



Justice heals

A campaign of the Medical Care Service for Refugees, Bochum, Germany

Newsletter N° 1, August 2007

Editorial

It is now about half a year ago that the worldwide network in the fight against impunity "Justice heals" officially started its work. To mark this, the first Newsletter of the network is now distributed with actual developments of organizations and people being part of it. Furthermore it presents important worldwide news relevant for the international fight against impunity.

Khulumani from South Africa in Bochum

On June 12th 2007 the campaign „Justice heals“ met with Marjorie Jobson, member of the Board of Khulumani Support Group (<http://www.khulumani.net/>). "Khulumani" is a word from the Zulu-language and means "speak out". When the TRC was established, this organization aimed at motivating as many survivors as possible to speak openly and for the first time about the crimes committed to them during the Apartheid and the transition in front of the truth commission. Concerning the amnesty regulations of the TRC Khulumani always criticized the negotiated impunity for perpetrators. "In the traditional south African customary law amnesties do not exist", Marjorie Jobson explains. "When you harm somebody then you are responsible for the rest of your life and your children get also responsible for trying to continue to repair the harm."

Therefore Khulumani shifted its focus more and more on claiming reparations and the criminal prosecution of perpetrators. "Because only by holding perpetrators to account, justice can be done", tells Marjorie Jobson. But here Khulumani observes the missing political will of the government to implement the recommendations of the TRC. In its final report the commission demanded to extend the criminal prosecution and to initiate a National Program for Reparations. But instead, the judicial system created a new instrument for offering amnesties to perpetrators of crimes against humanity. Since last year the National Prosecution Authority NPA changed its guidelines to enable perpetrators to confess behind closed doors without risking further legal steps against them.

Khulumani has now launched a lawsuit against the policy of impunity for crimes committed during the Apartheid. Together with relatives of Nokuthula Aurelia Simelane and the so called "Cradock Four", murdered during the Apartheid, and the Centre for the Study of Violence and Reconciliation (CSVr) and the International Centre for Transitional Justice (ICTJ) Khulumani accuses the NPA as well as the ministry of justice for granting amnesties unconstitutionally to perpetrators. Marjorie Jobson: „The amended policy represents a betrayal of all those who participated in good faith in the TRC process. It completely undermines the very basis of the South African TRC which provided a truth for amnesty formula for a specific and limited time period. The policy will stand as a betrayal of victims who have been waiting for the prosecutions of those who failed to apply for amnesty or who were denied amnesty. The

failure of the State to act against perpetrators of the past has added considerably to the trauma of victims. The according of a further special dispensation to perpetrators to permit them to escape justice adds insult to the injuries endured by victims. The policy is a betrayal of those perpetrators who came forward in good faith to apply for amnesty during the operation of the TRC."



The „Cradock Four“, Foto given by Khulumani

Meeting with Enrique Nunez Aranda from Chile

From July 12th to 14th 2007 „Justice heals“ met with Enrique Nunez, chairman of the *Ethical Commission against Torture* in Valparaiso. The Ethical Commission is a coalition of 21 human rights organization trying to combat impunity in Chile. One of their main demands was to establish a commission to investigate detention and torture during the dictatorship which was achieved in 2004 by the so called "Valech-Commission". Furthermore its activities aim at attaining integral reparation for survivors and family relatives as well as the criminal prosecution of perpetrators. During his three days residence in Bochum further steps for cooperation with "Justice heals" were discussed.

Meeting with the Ombudsman for human rights from Honduras

In the same month „Justice heals“ met with Ramón Custodio López, Ombudsman for human rights of the parliament of Honduras. Ramon is already cooperation with "Justice heals" since 2001. Together with the campaign he works to institute legal proceedings to extradite perpetrators living in exile in Honduras.

Public event with Judith Galarza Campos, FEDEFAM

On July 17th 2007 "Justice heals" made a public event with Judith Galarza Campos, executive secretary of the *Latin-american Federation of Relatives of Victims of Forced Disappearances* FEDEFAM. Judith presented the history of the UN Convention against Forced Disappearances approved by the General Secretary in December 2006. The convention forbids secret detentions and obliges states to integrate the crime of forced disappearances in their criminal law. The campaign "Justice heals" will lobby for the signature and ratification of the convention by the German government.



