

Impunity Watch Annual Report 2011

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Introduction



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Impunity Watch Annual Report 2011

1. INTRODUCTION

This Report represents Impunity Watch's fourth Annual Review. It reflects the work undertaken in 2011 by Impunity Watch Staff in our country offices in Guatemala, Burundi and Serbia, and our head office in the Netherlands in close cooperation with our partners.

Impunity Watch is an international research-for-policy organisation that promotes accountability for past atrocities in countries emerging from a violent past. We assist societies and communities affected by violence with locally-relevant methods for reducing impunity in order to avert the recurrence of atrocities.

Impunity Watch produces research-based policy advice on the root causes of impunity and obstacles to its reduction, monitors states' compliance with their legal obligations towards victims and advocates for tailored policy solutions. Our aim is to convince policymakers to develop and implement more effective policy that is informed by and responds to the needs and expectations of affected groups and communities. We believe that dealing with atrocities is an essential part of conflict resolution, peace building, democratisation, establishing the rule of law and protecting basic human rights.

1.1 HISTORY

In 2004, Impunity Watch (IW) started as a project of the Dutch development organisation, Solidaridad to support local human rights groups in Guatemala seeking justice for victims of war atrocities. In 2006, IW created the Impunity Watch Research Instrument together with a group of experts, researchers and actors in the field of impunity reduction and human rights. The Research Instrument is a comprehensive research tool that provides a framework and methodologies for examining the root causes and effects of impunity for serious crimes under international law, as well as the major obstacles that prevent it from being combated.

Research provides the first step in our intervention, designed to systematically contribute to the reduction of impunity. Following the completion of the comprehensive research, we formulate policy proposals through a consultative process in relation to the obstacles to impunity reduction identified through the research. Thereafter, we undertake strategic lobbying and advocacy of such proposals, in addition to periodic monitoring of progress towards achieving truth, justice, reparations and guarantees of non-repetition. Cross-cutting this cycle, we organise international exchange meetings, capacity-building and outreach activities, aimed at empowering civil society to combat impunity, encouraging state and non-state actors to work together and increasing awareness and prioritisation of impunity-related issues.

In 2007, Serbia was selected as a second country to pilot our project cycle after Guatemala. Subsequently, Impunity Watch became an independent Foundation ("Stichting") in 2008, registered in the Netherlands. With the first part of the project cycle completed in the two pilot countries, we decided to expand our activities to the Great Lakes region of Africa. A feasibility study conducted in 2009 determined that Burundi was a strategic location to begin working in the troubled region and in 2010 the Burundi Programme was established.

With a presence in key regions in three continents in 2011, Impunity Watch has strengthened its ability to analyse and compare different experiences of combating impunity and provide input for worldwide efforts in achieving accountability in post-conflict states.

General Work & Goals



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2. GENERAL WORK AND GOALS

Impunity Watch seeks to promote efforts to deal with impunity in post-conflict societies, examining the obstacles that prevent its reduction and highlighting the challenges that transitional justice mechanisms face after violence.

It is our understanding that impunity will continue and violence will be repeated unless the root causes of violent conflict are addressed and a culture developed in which human rights and the rule of law are protected as the norm. Our research demonstrates that recurring violence often reflects weaknesses in state institutions and will have grave consequences for groups that are historically more vulnerable to the failure of states to realise their international obligations.

Impunity Watch conducts periodic and sustained research on the root causes of impunity and obstacles to its reduction. Our research includes the voices of affected communities in order to convince all relevant stakeholders to develop and implement more effective policies.

Using our in-house designed **Research Instrument**, our research-based policy advice focuses on processes intended to encourage truth, justice, reparations and the non-recurrence of violence. We work in close cooperation with civil society organisations aimed at enhancing their influence on the creation and implementation of these policies.

2.1 GENERAL APPROACH

It is our conviction that after armed conflict and widespread human right violations, genuine societal transformation must transcend a narrow focus on individual mechanisms and eschew one-size-fits-all approaches. Instead, a comprehensive approach must be taken that facilitates genuine local involvement, which is vital to any process to tackle impunity.

Our research and interconnected projects therefore employ a bottom-up rationale, prioritising grassroots insight to create practical and targeted policies that genuinely respond to local needs and concerns. In order to further strengthen and inform this home-grown insight, we introduce comparative experiences from other contexts.

- **Impunity Watch Research Instrument**

Our Research Instrument is an internationally recognised tool, used by all IW target groups, to measure the reduction of impunity in a country and draw cross-country/continental references in order to compare obstacles and the role of the involved key stakeholders. The tool is also used to formulate tailored policies to reduce the obstacles to impunity reduction.

- **Monitoring**

We undertake periodic and sustained monitoring of state compliance with legal obligations and progress towards implementing impunity reduction policies, aimed at enhancing the role of civil society role in overseeing the process, and thus contributing to democratisation.

Impunity Watch Mission

Reducing impunity for past atrocities in post-conflict states by:

- Improving understanding of why impunity persists
- Promoting effective policies on impunity reduction
- Strengthening the voices of affected groups and communities

- **Additional Benefits**

Tackling the obstacles for impunity reduction is accompanied by additional benefits in other fields, such as institutional reforms, combating corruption, dealing with on-going human rights abuses, conflict resolution and peace building

2.2 PROGRAMME APPROACH

Based on a comprehensive feasibility study, IW works in countries to implement long-term programmes that mobilise our entire strategic spectrum to combat impunity. This encompasses a consistent project cycle involving periodic and sustained research into the causes and operation of impunity for conflict-era crimes.

In close cooperation with local partners, our research examines impunity in key areas spanning institutional, legal, social, cultural and political issues, engaging victims, state officials, international actors and other

Understanding Impunity

Impunity is not confined to the failure to hold individual perpetrators accountable but extends to weaknesses in all branches of the state, societal shortcomings and the influence of non-state actors. Impunity will thus be present when both state and society fail to respond to serious crimes and gross human rights abuses with redress and recognition and fail to prevent future violations of human rights, especially in the case of vulnerable groups.

important stakeholders. We produce targeted policy advice based on research findings, providing substance for country-level advocacy and lobby efforts, as well as grounds for monitoring state compliance with international obligations.

In 2011, the Impunity Watch Programme Approach had a dual focus: In-Country (Guatemala, Burundi, and Serbia) and

Perspectives (Memorialisation, Gender, and Entrenched Interests). This dual approach will be elaborated upon in Chapter 3 and Chapter 4.

All of IW's Programmes have one aim in common: producing compelling, research-based policy advice and tailored solutions to key stakeholders that provide new comparative insights into tackling impunity. Each Programme entails a tailored approach, seeking the enhancement, development and implementation of effective policies to reduce impunity. Relevant stakeholders are targeted, with IW providing access to our comparative findings through a variety of approaches including publications, trainings, partner exchange events and policy consultations

2.3 CONTEXT AND CHALLENGES

In 2011, the dynamic international context in which IW is operating continued to be very challenging and offers many opportunities for further growth and expansion of IW's work. With the emergence of democratic movements in the Arabic Spring countries, the repressive responses by the respective authorities in these countries and the social changes that have emerged have been the centre of attention of the international community. In the context of these developments, the potential role of Transitional Justice mechanisms has received considerable attention. We believe that our intervention methodology can play an important role in these debates in order to, hopefully, warn about the risks of a mechanism approach without considering a thorough analysis of the root causes of violence and obstacles to impunity reduction policy.

Moreover, the nomination of the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence of Serious Crimes and Gross Violations of Human Rights is also a great opportunity for IW to bring our major findings and conclusions of our comparative research to the floor of international policy-making.

Apart from opportunities, international developments in 2011 also put constraints on IW. Our largest donor, the Dutch government, through the co-financing system Grant Policy Framework II (MSF II) in alliance with the Dutch NGO Cordaid, announced major cuts in the aid and development budget for 2011. This directly affected the funds from the MFS II system and, consequently, IW saw its pledged funding reduced by one third. In addition, other donors reduced their funding because of the economic crisis throughout 2011. Faced with budgetary constraints, we were forced to close down the Impunity Watch office in Serbia and to make budget cuts in all of our other programmes. The impact of budget cuts on a small organisation like IW is hard-hitting.

In addition to the budget cuts, the Dutch Government made a foreign policy decision which will have an impact on the future of IW in Guatemala. Despite lobbying attempts from the Dutch Guatemala Platform, coordinated by Impunity Watch, the Dutch government decided to end its bilateral relations with Guatemala. Consequently, the Dutch Embassy in Guatemala will be closed down in 2013. Both IW and the Guatemala Platform have worked productively in close contact with the Dutch Embassy over the past ten years. IW regrets this decision, since the Dutch political and financial support in this Central American country is a significant instrument in advocating important anti-impunity policies and in supporting the work of local civil society groups.

Whilst attention to the Arab Spring countries and to the region is to be applauded, this should not be to the detriment of other post-conflict contexts which are equally in need of support. IW has witnessed that with greater attention to the Arab Spring countries, political and financial support to other contexts has declined. The consequences will be particularly grave for those countries such as Guatemala and Burundi (but also elsewhere) whose conflicts are less topical, but that are undergoing a prolonged post-conflict period and for whom addressing impunity, democratisation and rule of law issues remains extremely important.

