

International Criminal Court (ICC)**CÔTE D'IVOIRE: Laurent Gbagbo and Charles Blé Goudé plead not guilty at the opening of their trial**

The ICC started the trial against *Laurent Gbagbo and Charles Blé Goudé* with the reading of the charges against them, the opening statements of the Legal Representative of Victims, and the opening statements of the Defence. The accused pleaded not guilty to the charges. Laurent Gbagbo, former President of Côte d'Ivoire, and Charles Blé Goudé, former Minister of Youth, are accused of four charges of crimes against humanity (murder, rape, other inhumane acts or – in the alternative – attempted murder, and persecution). All of these crimes allegedly took place during the post-election violence between the groups of supporters of former President Gbagbo and opposition leader Alassane Ouattara, from December 2010 to April 2011. Although both parties participated in the violence in which 3,000 people died and one million were displaced, only Gbagbo's followers have been prosecuted to date. This is the first time the ICC has brought to trial a former president. (ICC, El País, 28/01/16)

KENYA: Deputy President Ruto pleads for the dismissal of the charges against him

Deputy President William Ruto appeared before the ICC to request the dismissal of the charges of crimes against humanity (murder; deportation or forcible transfer of population and persecution) against him and his co-defendant, broadcaster Joshua Sang. The defence argues that the charges should be dropped since six witnesses have withdrawn their testimony and there is not enough evidence to prosecute them. In December 2014 the ICC dropped charges against Kenyan President Uhuru Kenyatta, as Prosecutor Fatou Bensouda failed to present enough evidence for the trial to go ahead. But in the Uhuru Kenyatta, Ruto and Sang cases there is reason to believe that there has been interference, such as bribes, to get witnesses to change or retract their testimony. Given the difficulty of obtaining testimonies, for the first time in ICC's history, the trial chamber has allowed recorded evidence. In the 2007-2008 post-electoral violence over 1,000 people died and over 600,000 people were displaced. (DW, 11/01/16; Jurist, 12/01/16)

Ad Hoc International Criminal Tribunals**KOSOVO – THE NETHERLANDS: Kosovo Relocated Specialist Judicial Institution war crimes court to be established in The Hague**

The Dutch government announced it will host the Kosovo Relocated Specialist Judicial Institution, a new war crime court that will try serious crimes allegedly committed in 1999-2000 by members of the Kosovo Liberation Army (KLA) against ethnic minorities and political opponents. The court, which will be composed of international judges and funded by the European Union, will not be an international tribunal, but a Kosovo national court, under Kosovo law, which administers justice outside Kosovo. One of the reasons to create such a tribunal is to protect witnesses, as those testifying against KLA fighters are usually reluctant to do so in Kosovo, where members of the KLA are often viewed as freedom fighters. The Kosovo Parliament approved the creation of such a war crimes court in August 2015 amid political controversy, and two votes were required to approve it. The court is expected to begin operating in 2016. Some war crimes committed during the Kosovo War have been prosecuted by the International Criminal Tribunal for the former Yugoslavia (ICTY), and by the EU mission for the Rule of Law EULEX. The war between Kosovo Albanians and Kosovo Serbs and Serbia in 1999 caused the death of more than 10,000 people and the displacement of hundreds of thousands more. (Balkan Transitional Justice, 15/01/16; Jurist, 17/01/16)

KOSOVO: EULEX sentences Ivanović to 9 years for war crimes and acquits other four accused

The European Union rule of Law Mission in Kosovo (EULEX) has sentenced the Kosovo Serb politician and leader of a paramilitary group, Oliver Ivanović, to nine years in prison for war crime against the civilian population. The charges were related to an incident on 14 April 1999 in which Kosovo Albanian families were forcefully removed from their houses by Serbian forces and gathered outside on the streets. Four men were shot before the operation was stopped by a uniformed person. The court, that was also judging events that took place on 3 February 2000, found the accused in that case, Oliver Ivanović, Dragoljub Delibašić, Nebojša Vujačić, Ilija Vujačić, and Aleksandar Lazović, not guilty and acquitted them of all charges. Ivanović has repeatedly denied the charges and claims the arrest is politically motivated. He will remain under house arrest pending an appeal. The EULEX court, based in Mitrovica, Kosovo, was created in 2008 to assist in the effort of trying crimes committed during the 1999 armed conflict. (Jurist, 21/01/16)

