recurring constitutes an important element of transitional justice. A justice-sensitive approach to security system reform (SSR) that aims to transform an abusive security system is, therefore, a central concern of transitional justice. Over the past years, the ICTJ established itself as a leading international organization on one aspect of a justice-sensitive SSR, the vetting of security agencies in transitional settings. Vetting will remain a program priority for the ICTJ and the Center will continue to advise the United Nations and governments on the establishment of vetting mechanisms in transitional context. The ICTJ also launched a research project on the potential legacy of transitional vetting processes.

In 2006, the Center began to expand its SSR program to ensure a holistic approach to reforming security agencies in societies emerging from conflict or authoritarian rule. A justice-sensitive SSR concentrates, in particular, on three areas of reform: building the integrity of the security system; promoting its legitimacy; and empowering citizens, in particular the victims of abuses. Moreover, a justice-sensitive SSR aims to ensure coherence, both internally within SSR and externally with other TJ measures.

The integrity of a security system refers to its adherence to the rule of law in the provision of security. Efforts to prevent the recurrence of abuse should not be limited to developing a security system's capacities but should aim, above all, to building its integrity. Integrity-building measures include, in particular, structural reforms that discourage abuses by the security system. In addition to its work on vetting, ICTJ activities to promote integrity currently include technical assistance on the census and identification of security agents and a research project on adequate representation in security agencies.

A census and identification consists of the registration and verification of the members of the security system, and the subsequent issuance of identification cards to all members. Such a program clarifies the number and status of security agents and stops individuals from informally joining and departing from security agencies. A census and identification not only provides reliable baseline data on security personnel but also constitutes a critical reform achievement in itself. It allows the State to re-establish control over the security system and limits the arbitrary use of force. A census and identification also permits the public to identify who is authorized to use force and who illegally impersonates a security agent and should be sanctioned. An effective census and identification of security agents constitutes a critical first step of SSR: it helps to establish democratic governance and build civic trust. The ICTJ assisted the United Nations Mission in Haiti in the development of a census of the Haitian national police and developed a proposal for a census of the police in the Democratic Republic of Congo (DRC). At present, the

Center advises the Government of Burundi on the establishment and implementation of a census of the national police in this country.

The legitimacy of a security system refers to the level of civic trust it enjoys. A legacy of serious abuse fundamentally undermines the legitimacy of the security system. The integrity-building measures referred to above promote the legitimacy of the security system but may not be sufficient to overcome the fundamental crisis of trust that is characteristic of a situation marked by a legacy of serious abuse. Additional efforts to promote the legitimacy of the security system include verbal or symbolic measures such as memorials, apologies and changing insignia that reaffirm a commitment to overcoming the legacy of abuse and an endorsement of democratic norms and values. The ICTJ currently conducts research on the relevance of verbal and symbolic reform measures to build civic trust in a security system with a history of serious abuse.

In addition to integrity-building and legitimacy-promoting measures, the empowerment of citizens is an integral component of a justice-sensitive approach to SSR because their role also has to change in the transitional reform process: no longer are they mere subjects of state oppression or victims of conflict-related violence but they truly become citizens with rights, responsibilities and needs that public institutions are called to serve. Efforts to assist subjects of state oppression and victims of violence to recognize themselves as right-bearing citizens include, among others, empowerment measures such as public information campaigns, citizens' surveys to identify their security and justice needs, and training civil society organizations to monitor the security system. In Liberia, the ICTJ assisted civil society in the establishment of a working group on SSR that participates in the development of SSR strategies by the Governance Reform Commission. Efforts are also underway in Liberia to train the media on the role of the security system in democracy and on how to report on security.

A justice-sensitive SSR also knows that coherence contributes to its sustainability. SSR will be more effective if it is internally coherent and responds holistically to the reform needs of a specific transitional context including measures to promote integrity, legitimacy, and civic empowerment. SSR will be even more credible if it is externally coherent and represents a part of a comprehensive transitional justice policy that also includes measures such as criminal prosecutions, truth-seeking and reparations of victims. In this context, the ICTJ is in the process of developing a handbook for truth-seeking mechanisms on how to effectively contribute to SSR processes.