Our effectiveness greatly depends on our ability to constantly adapt to changing circumstances and adjusting to relevant trends and developments. IW plans to work on modalities to guarantee the continuation of our impact, culminating in our new Strategic Plan 2012-2015. The plan will focus on IW's key objective to reduce impunity in post-conflict settings while expressing the voices of affected groups and communities, through comparative research and tailored policy-making.

Focus Programmes: Countries



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3. FOCUS PROGRAMMES: COUNTRIES

Impunity Watch implemented three Country Focus Programmes in Guatemala, Burundi and Serbia in 2011. Unfortunately, due to budgetary restraints, we were forced to close IW's Country Programme in Serbia in mid-2011, whilst preserving our attention in the region through IW's Perspective Programmes (see Chapter 4).

3.1 GUATEMALA

Introduction and background

Guatemala has a long history of impunity. The country suffered 36 years of civil war which came to an end with the historic peace accords of December 1996. Ever since, a variety of mechanisms has been implemented to deal with past crimes: truth seeking, prosecutions in Guatemala and abroad, awards of damages by the Inter-American Court of Human Rights and the creation of a reparations body. Notwithstanding these efforts, impunity for past and current crimes is still deeply rooted in Guatemalan society which prevents the establishment of the rule of law and social inclusion - basic requirements for a society with sustainable peace.

Recent political developments provide new challenges to IW. Guatemala elected the retired military General, Otto Pérez Molina as its new President. Molina, who took office in January 2012, is accused of involvement in genocide and other serious crimes during Guatemala's internal armed conflict. It is to be expected that under his presidency, strategies seeking the reduction of impunity for past crimes will face new resistance. For the IW country office in Guatemala, the new political context will entail the need to continuously assess the effectiveness of its strategies and potential new risks emerging from the new political context, in order to modify its work, keeping the objectives for 2012 in mind.

IW implements the In-Country Focus Programme through the IW Country Office in Guatemala and has performed four major activities in 2011: i) lobbying on key conclusions and recommendations from the Country Baseline Report; ii) monitoring the Guatemalan state performance regarding truth, justice, reparations and non-recurrence towards a monitoring report; iii) conducting specific research projects; and iv) strengthening relations with local organisations.

In 2011, IW completed and published the first round of monitoring in which we concluded that the battle against impunity in Guatemala demonstrates clear connections between the conflict-era and present law-breaking and human rights abuses, not only within the Guatemalan borders, but also as part of a broader regional trend affecting the entire Central American region and with clear spill over effects from organised crime. Political and social trends in Guatemala reveal that the root causes of the armed conflict are still tangible and the country has a long way to go before it can call itself a true democratic State.

Country Focus Programmes

Goal

Extensive In-Country approach to enable key policymakers to elaborate and implement improved policies on impunity reduction.

Method

1. Working with affected communities and groups and articulating their voices
2. Performing periodic and sustained research on obstacles to impunity reduction
3. Promoting impunity reduction (lobbying) and giving technical advice to key policymakers

Working Areas

- Guatemala (2006 – present)
- Serbia (2007 – 2011)
- Burundi (2010 – present)

a) Policy and Lobby

Strategy for Justice and Security Sector Reforms

The Dutch Ministry of Foreign Affairs asked Impunity Watch, the Dutch Guatemala Platform and the Conflict Resolution Unit of the Institute of International Relations Clingendael, to develop an integral strategy to tackle some of the main obstacles within the Security and Justice sector in Guatemala, with an assessment on how to ensure a sustainable impact of the work of the International Commission against Impunity in Guatemala (CICIG). IW conducted three months of research and three weeks of extensive field research. In 2011, the findings were documented in two separate publications: an integrated strategy to combat impunity in Guatemala (in Spanish and English) containing detailed technical policy advice for the Dutch, and a public, more popular version by Clingendael and IW, published under the title, *Breaking the Wave*.

These reports received much positive feedback and were well received by the Ministry of Foreign Affairs and the Dutch Parliament. Moreover, a wide public of academics, policymakers, activists and practitioners in the Netherlands and abroad, as well as Guatemala, have shown great interest in the report. This interest goes beyond merely studying the contents, to the extent of even applying parts of the policy advice in their work.

IW and the Dutch Guatemala Platform gave two presentations to the diplomatic community in Guatemala to share the content of the work done. Based on these presentations, meetings were held with the Swiss, the Swedish and the Norwegian Embassies, to give supplementary information.

Lobby Implementation Recommendations Baseline Report

In 2011, IW continued lobbying for the implementation of relevant conclusions and recommendations of the Guatemala Baseline Report (2008) regarding truth, justice, reparations and non-recurrence, towards a better understanding of the root causes of impunity as well as the institutionalisation of progress achieved by certain state institutions. Throughout the year, IW engaged in lobby activities regarding the recommendations of the Baseline Report focussing on the creation of a national search commission for the disappeared, access to information, justice and training and dissemination of information.

Creation of a National Search Commission for the Disappeared

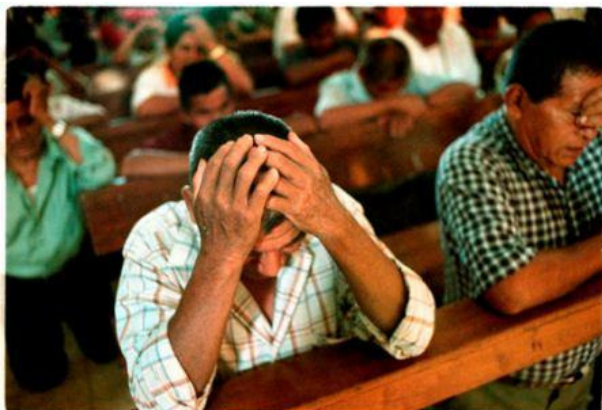


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IW lobbied for the creation of a National Search Commission for the Disappeared in Guatemala as a key body for achieving progress in the right to truth in Guatemala. Throughout 2011, the draft-law promoting this Commission continued facing strong opposition from legislative groups close to the military involved in conflict-era human rights violations. Therefore, IW's efforts focused on strengthening Guatemalan civil society's lobby capacity for achieving progress in the law-making process. During the year, IW organised monthly meetings attended by local, national and international state and non-state actors, with the purpose of unifying efforts from different organisations, raising attention among the international bodies to the Search Commission and planning joint lobby

strategies for the passing of the law. During the meetings, several activities were planned and carried out jointly by local and national actors, including press conferences and visits to the Congress board. Also, key diplomatic representatives signed letters to the Congress and attended lobby meetings for the passing of the National Search Commission law. After several years with no progress, in 2011 this topic was included on the congressional agenda, obtaining a positive response by the Congress Constitutional Commission, a key prior requirement allowing the draft-law to be sent to the plenary for its final approval. Finally, the meetings convened by IW led to the realisation of the need to provide the Search Commission with a Search Plan. In 2012,

IW will continue promoting joint lobby action in order to get the Search Commission Law approved and combining efforts for building a National Search Plan.

Access to information

Along with the OHCHR country office and the Dutch Guatemala Platform, IW accompanied the Military Archives Declassification Commission's work, including updating meetings convened by the Commission and the opening of a Documentation Centre for consulting digitalised declassified military documents. Considering the lack of collaboration of the military with transitional measures in Guatemala, the opening of a military archives documentation centre can be regarded as huge step forward. Nevertheless, the political will for reaching a full declassification process is still weak, since doubts regarding the number of documents and the technical criteria for deciding which data will be published remain. For that reason, IW focused its 2011 lobby efforts on highlighting the importance of inclusion of technical criteria supported by international human rights standards, as well as on highlighting good practices and results achieved by the other major documentation centre from the conflict period, namely the Guatemalan National Police Archive. Through lobby meetings with national and international actors, letters to the Guatemalan President and follow-up strategies, IW lobbied for improving the declassification process.

Since certain US military cooperation with the Guatemalan army is conditional upon the military archives declassification process (together with other human rights requirements), IW and several US-based civil society organisations lobbied the US Congress and the US Embassy in Guatemala for a stronger verification process on declassification prior to releasing any military aid to the Guatemalan army. As a result, the US Congress and the US Embassy in Guatemala were updated with the performance of the Military Archives Documentation Centre, highlighting flaws in the technical standards, delays in uploading declassified archives to the database, as well as restrictions faced by visitors to the Centre. By the end of 2011, no release of US military aid was approved.

In addition, IW worked on promoting the existence of the Army Documentation Centre to its potential visitors, mainly community-based organisations (CBOs) from rural areas and the prosecution offices, as a means of promoting its use by victims' organisations and the justice system. The Army Documentation Centre is important for the right to truth and justice. As a result, awareness of the Documentation Centre was strengthened as well as the use of its available data by victims and civil society organisations and state agencies. In 2012, IW will continue lobbying for the implementation of international standards and available practice from the Guatemalan National Police Archives.