Ordinary Justice and Traditional Justice Systems**GUATEMALA: Soldiers and officials prosecuted while the trial against Ríos Montt is suspended again**

In the first week of January prosecutors arrested 18 former military and government officials suspected of involvement in the 1982 massacre at Plan de Sanchez, Baja Verapaz department, in which soldiers and militia members tortured, sexually abused and killed local residents. Two weeks later the trial of 11 of the accused started with the hearing of arguments and weighing evidence, including DNA evidence from 558 human remains found on the grounds of a former army base in the north of the country. Three of the arrested have been exonerated, and four others will be dealt with in a separate trial. At the same time, the trial against former dictator Efraín Ríos Montt has been suspended again. Ríos Montt did not attend a hearing behind closed doors due to "mental incapacity". In May 2013 Ríos Montt was found guilty for his role in the slaughter of 1,771 members of the Maya Ixil population in the Quiché region in 1982 and 1983. But his 80-year jail sentence was thrown out less than two weeks later. The defence has used several strategies to postpone his new trial. Another trial is expected in February to judge cases of sexual violence in the Sepur Zarco case. The armed conflict in Guatemala (1960-1996) caused between 200.000 and 245.000 deaths and disappearances, mostly Mayan civilians. (Jurist, 07/01/16; Reuters, 11/01/16; AFP, 19/01/16)

Truth commissions**BOLIVIA: Amnesty International calls for the creation of a Truth Commission**

Coinciding with the inauguration of the Plurinational Legislative Assembly, Amnesty International (AI) has called for a debate to establish a Truth Commission to address the grave human rights violations committed in Bolivia during the 18 years of military and authoritarian governments (1964-1982) and to ensure comprehensive reparation for victims and their relatives. A Bill for the creation of a Truth, Justice and Reparations Commission has been drafted in recent months by several victims' organizations. AI asks now for the speedy consideration of the Bill, given the advanced age of many of the victims, relatives, and witnesses and the fact that their participation in the Commission is a priority. According to AI, the Commission will face some challenges, such as locating the victims of enforced disappearance, contributing to the prosecution and punishment of those responsible, and guaranteeing access to all information and files, including access to military archives, which has so far not been possible. In March 2015 the Bolivian authorities made a commitment before the Inter-American Commission on Human Rights to promote victims' rights to truth, justice and reparation. It is estimated that at least 150 people were victims of forced disappearance and thousands more were victims of violations of the rights to life, humane

treatment or were subject to restrictions of their freedoms. To date, those responsible for these crimes have not been prosecuted. (AI, 21/01/16)

BRAZIL: Rio de Janeiro Truth Commission's final report denounces enforced evictions and repression in favelas

The Rio de Janeiro Truth Commission (CEV-Rio), which supports the work of the National Truth Commission (CNV), has presented in December its final report after a twenty month-long probe. The Commission was in charge of investigating severe violations of human rights from 1946 to 1988 in Rio State. The report lists that 163 people died or disappeared as part of the repression and names 181 people responsible for torture, including presidents, high-level officials and those who participated directly in the abuses. The report also documents a policy of systematic eviction approved by Governor Carlos Lacerda that, between 1962 and 1974, forcibly removed more than 140,000 people from their homes. Community leaders that protested against the evictions were arrested. According to the report, raids, arbitrary arrests, destruction and violent plundering of neighbourhood associations, as well as the forceful entry into home without warrants, took place 3-4 times a week in the favelas because their inhabitants were considered criminals or the base for a communist revolution. The commission also pointed out that the government is currently using similar forced evictions, violence and undemocratic methods to clear spaces for new construction projects, and recommends education and memory initiatives to prevent new cases of torture. (**Globo, 10/12/15; Rio on Watch, 21/01/16**)

MEXICO: Former President Fox declares in the Oaxaca Commission that he was not responsible for the police repression