In our efforts to promote a justice-sensitive SSR, we organized, in February 2007, a major conference in New York to explore the interface between SSR and transitional justice and promote a constructive exchange between the security and transitional justice communities. The over 70 participants included experts from the United Nations, renowned academics, representatives of Permanent Missions to the United Nations, expert representatives of non-governmental organizations working in the fields of security, human rights and transitional justice, and independent experts and practitioners. The ICTJ is now considering the establishment of an affinity group on SSR and transitional justice.

In 2006, the United Nations Department for Peacekeeping Operations (DPKO) expanded its partnership with the ICTJ and asked the Center to assist in developing policies, procedures and

training tools on reforming law enforcement agencies in peace operation settings. A policy on census and identification of law enforcement officials has already been prepared by the ICTJ and adopted by the DPKO. Further policies on vetting, mapping, and auditing of law enforcement agencies will be developed for the DPKO. The ICTJ is also assisting the DPKO in its training of personnel for peace operations.

7. Gender

Women's experience of political violence is often neglected in transitional justice approaches. Far too often, truth commission mandates, judicial opinions, and policy proposals for reparations and reform have been written, interpreted, and implemented with little regard for the distinct and complex injuries women have suffered. Neglect of gendered patterns of abuse has affected both women and men in their access to justice by limiting the reach of reparations programs, entrenching impunity, distorting the historical record, and undermining the legitimacy of transitional justice initiatives. Moreover, there is still very little understanding of the gendered legacies of authoritarianism, of the complex and shifting relationship between extraordinary and ordinary violence, and the challenges and opportunities present in transitional contexts to enhance gender justice.

There has been some notable progress through strategies such as thematic gender hearings in truth commissions, new jurisprudence on gendered international crimes, and greater focus on women victims in formulating reparation programs. However, these are disparate achievements in different fields of transitional justice and in different countries, with little systematic study of past experiences or cross-fertilization of lessons learned from these various contexts. Unfortunately, transitional justice continues to rely on ad hoc approaches to gender.

While learning from past mistakes, there is a need to highlight the potential stakes for women. The operational, conceptual, policy, and legal dimensions of transitional justice institutions must be critically revisited to enable a more reflective, gender-sensitive practice in the field at large, and in our in-country programs in particular. This involves consulting widely with local women's groups in diverse contexts, sharing lessons learned, pooling expertise, and creatively imagining new institutional strategies to address old wrongs.

The ICTJ has identified a number of strategic programmatic priorities to address these issues:

- Providing technical assistance and capacity-building on gender-sensitive approaches to transitional justice mechanisms in countries where the ICTJ works.
- Conducting research and analysis into the gender dimensions of past and ongoing transitional justice initiatives.
- Developing effective resource materials that operationalize the insights gained from research and analysis.
- Building solidarity and advocacy initiatives that support women's struggles for accountability and redress.
- Facilitating alliances and exchanges to enable cross-fertilization of experiences and the building of an international pool of experts in the field.

The ICTJ Gender Program works in conjunction with the Center's country programs to integrate gender into the technical assistance provided in diverse contexts. Since the Liberia Truth and Reconciliation Commission (TRC) began its operations, the Program has incorporated gender issues into the workshops the ICTJ has held with Commission staff and civil society. Drawing on expertise from Sierra Leone, South Africa, and Timor-Leste, the ICTJ has provided comparative analysis of how past truth commissions have addressed women and represented experiences of gender-based violations. In December 2006, the Gender Program assisted the TRC with holding country-wide town hall meetings to explain to women's activists the truth seeking process and elicit feedback on how women victims could best be incorporated. The ICTJ then helped the Commission draft a gender policy based upon the ideas raised at these meetings and the lessons learned from other truth commissions.