Justice

The administration of Attorney General Claudia Paz y Paz – who took office in December 2010 - introduced thorough changes within the Public Prosecutor's office (Ministerio Público, MP) aimed at challenging the 98% impunity rate, combating conduct and attitudes favouring impunity among personnel and introducing a victim-centred approach. In addition to combating impunity for present-day crimes and human rights violations, the Attorney General took a firm hand in treating genocide and past crimes cases and strengthening relations with the International Commission against Impunity in Guatemala (CICIG) in handling important cases and ensuring the transfer of know-how.

Throughout the year, IW has been in close contact with the MP in its role as technical adviser for the Dutch Embassy in Guatemala as well as the UNDP programme for transitional justice in the country (PAJUST-PASOC). IW, in its role as technical advisor, met with MP's representatives on an on-going, permanent basis. IW was asked to provide technical input for the investigation of conflict-era human rights cases, to participate in human rights training programmes for special human rights MP units, as well as to analyse the political impact of progress achieved. As a result, prosecution techniques in human rights cases were improved.

In 2011, historic convictions were achieved regarding conflict-era crimes. For the first time in the recent history of Guatemala, former military personnel were convicted for committing crimes against humanity (Dos Erres

Massacre), and high-level military officers were arrested, indicted (fire at the Spanish Embassy case) and/or convicted for gross human rights violations such as enforced disappearance (Fernando Garcia case). Additionally, human rights criminal investigations started to address topics that have never been prosecuted before, such as genocide, sexual violence and war crimes. This new approach allows a better perspective on the real magnitude of the Guatemalan conflict and its brutality, as well as a more accurate technique for scrutinising the role of intellectual authors and making it possible to bring them to justice.

IW's lobby goal was focused on ensuring outspoken support from the international community for the Paz y Paz administration. Her determination to investigate both conflict-era and contemporary crimes has motivated numerous attacks and threats to weaken her position and counter her anti-impunity policies. For tackling such threats, IW conducted regular bi-lateral lobby meetings with key members of the international community, bi-monthly meetings between civil society groups and the MP to discuss progress in human rights cases (convened by the UNDP), as well as periodic round table meetings with key representatives from the international community (convened jointly by IW and the Dutch Guatemala Platform). Through these activities, IW promoted the importance of improving the MP's technical capacity as a requirement for institutionalising the observed political will against impunity in Guatemala. Also, IW contributed to developing lobby strategies for upholding the General Attorney and her policies against past and contemporary impunity, as well as highlighting the importance of a strong coordination between the MP and the International Commission against Impunity in Guatemala (CICIG) for both obtaining concrete results and strengthening the MP's institutional capacity.

As a result of civil society's work - including IW's efforts - international political support for the Attorney General continued and was included as a crucial topic upheld by the international community during the presidential campaign in 2011. Despite his prior public position, and contrary to the Guatemalan practice, the new Guatemalan President – former General Perez Molina– promised the international community that he would maintain Claudia Paz y Paz as Attorney General, guarantee her political independence and continue institutional collaboration between the Ministry of Interior, the CICIG and the MP for fighting impunity in the country.

IW also took part in promoting coordination meetings between the MP and civil society organisations, in order to guarantee their political and technical support to the prosecution of human rights cases as a general long-term policy. As a result, a Memorandum of Understanding was signed between relevant civil society organisations and the Attorney General, establishing bi-monthly meetings for coordinating activities and discussing the prosecution strategy regarding human rights cases.

Finally, in its capacity as technical adviser to the Dutch Embassy in Guatemala and the UNDP, IW lobbied for the continuation of bilateral cooperation programmes with the Prosecutor's Office, based on the political will and progress observed under Paz y Paz's administration. UNDP's programme will continue for 2012. Due to the closure of the Dutch Embassy in Guatemala, the Swedish Embassy offered to provide bilateral cooperation with the Prosecutor's Office regarding human rights cases.

Training and Dissemination of Information

In 2011, IW contributed to the formulation and dissemination of information regarding victims' rights to Truth and Justice, based on relevant international standards and IW's Baseline Report on Guatemala (published 2008). In particular, IW participated in drafting and disseminating the Thematic Technical Memoranda issued by the Attorney General for a more effective prosecution of gross human rights abuses and sexual violence cases. IW used the abovementioned memoranda as specialist information during training workshops attended by prosecutors from the human rights unit.

During the trainings, IW also had the opportunity to address core impunity causes, the relevant international technical standards to be considered by prosecutors, as well as the importance of including victims' perspectives when investigating human rights violations.

Finally, the need for coordinating all training activities regarding the Prosecutor's Office was identified. Hence, along with other civil society organisations, IW contributed to establishing a Committee for Coordinating training programmes for the Attorney General's Office in order to unify criteria and design a standardised training programme for the human rights prosecution unit. This committee started its work in mid-2011, taking responsibility for training and disseminating relevant documentation to the prosecutors of human rights cases. IW played a leading role in the committee's activities, including a human rights course and setting the technical basis for a general human rights curriculum which will be further developed in 2012.

b) Monitoring Programme

In accordance with IW's general strategy, we conducted a new monitoring process for the period 2008-2010 in cooperation with the Guatemalan Institute for Compared Penal Sciences (ICCPG). We discussed the preliminary results and data with civil society actors. Due to new developments regarding truth and justice, new obstacles and setbacks, we felt it was necessary to update the monitoring report and include the year 2011 to ensure that conclusions and recommendations are up to date. In addition, we believe it is necessary to carry out an analysis of current events to show the connection between past and present impunity, thus, we adjusted IW's political guidelines and lobby strategy in line with the country context. The monitoring report will be published midway through 2012.

c) Research Projects

In 2011, IW carried out a comparative research project to establish Best Practices in the Search for forcibly disappeared persons in Latin America. Originally, the research kicked off with five countries (Argentina, Colombia, El Salvador, Peru and Guatemala) in which selected researchers in all participating countries conducted research, coordinated by IW's lead researcher. In mid-2011, IW decided to include Honduras as a sixth country.

In August 2011, IW discussed the preliminary outcomes of the research with the national researchers from Guatemala, Colombia, El Salvador and Argentina during a research meeting held in Guatemala. Also, IW organised a presentation of preliminary findings during a Public Forum which key actors, including Attorney General Paz y Paz and the Director of the Guatemalan Presidential Human Rights Commission (COPREDEH). Civil society organisations, representatives from international bodies (ICRC, UNDP and OHCHR) and representatives from embassies in Guatemala (the Netherlands, Switzerland, Sweden, Norway, USA and Chile) also attended.



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The event marked the importance of searching for the disappeared as a current issue in Guatemala, the need for establishing a National Search Commission capable of executing a National Search Plan, as well as the importance of incorporating a comparative approach for replicating good practices from other countries. The event was also useful for linking past and current issues and identifying enforced and involuntary disappearances as a serious current threat for the entire Central-American region. During the event, the need for a comprehensive approach regarding the enforced disappearance phenomenon, such as the victims' participation in all measures regarding truth, justice and integral reparation, was highlighted. The event allowed the exchange of international experiences, which is useful for the work of national organisations in search of the disappeared. IW intends to publish the comparative research report in mid-2012. As a result of the research, IW joined a multi-national network promoting a thematic hearing before the Inter-American Commission on Human Rights, on Enforced Disappearance in Latin-American countries. IW's research findings will provide the basis for the Guatemalan presentation during the hearing, envisaged for 2012.

d) Strengthening Capacities of Local Organisations

IW strengthened relations with local organisations by conducting eight capacity building workshops for 15 CBOs in the Quiche and Coban areas. The topics for the workshops were determined based on consultations with national civil society and local victims' organisations and political and social trends in Guatemala. The main topics for the workshops included social auditing of state performance, ILO Convention 169 on natural resources and indigenous peoples, Guatemalan political context analysis, enforced disappearances and the Guatemalan Peace Accords. The workshops used "popular education techniques", developed in association with two national partners, PCS and ECAP. As a result, representatives from the CBOs attending the workshops were capable of training their fellow community partners and replicating the information provided by IW. In this way, the workshops' content reached a wider local impact.

Since most of the CBOs attending the workshops were victims' organisations including relatives of forcibly disappeared persons, IW included a visit to the National Police Historic Archives (AHPN). This activity turned out to be an effective way to link a national institution with local organisations and encourage local groups to use this resource particularly because of the crucial role played by the AHPN in the search for the disappeared, through providing document analysis and expertise. Prior to the visit, local CBOs did not know about the AHPN, its work and the possibilities for them to consult its data. Therefore, throughout 2011 IW continued to publicise the role of the AHPN among its local partners during capacity-building events, as well as promoting the use of archives by local organisations, as a way of linking national and local information, contributing to institutionalising initiatives for fighting impunity in Guatemala.

e) The case of St. Lucia: Strengthening and Including the Voice of Victims

In addition to the broad approach to victims' associations, IW is particularly engaged with the Santa Lucía Cotzumalguapa victims' organisation in the South of Guatemala. This special relationship enriches IW's work at a national and international level, allowing IW to support the CBO with concrete information and expertise on truth, justice, reparations and non-recurrence.