Former president Vicente Fox Quesada testified at his ranch before the journalist Diego Enrique Osorno, who is a member of the Oaxaca Truth Commission. Fox testified that he indeed sent in Federal Forces to contain social tension in the region of Oaxaca, but that the Governor of Oaxaca, Ulises Ruiz, was responsible for the acts of repression. At least 66 politicians and civil servants have been called to participate in the Commission, including former President Felipe Calderón, and the Governor of Oaxaca Ulises Ruiz. Only 13 of them have accepted to testify. The 66 officials were identified based on the testimonies of more than 300 victims, witnesses and civil society actors who have provided testimony before the Commission. The conflict in Oaxaca confronted the Asamblea Popular de los Pueblos de Oaxaca (APPO) (Assembly of the Peoples of Oaxaca), which represented teachers and other education workers, and the State Government. The protests and later repression in 2006 and 2007 caused the death of 25 people. Also, 500 people were detained, 380 were tortured and five disappeared. (Milenio, 25/01/16)

Truth seeking investigations

BURUNDI: Mass graves identified by satellite, but access to investigate human rights violations is restricted

Amnesty International (AI) has published satellite images that show five possible mass graves in Buringa, Burundi. Local reports indicate that there may be nine more mass graves in Mpanda and Kanyosha. These graves may be connected to a December 11 massacre, when security forces killed at least 87 armed protesters in the capital of Bujumbura. Local witnesses told AI that authorities retrieved the bodies from the streets the day after the massacre and dumped them in several undisclosed locations. Although this information has been gathered using satellite images, the Burundian authorities have blocked access to independent experts dispatched by the UN Human Rights Council to investigate human rights violations in the country. The team, composed of two Special Rapporteurs for the UN and a member of the African Commission on Human and Peoples' Rights, was put in charge of assessing the situation and making recommendations for its report to the Human Rights Council in March. A few days earlier a delegation from the

United Nations Security Council met with top government officials in Burundi in an effort to end months of political turmoil in the country. Violence in Burundi began in the wake of President Pierre Nkurunziza's announcement that he would seek a third term of office, which he was voted into in July 2015. (AI, 28/01/16; Jurist, 29/01/16)

SOUTH SUDAN: UN reports 'disturbing crimes' committed by all sides and asks for accountability

The UN Mission in South Sudan (UNMISS) and the UN Office of the High Commissioner for Human Rights (OHCHR) have presented a report concluding that widespread human rights violations and abuses have been committed in South Sudan by all parties to the conflict since December 2013. The crimes include large scale extra-judicial killings, sexual violence, abductions and enforced disappearances, forced displacement, looting, livestock-raiding and the burning of houses. The report documents at least 280 cases of conflict-related sexual violence, including gang-rape, sexual slavery and forced abortion. There has also been a sharp increase in child recruitment, with at least 13,000 to 15,000 child soldiers recruited mainly, but not solely, by opposition forces as of December 2015. The report alerts that such crimes may have been a deliberate strategy by the government or the Sudan People's Liberation Army (SPLA) to deprive civilians of any source of livelihood and to force their displacement. It also outlines that no tangible accountability mechanisms are in place. Consequently, the report asks for the immediate cessation of hostilities and for constitutional and institutional reforms to establish transitional justice and accountability mechanisms. Such recommendations include the establishment of a Commission for Truth, Reconciliation and Healing and a Hybrid Court; initiatives to reform and restructure of the security apparatus; and full protection for victims and witnesses of violations and abuses. In October 2015 a report by the African Union Commission of Inquiry on South Sudan concluded similarly that both sides of the conflict have committed war crimes. Initiated in 2009, the armed conflict in South Sudan has caused the death of thousands and the displacement of more than 2.4 million people. (OHCHR, 04/12/15; ReliefWeb, 21/01/16)