While the Ghana National Reconciliation Commission was in operation, the ICTJ co-sponsored a workshop that brought together women's groups and Commission staff to address gender dimensions of truth commission processes. The NRC chose to not have a separate chapter in its final report that was dedicated to the experiences of women, so the ICTJ has been working with local women's groups to analyze women's testimonials given to the NRC and identify gaps in the Commission's attempts to address the gendered record of human rights violations. In October 2006, the ICTJ co-sponsored a workshop attended by representatives of civil society, Government and the media to discuss the draft reports and raise awareness of the gendered nature of Ghana's legacy of abuse. These reports will be published in mid-2007.

The Gender Program has provided significant advice to various Colombian institutions and women's groups on the gender implications of demobilization and reparations laws. In addition to Colombia, the Program conducted an assessment mission to Afghanistan in early 2006 to explore the gender justice priorities of local civil society and strategize on the most effective way to advance a gendered perspective to transitional justice initiatives. The Program is planning on deepening its work in these two countries during 2007, as well as anticipating other initiatives in the Democratic Republic of Congo and Indonesia.

Alongside technical assistance missions, the ICTJ will work with partners to identify gaps in the field and conduct research and analysis to develop a base from which to better understand issues concerning women's access to justice. Many of these initiatives seek to expand and reshape the parameters of how the transitional justice field has interacted with gender issues to date. In mid-2006, the ICTJ began collaborating with the CUNY Law School's International Women's Human Rights Clinic on providing technical assistance on two cases of sexual violence recommended by the Peruvian Truth and Reconciliation Commission for trial. Two amicus briefs have been drafted to support local women's groups in their efforts to pursue legal accountability for rape committed by the military during the conflict of the 1990s. In 2007, the Program will hold a conference on security sector reform that seeks to rethink the dominant perspectives on such efforts by moving from military definitions of security to addressing more holistic approaches to human security.

The Gender Program is currently undertaking research projects aimed at reconceptualizing how transitional justice has addressed gender-based violations. This includes a project focusing on the

hidden histories of systematic violations suffered by sexual minorities during times of conflict. This study seeks to situate these abuses within the transitional justice paradigm and recommend how the field can address the experiences of these victims.

This work is complemented by initiatives to develop resource materials for use by ICTJ partner organizations. The Center has developed a handbook on truth commissions and gender that is aimed at those involved in the process of setting up and administering truth commissions. The handbook has been translated into Arabic, Spanish, and French, and used by the Moroccan truth commission and in Colombia. The Center is developing similar handbooks on prosecutions, which will be published in mid-2007.

In addition to the handbooks, the ICTJ is developing country case studies examining how different transitional justice mechanisms have grappled with gender and drawing lessons from these diverse experiences in order to better assist those planning and engaging with future initiatives. The Center has developed multimedia training modules on gender and transitional justice for use in different contexts. As with the handbooks, the training modules lay the groundwork for the systematic application of gender analysis to the various transitional justice approaches. In addition to English, these resource materials will be translated into Arabic, French, and Spanish.

The ICTJ seeks to enhance global solidarity and advocacy initiatives, including public advocacy on issues such as the campaign for justice by Asian comfort women. The Center also seeks to facilitate alliances and exchanges to enable cross-fertilization of experiences and the building of an international pool of expertise. One example of this is the Gender and Transitional Justice workshop held in Bellagio, Italy in April 2005. The ICTJ hopes to facilitate similar networks in the Middle East and North Africa, beginning with a transitional justice policy seminar in June 2007 in Yemen for women's rights leaders from the region. The Center's interventions in this area seek to ensure that truth commissions and other transitional justice mechanisms are formulated with adequate consideration given to both the empowerment of local movements for gender justice, and to redressing and preventing future human rights abuse against women.

Addressing past injustices is critical to women's struggles for human rights. Political transitions can provide an extraordinary window of opportunity for enhancing women's access to justice; reclaiming public space; and building momentum for fundamental reform. The ICTJ seeks to take advantage of this opportunity for social transformation by contributing to women's struggles for justice, a voice, and historical memory.