The Santa Lucía area is dominated by large sugarcane plantations. In 1980, increased awareness about inhumane working conditions for plantation workers led to a successful large-scale strike. This caused a period of serious repression, including killings and forced disappearances of most community leaders among many others. So far, little work has been undertaken in this region to unravel the stories of survivors who lost relatives either through extrajudicial killings or (in most cases) by forced disappearance. IW supports the survivors in their fight for dignification of those killed or forcibly disappeared by bringing to light their convictions and actions for a more equal and just Guatemala while at the same time increasing understanding of the impact of forced disappearances or killings on families, such as loss of income, fear, insecurity and social isolation.

Santa Lucía is a special case and project of IW's country programme in Guatemala. Below we lay out some of the activities and results achieved within this particular project.

Organisational Strengthening

In 2011, IW continued to build and strengthen the relationship with various Guatemalan civil society organisations around Santa Lucía. IW supported a key person in coordinating this work, particularly connecting the grassroots with relevant state and international level actors. Families of approximately fifty killed or disappeared persons now participate in the group. The intense work in therapeutic groups – accompanied by psychologists of the specialised civil society organisation, ECAP – contributed to the healing process of survivors, thus increasing their quality of and outlook on life. As one of the participants stated: "Because of the psychosocial support I have stopped crying. Sharing my experiences made me realise I am not alone in this. This gave me strength. I am no longer afraid." Moreover, the therapeutic groups are the foundation of an organisational and communication structure. Out of these groups a lead group was chosen, the 'Grupo Motor', consisting of twelve women. They decide and follow-up on key-issues and provide feedback and input to their

respective therapeutic groups. Exchanges with and occasional visits to other groups of survivors and victims in other regions of the country contribute to further discussions on the main objectives and the ideal organisational structure for the Santa Lucía group. This process will continue in 2012.

Exhumations

Another key process in dealing with the past in Santa Lucía has been DNA sampling with FAF-G. Almost all family members of disappeared persons have donated their DNA to be included in a DNA database. Furthermore, in August 2011, FAF-G started exhumations in the cemetery of Escuintla, the provincial capital. Here, people that were anonymously buried during the conflict, identified as 'XX', are being exhumed. The group of Santa Lucía was present when this process started; family members expressed their hopes and fears about the process. After the opening ceremony the relation between the team of FAF-G and the group of Santa Lucía remained strong. The Santa Lucía group organised several visits to the anthropologists, bringing food and drinks and accompanying them in their difficult work.

The exhumation process and advocacy efforts are contributing to opening up cases that are documented at the department of Escuintla at the Historic Police Archives in Guatemala City. Documents are in the process of being systematised. Once this process is finalised research of the contents can begin. This information might very well lead to understanding what happened to the disappeared and those responsible for the disappearances.

Book Publication

Much of the work in Santa Lucía has become visible in a photo book telling the stories of those who were killed or who were disappeared, and the stories of their surviving relatives. The book is based on testimonies from survivors of 30 killed or forcibly disappeared persons from Santa Lucía. Recent pictures of survivors and the present situation of the sugarcane workers, combined with old photos and summaries of the testimonies culminated in a beautiful publication. The pictures were exhibited in late 2011 in the Dutch city of Haarlem during a public book presentation. The book was presented to two women who lost their father and mother respectively. Their impressive stories were published in two Dutch national newspapers (Trouw and NRC) and during an interview for Radio Netherlands (Wereldomroep). In November 2011, the book was presented to family members and involved organisations in Santa Lucía. A short video of the presentation has been uploaded onto YouTube. The initiative also has its own website (in Dutch, www.dewegvansantalucia.com).

The book contributes to opening up conversations about a very sensitive period in recent history and is being read and discussed within families and in the therapeutic groups. It is shared with neighbours and more distant family members. It makes people feel proud about the work of their loved ones who paid for their convictions with their lives, but it also makes people feel proud about the way they survived the violence. Moreover, it generates a new kind of awareness about the complete lack of justice for these crimes.

3.2 BURUNDI

Introduction and background

The IW Burundi Programme was accredited by the Burundian authorities on 15 February 2011, having been present in the country since 2009. A Protocol of Cooperation is being negotiated with the Ministry of Human Rights and Gender, the government body responsible for overseeing the undertakings of IW in Burundi.

Political developments in Burundi continue to provide new challenges. Since the conclusion of the presidential and parliamentary elections in late 2010, the ruling CNDD-FDD has enjoyed an almost complete political monopoly in the country after the withdrawal from the election process by the opposition. Tensions between the ruling authorities and the extra-parliamentary opposition have consequently mounted, with IW observing an increase in violence, threats of insurgency and deteriorating public safety and human rights in Burundi. The year 2011 nevertheless

witnessed another significant political development in post-conflict Burundi as the government pledged its commitment before the international community and the Burundian population to establish the long-anticipated Truth and Reconciliation Commission (TRC) as proposed in the 2000 Arusha Peace and Reconciliation Agreement. To this end, the government produced a draft law on the TRC and an accompanying report for its creation, known locally as the 'Kavakure Report'. IW in Burundi actively analyses and surveys these developments, disseminating important information to the local population as well as working with national and international actors for well-informed policies.

a) Policy and Lobby

The reaffirmation by the government of its commitment to seeking the truth about past violence, followed by the production of the report on the TRC, abruptly thrust the subject of transitional justice into focus after years of apparent stagnation. For IW, as well as a number of national and international actors active in the field of transitional justice in Burundi, these developments are of critical concern. This concern stems not only from the importance that must be attached to dealing with widespread impunity in the country, but also from the ambiguities contained in the report which somewhat reflect longstanding and well-known difficulties facing any attempts to deliver truth, justice, reparations and guarantees of non-recurrence after decades of violence in Burundi. In the period until the establishment of the TRC, many national and international observers including IW will continue to be engaged in the process, particularly in order to emphasise the fundamental importance of according ordinary



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Burundians a voice in the process. That many affected communities are either uninformed about transitional justice or seldom consulted on their needs and expectations is a fact that currently informs the IW Burundi Programme.

Through the project, 'Victims a la Une' designed towards the end of 2011, IW attempts to place victims at the heart of the process of truth and reconciliation by adopting a victim-centred and bottom-up approach with the most affected communities. By conducting a series of decentralised discussion groups with communities in the country's interior, we aim to get a clearer picture of their needs and expectations with regard to processes of truth and reconciliation. These needs and expectations will be communicated to all relevant national and international actors.

Over the course of 2011, the increasing number of extra-judicial killings and indications that space for political opposition and criticism of the central authorities was shrinking provided key evidence of the importance of a

comprehensive approach to tackling impunity in Burundi based on the need for genuine transformation. Unaddressed, impunity continues to be commonplace thus reducing the chances for a more democratic state with respect for the rule of law. This prevalence of impunity is exacerbated by problems including endemic corruption, weaknesses in the judicial system and entrenched interests that undermine attempts to effectively lay the foundations for stability. IW is committed to continually raising these complex issues with diplomats and UN agencies, stressing the importance of sustained attention to and action upon them in Burundi.

Analysis of the Proposed TRC

Since the government announced its formal commitment to establish the TRC, IW has been involved in the production of a number of key documents together with Burundian civil society on the proposed Commission. This is one of the key areas in which IW supports Burundian civil society in the process of transitional justice.

Together with three other international NGOs (La Benevolencija, Search for Common Ground and the Ministry for Peace and Reconciliation Under the Cross or MIPAREC) and the members of the Reflection Group on Transitional Justice (Groupe de Réflexion sur la Justice Transitionnelle or GRJT), a platform of civil society organisations created to discuss matters of transitional justice in Burundi, IW produced a policy document entitled: 'Truth, Justice and Reconciliation: Challenges and Options for Burundi'. The same organisations also took the initiative of developing their own draft law pertaining to Burundi's proposed TRC and presented it to the Burundian government.

Upon the initiative of IW, the GRJT also conducted an analysis of the report and draft law on the TRC produced by the Technical Committee appointed by the government. The analysis contains recommendations for the government to consider as it finalises the law to establish the TRC. IW led several workshops to produce the analysis, which was widely disseminated and debated at various public events together with international and national organisations. As a result of these and similar initiatives, IW is now regarded as a vital supporter of the GRJT in Burundi. Consequently, IW is becoming an advocacy and lobbying reference for many actors in the field of transitional justice and victim support in the country. Furthermore, given its important role in supporting civil society, IW is regularly consulted by Amnesty International, several diplomatic missions based in Burundi and many international and national organisations on key matters related to transitional justice in the country.