IRAQ: Amnesty International reports Kurdish forces may be committing war crimes

A report published by Amnesty International (AI) reveals that the Peshmerga forces of the Kurdistan Regional Government (KRG) and Kurdish militias in northern Iraq are committing mass destruction in northern Iraq that may amount to war crimes. According to AI, the Kurdish militias have bulldozed, blown up and burned down thousands of homes in Arab villages in northern Iraq in a deliberate campaign of forced displacement. Though KRG officials have justified the displacement of Arab communities for security reasons, AI says it appears that it is being used to punish them for their perceived sympathies with the Islamic State (IS) armed group and to establish control over disputed areas of the country. The estimated number of displaced persons caused by these actions runs into the tens of thousands. In December 2015 the UN Office of the High Commissioner of Human Rights announced that it had received reports that human rights violations against Sunni Arab communities by Iraqi and Kurdish security forces are increasing in parts of Iraq that were reclaimed from IS. These include looting, destruction of property, forced evictions, abductions, illegal detention and extra-judicial killings. The UN then raised its concern that the Sunni Arabs seem trapped between Kurdish forces and IS. In October 2015 AI published another report denouncing that Kurdish forces in northern Syria were conducting similar campaigns of forced displacement. (AI, Jurist, 20/01/16)

Redress

WORLD: ICTJ explores under which conditions official apologies can be a redress measure

A report by the International Center for Transitional Justice (ICTJ) states that meaningful apologies as forms of reparations must meet several conditions such as: clearly

acknowledging the responsibility for the violations; recognizing the continuing pain of survivors and victims' families; and must be linked with efforts to compensate and assist victims materially and through other justice measures. The report reviews dozens of public apologies made in connection with human rights violations and war crimes with varying degrees of effectiveness. According to the report, apologies can become statements of truth that reverse years of silence or official denial, and can also mobilize the rest of society to support reparations for victims and transitional justice measures. But if not done correctly or for the right reasons, an apology may increase resentment and distrust or be rejected by victims as unjust. For this reason, working with victims before and after an apology is necessary to ensure it is meaningful and thus avoid this kind of response. (ICTJ, 28/01/16)

Memory

CANADA: The National Centre for Truth and Reconciliation, the archive of the Truth and Reconciliation Commission, opens in Winnipeg

The National Centre for Truth and Reconciliation has celebrated its official opening with two days of events including the lighting of a sacred fire in the presence of dignitaries, as well as residential school survivors and First Nation representatives. More than 1,700 students and 350 teachers, including members of eight First Nation schools, have also gathered to take part in reconciliation workshops. Located at the University of Manitoba, in Winnipeg, the Centre is the permanent archive for more than five million documents including millions of government documents and church records, photos, videos and 7,000 survivor statements gathered by the Truth and Reconciliation Commission of Canada (TRC) on Canada's Residential School system. It will also support research into all of the information obtained by the TRC. From 1874 to 1996, 150,000 aboriginal children were abducted from their families and forcibly enrolled in 132 boarding schools run by Christian churches, where many suffered systematic physical abuse and violations of their cultural rights. (CBANews, CTVNews 03/11/15)

SERBIA – BOSNIA AND HERZEGOVINA: Serbian PM Vučić returns to Srebrenica memorial and promises reparations

Four months after being attacked with plastic bottles and stones in the Srebrenica memorial, Serbian Prime Minister Aleksandar Vučić has come back to pay his respects to Bosniak victims. In his symbolic act Vučić was accompanied by Bosniak representatives, such as the chairman of the Presidency of Bosnia and Herzegovina, Bakir Izetbegović, or the mayor of Srebrenica, Ćamil Duraković. During his visit Vučić also promised to donate five million euros in development money for the town, a sum that represents Srebrenica's entire budget for two years. The money will be paid directly into town coffers so that it can be allocated by the administration where it is most needed. However, the promise of the payment has also sparked other claims against Serbia for compensation. The president of the Mothers of Srebrenica and Zepa Enclaves victims' association, Munira Subašić, welcomed Vučić's visit to the Srebrenica memorial and said that Serbia had a duty to help the area economically. Vučić's participation in the July 2015 commemoration of the 20 years of the Srebrenica massacre was very controversial at the time because many Bosniaks reproached him for his radical nationalistic past. About 8,000 Muslims were killed in Srebrenica by Bosnian Serb forces during the Bosnian war. (BBC, 11/11/15; Balkan Transitional Justice, 11, 16/11/15)

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