Fotos: Knut Rauchfuss

Bianca Schmolze discussing with Ramon Custodio about future cooperation; Anamaria Diaz, Bianca Schmolze and Knut Rauchfuss together with Judith Galarza



Worldwide News in the Fight against Impunity

13.07.2007, Argentina

The Supreme Court annulated the pardon for the former military and director of the detention camp *Campo de Mayo*, Santiago Omar Riveros. With this step the court paves the way for the general annulations of pardons granted to the most responsible persons for crimes against humanity committed during the military dictatorships.

26.07.2007, Columbia

Paramilitaries canceled their participation in the peace process which obliged them to confess before court about the crimes they have committed and to pay reparations to survivors and relatives of victims. After the Supreme Court denounced the promulgation of clement punishments as unlawful and because of the two years existence of the *Law for Justice and Peace*, that survivors shall get for the first time the opportunity to speak before the parliament about what had happened to them, paramilitaries announced that they will not longer cooperate with the system of justice.

30.07.2007, Indonesia / Timor Leste

The United Nation boycotts the Truth- and Friendship Commission established jointly by the governments of Indonesia and Timor Leste and declares that UN officials will not testify before it. The commission is seen as a farce because it can grant amnesties to perpetrators already convicted by courts. Furthermore it has a mandate only to investigate the crimes committed during the year of the independence-referendum in Timor Leste but not for those committed during the Indonesian occupation since 1975.

01.08.2007, Cambodia

Kaing Guek Iev is the first person to be officially indicted by the Extraordinary Chambers for the Prosecution of Crimes of the Khmers Rouge. He was the former leader of the prison Tuol Sleng, where tenthsousands of people were tortured and murdered. His trial is expected to begin in the summer of 2008.

01.08.2007, Peru / Chile

A Chilean court decided to dismiss the lawsuit against Alberto Fujimori accusing him of being responsible for torture – charges that two Peruvians in exile had filed. The court argued that crimes committed outside Chilean territory fell not within its jurisdiction. As an extradition to Peru had been denied before by the Chilean judiciary, the complaint intended to bring Fujimori to court in Chile for his responsibility in systematic human rights violations. The plaintiffs are now going into appeal as torture is an international crime against humanity and Chile is obliged to prosecute it.

02.08.2007, Rwanda / France

Between Rwanda and France arose a heavy dispute. Last year French courts tried to accuse the Rwandan president and former leader of the FPR Kagame to be responsible for the attack against former president Habyarimana whose death was the starting point for the genocide against Tutsi in 1994. Because of this accuse the Rwandan government broke off their diplomatic relations with France and established a commission to investigate the role of France during the preparation of the genocide. Now a French court released two Rwandans in exile accused by the ICTR for participation in the genocide. Wencelas Munyeshyaka and Laurent Bucyibaruta had been arrested in July 2007. The court argued that they should be released based on the assumption of innocence.

03.08.2007, Chile

In Chile the so called *Catastro Histórico de Inmuebles Fiscales* has been published. The registry enlists all facilities that were used as centres of torture by the military dictatorship. From 1.132 detention camps 515 were in the hands of the state.

On August 2nd the fugitive former General Raúl Iturriaga Neumann, during the dictatorship DINAs Chief for external affairs, could be arrested in Vina del Mar. Iturriaga shall be responsible for various murderous attempts such as against Carlos Prats and his wife. Shortly before he had to serve a sentence for his involvement in the forced disappearance of Luis San Martín, Iturriaga announced in a video message that he would not turn himself in. After that he became the most wanted fugitive in Chile.

16.08.2007, Lebanon

A special court shall be established in Den Haag to investigate and prosecute the murder of the former Prime Minister Rafik Hariri. His murder sparked the so called Cedar revolution. The United Nations accuses Lebanese as well as Syrian secret services to be responsible for the crime.

18.08.2007, South Africa

The trial against Adriaan Vlok and Johan van der Merwe for the murder of reverend Frank Chikane 20 years ago ended with 10 years of imprisonment – but imposed as suspended sentence. This result had been negotiated between the perpetrators and the National Prosecution Authority. Khulumani protested against the court decision and demands all perpetrators to take responsibility for their crimes and the government to end impunity. Khulumani's declaration can be read on <http://www.gerechtigkeithellt.de>.