Through the abovementioned advocacy and lobbying activities, IW Burundi is beginning to have an important impact on national civil society. This impact is instrumental in shifting attitudes from classical approaches to activism to more structured and institutional approaches. IW is therefore often solicited by national civil society organisations to reinforce their capacities in terms of advocacy and lobbying campaigning.

b) Research

Adaptation and Validation of Impunity Watch's International Research Instrument

In 2011, IW took steps to adapt our Research Instrument to the local context in Burundi, which included validation sessions held with local civil society. The adaptation is a first, preliminary step before the conducting of a comprehensive baseline study of the root causes of impunity and obstacles to its reduction. Once completed, the baseline will lead to the formulation of policy recommendations targeting the government, international actors and local civil society, with the objective of tackling impunity in Burundi. This activity was conducted during several workshops and consultations with Burundian civil society organisations, as well as international NGOs.

IW's Research Instrument was found to be unique and innovative by the national civil society organisations including research institutes and think tanks. The Research Instrument was judged by many national and international actors as containing valuable methodologies to be adopted within their own research work.

Case study: Transitional Justice; a Community-based Perspective

Together with its local partner, APDH (Association for the Defence of Human Rights), IW finalised research into a case study community in the Ngozi province of northern Burundi aimed at examining transitional justice in a local context. In addition to encouraging community participation in transitional justice processes, the research looked at the experience of violence with the desire to encourage insight into local solutions to local challenges in terms of transitional justice. The study also examined the root causes of violence in two different but neighbouring communes, presenting a series of recommendations on how to deal with transitional justice issues from a community-based perspective. The study will be further developed in 2012.

c) Strengthening and Including the Voice of Victims

Conceptualising a Bottom-up, Victim-centred Approach to Advocate Victims' rights

Based on the approach developed in Guatemala and the desire to ensure grassroots participation in dealing with impunity, IW designed a project called 'Victimes à la Une'. This project has a bottom-up, victim-centred rationale and aims to inform communities affected by violence of the proposed TRC, whilst at the same time examining the needs and expectations of those communities concerning efforts to deal with the past.

The various phases of the project are being conducted in close cooperation with five local partner organisations that have been tasked with conducting focus groups within five different communities that suffered from violence. The five local organisations followed intensive training by IW on transitional justice, communication skills and adopting the pre-designed research instrument in order to effectively administer the focus groups and report on the findings. Moreover, in partnership with Radio La Benevolencia, IW developed a series of fictional drama episodes addressing aspects of transitional justice and the TRC that were broadcast on five different radio stations and which were used to animate the focus groups.

It is expected that in 2012 the project will result in the publication of several issues of a Bulletin through which the opinions of the respective communities will be conveyed to concerned actors in the field of transitional justice. In addition, an analytical report examining the needs and expectations of the victims, as well as the main obstacles that they may encounter in claiming their rights, will be developed and published.

IW has taken a lead role on the ground in Burundi as the first international or national organisation (either governmental or non-governmental) to consult with the population on the draft law on the TRC and to register their critical opinions. Tailor-made fictional drama episodes on the TRC draft law were produced and broadcast nationwide, with victims interviewed and their testimonies communicated to the public on a number of radio stations. The radio programme, "Sorongora" through which the episodes are being broadcasted nationwide, is becoming a trademark of victims' needs and expectations in Burundi. As noted by IW's local partners, this programme has had a distinct impact on transforming victims' abilities to express themselves in terms of claiming their rights.

The Destruction of the Mass Grave in Kivyuka

Since the beginning of 2011, IW has been engaged with the community of Kivyuka, Bubanza province. IW initially conducted research into crimes perpetrated in the community, followed by the provision of support to a group of Burundian victims' associations organised in a network called CARAVI in their struggle to prevent the total destruction of mass graves in Kivyuka. The mass graves are the consequence of a massacre that took place in the densely populated marketplace at Kivyuka in 1996 and claimed the lives of more than 300 Burundians. In early 2011, construction of a national highway began which led to the partial destruction of one of the mass grave sites. Given our prior engagement, IW provided capacity building training to CARAVI's members in advocacy and lobbying in order to try to preserve the mass graves and guarantee the careful exhumation of the human remains. Political sensitivities notwithstanding, the advocacy and lobbying campaign by IW and CARAVI continue to see progress. Up till now IW and CARAVI have been able to stop the full destruction of the mass grave. The

successful cooperation between IW and CARAVI encouraged the latter to call for a formal partnership with IW aimed at further dealing with the delicate issue of exhumations in Burundi.

The working methodology of IW in Burundi is proving important for shifting attitudes on a grassroots level as well as among civil society organisations. Noticeable progress has gradually been seen among our target groups, particularly in the development of greater understanding of key issues in Burundi and the capacity to put that understanding into practice.

3.3 SERBIA

Introduction and background

Impunity Watch started its country focus programme in Serbia in 2007. In early 2009, with the comprehensive research findings and policy proposals published, the Programme entered its second two-year stage. In this stage IW and its partners have been actively lobbying for the adoption of the policy recommendations and started the design and implementation of long-term monitoring strategy to measure progress and setbacks in the state's compliance with its legal obligations in relation to impunity and obstacles in place to its reduction.

The legacy of the Serbian state's pivotal role in the wars that took place on the territory of the former Yugoslavia in the 1990s, and the crimes that accompanied them, continues to affect the country. Even after the fall of its war-time leaders and criminal proceedings against many of them at the ICTY in The Hague, incomplete institutional reforms, unreformed security services and the existence of firmly entrenched groups with an interest in preventing accountability for those crimes have disrupted attempts to fully democratise Serbia and stabilise its political scene. Impunity for war crimes in Serbia is by no means over. It remains a complex issue, linked with additional problems with Serbia's European integration and the independence of its former province, Kosovo. Political and popular opposition to recognising and dealing with war crimes is high. There is a strong possibility that even though Serbia may honour its obligations vis-à-vis the ICTY, domestic efforts and possibilities to tackle impunity, such as Serbia's own special War Crimes Court, may negatively fuel public opinion and actions. Officials and employees of the state institutions dealing with war crimes cases, as well as human rights activists, are incessantly subjected to public pressure and serious threats. A fundamental problem for dealing with impunity in Serbia is that a significant body of public opinion still glorifies Serbia's role in the wars that took place on the territory of the former Yugoslavia, with the facts about the crimes committed during the 1990s not generally accepted, nor present in public discourse or educational curricula. On the other hand, the number of extreme nationalist youth organisations founded on the glorification of war crimes and their perpetrators is increasing at an alarming rate.



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In spite of the importance of continuing to support the country and the wider region in its efforts to deal with the past in order to create conditions for non-repetition, IW saw itself forced to close down its country office in Serbia in mid-2011. In light of the importance to stay involved in the region and to share its lessons learned in dealing with impunity in the framework of IW's wider work, IW aims to stay involved in the region through its perspectives programmes and works on strategic partnerships with local and international organisations that are interested and capable to continue (aspects of) IW's work.

a) Policy and Lobby

IW's lobby work in Serbia and the wider region (especially Bosnia-Herzegovina, Croatia and Kosovo) respected the outcomes of our research report and policy recommendations. Advocating an integral approach to dealing

with impunity has been vital in that respect. IW pointed out that the strong focus on justice for dealing with impunity in Serbia has so far not significantly contributed to shifting societal perceptions. In this regard, IW has also insisted on a regional approach to dealing with impunity, as the competing interpretations of the facts of the wars between the former Yugoslav countries is a major obstacle to dealing with impunity in the region at large. From this point of view, one of the main issues IW has invested time and effort in has been the Regional Truth Commission (RECOM).

Regional Truth Commission

Along with over one-hundred organisations in the region, IW is involved in the initiative to establish the Regional Truth Commission to examine war crimes and other gross violations of human rights committed on the territory of the former Yugoslavia between 1991-2001. RECOM, as a proposed victim-centred initiative, would not only help in bringing victims' voices forward but could also become an important tool to address war crimes denial in the region and to tackle revisionist tendencies within society as one of the most important obstacles in dealing with impunity.

One of the main problems in the region is that each country/ethnic group has their own interpretation of the wars and the related facts. This multiplicity of interpretations, often based on denying the suffering of opposing groups, is obstructing the elimination of hatred and division between groups and the possibility to come to a unified understanding of the facts of the wars, which is an important obstacle in combating impunity. RECOM has been set up to tackle this problem and to come to a common understanding of facts.

In 2011, IW provided RECOM with technical advice to strengthen the mandate for the commission and issued several press statements to support the need for establishing such a victim-centred regional truth commission. During the Fourth Assembly of the Coalition for RECOM (CORECOM) in Belgrade in March, the majority of delegates adopted the draft statute. Though RECOM is facing some organisational and internal problems related to the complexity of satisfying its huge number and variety of members, the Fourth Assembly saw thousands of organisations and individuals throughout the region confirming their desire for the establishment of an accurate, comprehensive and victim-centred account of the recent past.

Since IW believed that the installation of a regional and victim-centred truth commission could be a vital step in combating impunity in the region, support to national civil society organisations in lobbying for RECOM to be put in place has been one of the most important IW activities, especially among parliaments in all of the former Yugoslav states. The press statements of IW have been widely cited in Serbian media, with IW's country coordinator in Serbia interviewed several times by national press outlets.

Arrest of Mladic

An important event in the combat of impunity that IW worked on in Serbia concerns the arrest of ICTY fugitive and former Bosnian-Serb military chief, Ratko Mladic in 2011. IW applauded the efforts of the Serbian Government and Intelligence Services that resulted in the arrest of Mladic on 26 May 2011.

In spite of the growing indications of a willingness to deal with the past and combat impunity among the Serb authorities, as well as the important step that the arrest represents for the country, there are outstanding concerns indicated by the arrest of Mladic. A genuine political will to see war criminals brought to justice is yet to emerge, with the arrest of Mladic difficult to separate from Serbia's desire for European integration. In this light, IW insists that it is important to stay committed to a comprehensive impunity reduction agenda, which will require a restructuring of state institutions, supporting truth-seeking initiatives and addressing war crimes denial. IW published several press articles stressing the importance of these considerations and disseminated research findings to inform the Outreach unit of the ICTY.

Furthermore, in light of IW's office closure, many efforts have been invested to ensure that IW's lobby work in Serbia could be continued by other civil society organisations, on a local as well as national level. To this end IW

invested in training organisations on lobbying skills, in close collaboration with the Youth Initiative for Human Rights (YIHR) in particular to promote IW's research findings and policy recommendations in the region. IW feels confident that civil society organisations at the local level and the YIHR will continue lobbying for IW's policy recommendations.

b) Monitoring Programme

In 2011, IW also focused on designing and launching its monitoring programme in partnership with YIHR, developing key indicators to allow the continued monitoring of progress and setbacks in state compliance with its legal obligations to combat impunity and the reduction of obstacles that keep impunity in place. Through an intense five-day workshop, IW and YIHR developed the monitoring tool together. YIHR has been a valuable partner from the start of IW's country programme. The organisation has participated in the Baseline Country Research and is one of the few organisations with offices in all of the countries of the former Yugoslavia, therefore it has widespread reach and an explicit interest in having a monitoring tool. Furthermore, YIHR is focused on youth and non-repetition which is of great interest to IW since tackling youth perceptions is vital for dealing with impunity. The tool was made available to YIHR in order to ensure the continuation of monitoring by a local partner. YIHR is aware that they can call upon the expertise of IW staff at the Utrecht office and/or other country offices whenever they so need. IW will also ensure that the research outcomes from Serbia will continue to feed into our comparative analyses.

c) Conclusion

IW invested a significant amount of time and energy into fundraising efforts for the implementation of several country office projects. Unfortunately, these efforts did not result in sufficient funding to maintain the IW Serbia office. However, and as mentioned above, IW will stay involved in impunity reduction in the former Yugoslavia through its various perspectives programmes. In this way, IW will also ensure that accumulated insights into combating impunity and obstacles that keep it in place will be maintained. In addition, IW continues to examine possibilities for strategic partnerships with like-minded organisations to disseminate our work, research findings and comparative lessons for the benefit of local partners in the region.

Focus Programmes: Perspectives



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4. FOCUS PROGRAMMES: PERSPECTIVES

So far, Impunity Watch has worked on three thematic programmes from a comparative perspective: Memorialisation, Gender and Entrenched Interests. These programmes are called Perspectives Programmes. The comparative approach, which is central in these programmes, aims to draw comparative lessons from different contexts to assist IW partners in their work and to aid the development of more informed policy by international policymakers.

4.1 MEMORIALISATION

IW started this programme to examine the role of memorialisation in combating impunity after violence in order to strengthen the influence of affected communities in policy-making. IW researched the dilemmas, pitfalls and potential of memorialisation in post-conflict settings, beginning with a series of debates in 2010.

IW published the analysis of the key issues resulting from these debates in early 2011 in the form of a detailed publication on memorialisation, predominantly focusing on the dilemmas of memorialisation after violence. The publication generated many positive reactions from actors in the field as well as academic researchers on related topics, each helping to increase IW's network. The positive and constructive reactions also confirmed that IW is working on a niche-topic and that there is much interest in the research that IW conducted in 2011. As a result of the 2011 publication and our accumulated knowledge, IW was invited to a number of events where the role of memorialisation - particularly in the context of transitional justice - was examined.

At the beginning of 2011, IW designed a research framework to be used in the five selected research countries (Guatemala, Burundi, Bosnia-Herzegovina, South Africa and Cambodia) to examine the role of memorialisation as an impunity-reduction strategy and developed research tools for the researchers in order to ensure the comparativeness of the research findings. Thirteen local partner organisations working on memorialisation in the respective countries assisted in the project, including during the research phase. Not only did this create ownership of the project among these various civil society actors, but it also made apparent that, above all, memorialisation is a sensitive topic in each of the countries in spite of their differing transitions from violence. IW also witnessed that memorialisation can be a rather painful exercise for some of the partners, especially when critically evaluating the memorialisation practices in their own country. In this sense, rather than being necessarily the positive process after violence that it is often assumed to be, we find that memorialisation may be no less controversial than other mechanisms for dealing with the past. Memory and truth are highly contested, with memory initiatives becoming the places where these debates are physically played out. At the

Perspectives Programmes

Goal

Providing international policymakers with comparative insight and lessons from multiple post-conflict contexts on the obstacles to transformation and needs of affected communities in key thematic areas of impunity reduction.

Method

1. Identifying at least three contexts for conducting research and establishing strategic partnerships
2. Conducting of research and production of country-level research reports, identifying key local obstacles to impunity reduction
3. Formulating comparative findings from the research reports to be validated during international exchange meetings, followed by development of policy recommendations for lobbying and follow-up

Working Areas

- Memorialisation (2009 – present)
- Gender (2010 - present)
- Entrenched Interests (2011 – present)

same time however, memory initiatives offer significant potential for contributing to redress after violence, especially where they are understood beyond merely symbolic reparations but instead as processes that may complement or supplement the more classical post-conflict mechanisms.

IW used focus groups, interviews and other relevant research methodologies to construct qualitative case studies of memory initiatives in each of the research countries, in order to examine some of the key issues surrounding memorialisation and its interconnection with impunity after violence. Complemented by an examination of the historical context in each country, the case studies were subsequently compiled into individual draft research reports. The editing and finalisation of these research reports was completed in close collaboration between IW researchers and local partners, supervised by the IW office in Utrecht. In each context



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the research process engaged a variety of stakeholders, stimulating critical reflection on the positive and negative aspects of memorialisation as an impunity reduction process.

In late 2011, IW organised a debate in Bujumbura, Burundi, on memorialisation. IW assembled around sixty representatives from civil society, local and national authorities, the international community and victims' associations to discuss the way the country is dealing with its past. According to participants, the debate proved to be extremely valuable, particularly in light of the current developments in Burundi concerning transitional justice, which includes not only the preparation of a truth and reconciliation commission but also recommendations concerning the re-writing of the country's

history and the need for local commemorative events. This made IW's research, and the debate, particularly interesting and relevant. The presentation of the preliminary findings was therefore of direct relevance to the contemporary debates on dealing with the past in Burundi. The debate was lively and constructive and was directed towards validating the research findings with a range of local actors. These types of national debates will encourage future discussions in the respective countries and will provide important data for the research reports. The debate in Burundi will also serve as an important starting point from which to expand discussions on memorialisation in the country – something which local partners have called for.

Building on the foundations from the research and the engagement of local civil society, IW also began preparations for national debates in Guatemala and Cambodia, to be held in 2012.

IW will analyse the individual country research findings and produce a comparative analysis of the results, including targeted policy recommendations. The analysis and recommendations will provide the basis for an International Exchange Conference which will be organised in Cambodia in 2012, bringing together civil society actors, experts and policymakers to examine the research and its relevance to their work.

4.2 GENDER

The year 2011 marked the set-up of a new innovative comparative programme within the area of impunity reduction. Our programme 'Gender sensitivity of transitional Justice processes', aims to include the voices of victims of violent conflict and pay particular attention to the different experiences and needs of men and women as victims of violent conflict. By conducting research in Burundi, Bosnia-Herzegovina and Guatemala, our aim is to identify the main obstacles and good practices in impunity reduction by paying attention to the impact of the conflict on men and women and the response of the state and international actors such as the UN to their diverging needs in the aftermath of conflict. As the international debate on impunity reduction for gross violations of human rights is currently merely focused on women as victims of sexual violence - a finding that was confirmed by our desk studies in early 2011 - Impunity Watch wants to broaden this discussion by

improving the overall gender-sensitivity of processes and state institutions dealing with issues surrounding truth, justice, reparations and non-recurrence. Key to this approach is the question of what needs to be done in order to make these processes more effective and transformative, including identifying the main obstacles to this objective.

In order to find answers to such questions, the research in Bosnia-Herzegovina, Burundi and Guatemala started in late 2011. This research is based on the findings from desk studies already conducted. CSO interest, victims' involvement and state actors' interest in the research has been strong from the outset, highlighting the urgency and need to fill the gap in knowledge and practice that IW is currently addressing. At the time of writing, the research was in the process of finalisation, with great interest and enthusiasm in the policy recommendations on a national as well as international level, as well as among the major target groups (victims, CSOs, state institutions). Actors ranging from the UN to national authorities and activist CSOs had indicated their willingness to join forces to implement the research outcomes, with policy consultations planned for 2012 to (among other things) facilitate this dynamic.

In 2012, a comparative analysis of the major findings of the country research will be written. With this policy document international stakeholders including the UN and international donors will be lobbied to convince them to implement and support more effective policies to tackle the obstacles and ineffectiveness of current transitional justice processes on gender-sensitivity.

Parallel to the research phase, IW has been asked by PSO to be part of their Thematic Learning Programme in Fragile States, in order to assess IW's strategy of collaboration and partnership with civil society organisations. For IW, it is key that research findings contribute to new and relevant elements to the agenda of CSOs, thus enriching and supporting their advocacy and lobby skills and efforts. The outcomes of this process and lessons learned will contribute to assessing our current policies on partnering in 2012 and will feed into our new strategic planning process for the coming years.

4.3 ENTRENCHED INTERESTS

While research into Entrenched Interests as a dimension of impunity was originally designed as part of IW's Research Instrument, it has become clear that the complexity and sensitivity of this topic requires a specially-dedicated research framework. This special research framework should allow for the construction of an appropriate analysis of these interests and a more thorough basis for improved policy-making on dealing with the past, capable of taking into account the dimensions and ramifications of these entrenched interests.

For these reason, IW began developing a research for policy project on this topic in 2011, deepening its conceptual understanding of entrenched interests and their relation to dealing with the past and proposing a pilot research project in Guatemala. This pilot research was set up to test the validity of a newly-developed research methodology. The outcomes of this methodology will inform the development of a comparative research methodology that is to be applied in different contexts. The research will analyse these interests, their influence and how they operate in relation to impunity, allowing for comparative analysis across contexts. This will be useful to improve policy to tackle entrenched interests.

In October 2011, IW received a grant from HIVOS to start the pilot project on entrenched interests in Guatemala and research therefore commenced as of November 2011. In the last two months of 2011, desk research was conducted and field research in Guatemala planned. This included the selection of local communities that would be part of the field research and whom IW will accompany to enhance their understanding of the nature of the entrenched interest groups that affect their agendas and to help them develop and implement strategies to counter their negative influence.

The entrenched interests' programme has the following goals:

- To improve understanding and knowledge of the dynamics of entrenched interests, their influence on keeping in place impunity, and their impact on civil society;
- To strengthen the capacity of local civil society actors to resist entrenched interests, by improving their knowledge of the negative influence of such interests on their agenda, developing mechanisms to deal with them on the local level and in this way promoting democratic participation on the local level; and
- To ensure that the role of entrenched interests is taken into account in national agendas for dealing with the past.

The research is set out to improve policies by highlighting where and how dealing with the past can be integrated into more comprehensive policies pertaining to the development and promotion of democracy. The research on entrenched interests rests on three pillars:

1. Mapping relevant elite groups and describing in which conditions and by which strategies they are able to entrench their interests in the course of systematic transition;
2. Assessing how entrenched interests and transitional justice are reflected in the agendas and strategies of the most important civil society organisations on a national level; and
3. Conducting interviews and action research workshops in which the impact of entrenched interests on the daily activities of civil society organisations on a local and national level will be reflected and options for advocacy and strategic openings for pro-active policies will be explored.

The project will continue in 2012 when research and capacity building will be initiated in collaboration with civil society partners, particularly on a local level, facilitating the exchange of problem assessments and best practices and providing a format for the creative exploration of innovative policy-making.

We expect extending the programme to other countries after evaluating the pilot study in 2012.

Outlook 2012



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5. OUTLOOK 2012

We have learned many important lessons from our work over the past years, lessons that we are incorporating in our approach for the next five years in order to best support the dynamic development of IW and advance our achievements. We are aware that the changes in the current financial and political environment require IW to take a fresh look at its position in its field of work in order to best enhance our accomplishments. We began an intensive strategic process to find some answers to these questions at the end of 2011. We expect to conclude this process in the summer of 2012, by which time we hope to have a new multi-annual strategy developed to guide IW's further development.

Central to IW's strategic process is the question of how IW can ensure - despite its limited resources - a singular contribution to the worldwide combat of impunity, and how we can maximise impact in that respect. IW realises that since we are a small organisation, our possibilities are limited and there is thus much potential for enhancing efficiency and impact through investing in the construction of partnerships with like-minded, complementary organisations. For this reason our strategic process is exploring possibilities in this regard, with the development of strategic partnership relations to be prioritised in 2012, rather than partnering on an ad hoc basis. Our aim is to form strategic partnerships on both an institutional and a programmatic level. Furthermore, a strategic fundraising plan will be an important element in our new strategic vision.

The research phase of the thematic focus programmes, Memorialisation and Gender will be concluded in 2012. The new policy phase will focus on comparative analysis of the principle findings of the different country research analysis as well as making policy recommendations. The policy recommendations will be taken up by the country offices to lobby for improved policy and implementation at the national level, with the Utrecht office taking the lead on the international level, either by participation in meetings or organising meetings, (inter)national seminars and side-events. If funding allows, new in-country research will begin.

Country Focus Programmes 2012

Guatemala 2012

IW will consolidate the monitoring programme in Guatemala, informed by extensive research on key issues and modifying the original policy recommendations according to current developments. Policy-making and advocacy will again feature prominently in the Guatemala Programme, as will continued capacity building and outreach efforts.

As part of our 2012 plans, the Guatemala Programme envisages strengthening its capacity to influence political dialogue, especially aimed at introducing victims' perspectives and voices into key debates. IW will engage in strategic partnerships and alliances to enhance its participation in the international community by reaching out to the Central American Region in constructing a regional outlook and aggregating the regional profile and impact.

With regards to our ambitions to strengthen civil society, the Guatemala Country Programme plans to include the establishment of solid relations with victim groups on a local level in four key regions, targeting the inclusion of these groups in all aspects of our work and accompanying their work on a local level. IW also envisages a more active exchange with the Burundi Country Programme on issues such as strengthening victims' organisations and exhumations.

Guatemala Country Focus Programme Follow-Ups:

- Mid-2012: Publication of the Impunity Watch Comparative Research Report containing a strategy to outline a National Search Plan that will contribute to possible National Search Commission activities
- Strengthen relations with local CBOs in Guatemala is a 2012 priority in view of engaging in collaborative partnerships with key local actors
- Further strengthening and empowerment of victims' organisations through promotion of the Santa Lucía publication, with the people of Santa Lucía taking a leading role

Burundi 2012

IW will enhance the existing activities in Burundi, including researching victims' expectations of transitional justice, local capacity-building and lobby efforts. We will begin our research towards developing a Baseline on the root causes of impunity in Burundi. This approach will result in concrete recommendations for the Burundian authorities, civil society and international actors in the country. Our research will lead to greater understanding of critical issues facing the country at such a crucial time in its history, such as the proposed TRC scheduled to commence in 2012.

Given the relevance and importance of transitional justice and the TRC in particular, IW will also continue supporting the Reflection Group on Transitional Justice in Burundi, a consortium of organisations established as a forum for exchange and lobby on this crucial issue. In 2011, IW supported the Group in analysing the report and draft law produced on the proposed TRC. As the establishment of the TRC draws closer, IW will continue to play an active role in voicing victim and civil society interests, and will itself begin monitoring the process once it is established.

Finally, the Burundi office has solicited the support of the Guatemala office and an expert Guatemalan organisation to assist in supporting a local community where exhumations are being sought before a road currently under construction destroys four mass graves. IW will continue to monitor the situation, lobby relevant national and international actors and provide support to the community's victims' organisation.

Burundi Country Focus Programme Follow-Ups:

- To continue the successful series of radio episodes in close cooperation with local partners, targeted at informing the population in rural locations about transitional justice processes and develop new episodes allowing victims to express themselves and to be broadcasted on a national level
- To continue the research, in cooperation with local partners, of several case study communities and examine the needs and expectations of victims in the transitional justice processes
- To analyse and publish the results of the interviews and focus group discussions in a research report

Perspectives Programmes 2012

Memorialisation

In 2012, a new stage of the Memorialisation Programme will be defined for subsequent years. This includes additional research, country-specific action plans and comparative analyses. These will be developed and implemented by IW in cooperation with local civil society organisations. These will be presented during the International Memory Initiatives Exchange Forum 'Breaking the Silence', a five-day Exchange Forum in Phnom Penh, Cambodia, organised by Impunity Watch and local partners in Cambodia.

Exchange Forum 'Breaking the Silence', September 2012

- The Forum will unite civil society representatives, researchers and experts in order to stimulate critical reflection on memorialisation towards the development of concrete international policy recommendations
- Exploring the interconnections between memory initiatives and other post-conflict approaches
- The Exchange Forum seeks an interactive and participatory exchange of information, stimulating participants to actively engage in the subject matter

Gender

In 2012, the programme year will be marked by dissemination of our research findings, the writing of a comparative analysis for lobby purposes and the practical aspects of international lobby activities. This lobby document, based on the outcomes of our country research and validated and discussed by CSOs, state actors and victims' organisations, will find its way to both the national level, with recommendations for state actors to tackle the obstacles to impunity reduction and meeting the specific needs of victims, as well as to the international level, targeting actors such as UNWOMEN and the ICTY. Several national and international lobby events are being planned and particular attention is being paid to extend and consolidate the network of actors working on the issue of gendered aspects of conflict and impunity reduction.

The current enthusiasm and demand for the research findings and comparative report by the press, the UN, local and international NGOs and state institutions, will be used to generate international debate on impunity reduction and the gendered aspects of transitional justice, to disseminate research findings, but foremost, to an improvement in policy and practice in post conflict settings.

Gender Programme Follow-Ups 2012

- Presenting a comparative analysis with recommendations to tackle impunity and addressing victims' needs.
- Stimulating (inter-)national debate and policy development on gender issues related to transitional justice through dissemination of country research findings, comparative analysis and lobby activities..

Entrenched Interests

The pilot study in Guatemala will be evaluated in 2012. Based on the outcome of this evaluation and available funding, we will decide on how to proceed with this programme.

Financial Report 2011



PHOTO COURTESY OF SELIM MAWAD

6. FINANCIAL REPORT 2011

Profit and loss account for the year ended December 31, 2011

(in euros)

	Actual 2011	Budget 2011	Actual 2010
INCOME			
Grants	895,820	1,025,600	642,768
Fees	24,687	20,000	100
Interest	3,808	4,400	4,400
	<u>924,315</u>	<u>1,050,000</u>	<u>647,268</u>
OPERATING EXPENSES			
General Management / Development	159,349	162,600	305,669
Balkans programme	54,805	88,000	82,498
Guatemala programme	285,974	306,000	179,421
Burundi programme	181,544	230,000	134,481
Perspectives programme	196,701	290,000	110,869
	<u>878,373</u>	<u>1,076,600</u>	<u>812,938</u>
Result for the year	<u>45,942</u>	<u>-26,600</u>	<u>-165,670</u>
Appropriation of the result			
Restricted funds	<u>45,942</u>	<u>-26,600</u>	<u>-165,670</u>
Total	<u>-</u>	<u>-</u>	<u>-</u>

The net result of € 45,942 euro has been charged to the restricted funds

Breakdown of the Income

Grants

The breakdown is as follows.

	Actual 2011	Budget 2011	Actual 2010
HIVOS Foundation	19,672	50,000	390,000
Solidaridad Foundation	230,627	228,550	103,168
Cordaid	403,121	400,000	120,000
Own fundraising	235,000	339,650	-
Swiss Foreign Affairs	7,400	7,400	29,600
	<u>895,820</u>	<u>1,025,600</u>	<u>642,768</u>

Due to the financial reductions on MFSII also faced by our donor, HIVOS, the initial commitment they gave IW at the year's closure in 2010 needed to be revised in 2011. It was only in late 2011 that a new grant covering 2011-2012 could be negotiated, for which reason only a small share of that grant could be implemented over the last months of 2011.

With respect to IW's own fundraising, one donor has made a strategic decision to stop its involvement in Guatemala, for which reason the foreseen grant renewal did not take place. Another grant in this category runs until mid-2012. In light of some reprogramming of the activities of this particular grant, a sum of € 70,000 has been carried over to 2012 in order to meet the grant's obligations.

Fee

In 2011 Impunity Watch received € 24,687 from the Ministry of Foreign Affairs of the Netherlands for a research assignment (consultancy) to be carried out with the Clingendael Institute, on Guatemala. Another consultancy fee for research on Guatemala was received from ICTJ.

For more detailed information an audited annual financial report for 2011 is available upon request.

Annex 1: Overview of the Board, Advisory Board and Staff Members 2011

Board

The board has three members:

- Marcie Mersky, retired June 15, 2011 (Chair)
- Brinton Lykes (Secretary)
- Erik Laan (Treasurer and as per June 15, 2011 Chair)

Advisory Board

The advisory board has seven members:

- Douglass Cassel - Professor of Law and Director of the Center for Civil and Human Rights at University of Notre Dame
- Alison Crosby - Assistant Professor of Gender, Peace, Internationalism and Development in the School of Women's Studies at York University, Canada
- Susan Kemp – Legal advisor IW until 2010
- Sir Geoffrey Nice Q.C. - Barrister in London since 1971 and extensively involved in ICTY
- Naomi Roht-Arriaza - Professor of Law at the University of California, Hastings College of Law
- Roberto Garretón – Chilean lawyer and founding member of UN Working Group on Arbitrary Detention, re-joined WGAD in 2008
- Klaas de Jonge - Human rights activist and one of the founders of IW's country office in Burundi

Utrecht office

- Executive Director -Marlies Stappers
- Development Coordinator/ Operation Manager - Anna McTaggart (until October 1, 2011), Margaretha Bakker (as of December 1, 2011)
- Project officer/ Memorialisation Programme Coordinator- Annet van Offenbeek
- Research and Policy Advisor - David Taylor (as of March 14, 2011)
- Gender Programme Coordinator - Sanne Tielemans (as of August 15, 2011)
- Programme Officer Gender Programme and St. Lucia - Karen Hammink
- Entrenched Interests Programme Coordinator - Jakob Kirchheimer (as of October 1, 2011)

Guatemala country office

- Country Coordinator - Lucy Turner / Wilson De los Reyes (replacing Mrs. Turner during her maternity leave)
- Research Coordinator – Carlos Amezcuita
- Administrative Assistant - Claudia de Minera
- Capacity Building and Outreach Coordinator - Leslie Figueroa (as of June 1, 2011)

Burundi Country Office

- Head of Mission/ Country Coordinator - Selim Mawad (as of February 1, 2011)
- Program Coordinator - Jeannine Nahigombeye
- Administrator, logistician and driver - Christophe Muhuzi

Serbia office (until July 2011)

- Country Coordinator - Admir Duran
- Programme assistant - Marija Manojlovic

Country Researchers Perspectives Programmes (consultants)

Gender

- Bosnia – Maja Sostaric (as of October 15, 2011)
- Burundi - Mathilde Boddaert (as of October 15, 2011)
- Burundi – Reginas Ndayiragije (assistant, as of November 1, 2011)
- Guatemala – Sanne Weber (as of August 2, 2011)

Memorialisation

- Bosnia and Herzegovina - Jasmina Tepic (January – May)
- Burundi - Aloys Batungwanayo/Benjamin Vanderlick (January – August)
- Cambodia - Kristina Chhim (January – August)
- Guatemala – Walter Paniagua (January – June)
- South Africa - Rea Simigiannis (January – June)

Annex 2: List of Acronyms

AHPN	National Police Historic Archives (Archivo Historico de la Policia Nacional)
APDH	Association for the Defense of Human Rights (Association pour la Paix et les Droits de l'Homme)
CARAVI	Support center and reflection of associations of victims of socio-political conflicts (Centre d'appui et de réflexion des associations des victimes des conflits socio-politique)
CBO's	Community Based Organisations
CSO's	Civil Society Organisations
CICIG	International Commission against Impunity in Guatemala (Comision Internacional Contra la Impunidad en Guatemala)
CORECOM	Coalition for RECOM
ECAP	Community Studies and Psychosocial Action (Equipo de Estudios Comunitarios y Accion Psicosocial)
FAF-G	Forensic Anthropology Foundation of Guatemala (Fundación de Antropología Forense de Guatemala)
GRJT	Reflection Group on Transitional Justice (Groupe de Réflexion sur la Justice Transitionnelle)
ICCPG	Institute for Comparative Studies in Criminal Sciences in Guatemala (Instituto de Estudios Comparados en Ciencias Penales de Guatemala)
ICTY	International Criminal Tribunal for the former Yugoslavia
IW	Impunity Watch
MIPAREC	Ministry for Peace and Reconciliation Under the Cross
OHCHR	Office of the High Commissioner of Human Rights
PCS	Project Counselling Services (Consejería en Proyectos)
RECOM	Regional Commission for establishing the facts about war crimes and other gross violations of human rights committed on the territory of the former Yugoslavia
TJRNR	Truth, Justice, Reparation and Non-Recurrence
TRC	Truth and Reconciliation Commission (Burundi)
YIHR	Youth Initiative for Human Rights

Impunity Watch (IW) is a Netherlands-based, international non-profit organisation seeking to promote accountability for atrocities in countries emerging from a violent past. IW conducts periodic and sustained research into the root causes of impunity and obstacles to its reduction that includes the voices of affected communities to produce research-based policy advice on processes intended to enforce their rights to truth, justice, reparations and non-recurrence. IW works closely with civil society organisations to increase their influence on the creation and implementation of related policies. IW runs 'Country Programmes' in Guatemala and Burundi and a 'Perspectives Programme' involving comparative research in multiple post-conflict countries on specific thematic aspects of impunity.

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