



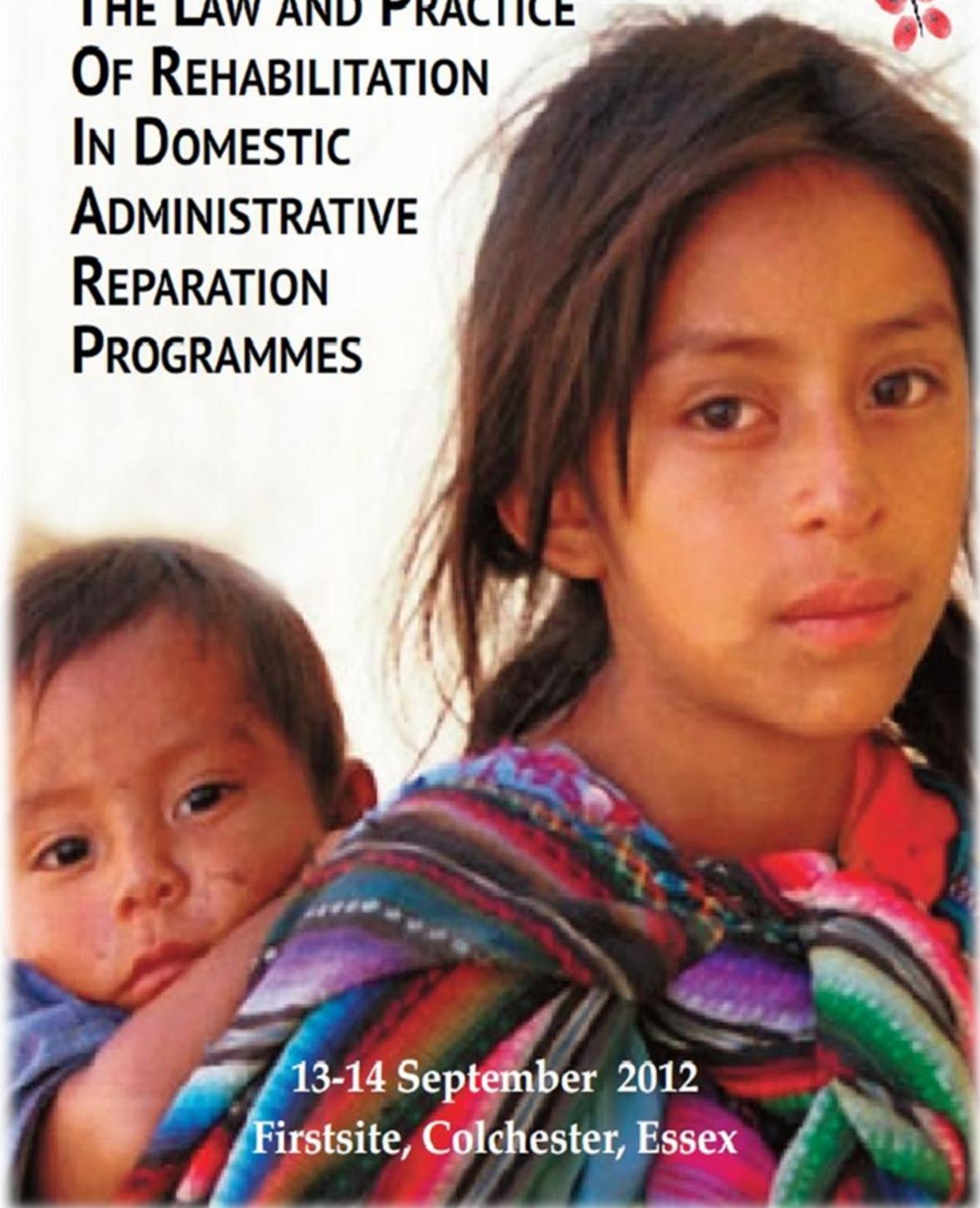
University of Essex

TRANSITIONAL JUSTICE NETWORK



American Society
of International Law

THE LAW AND PRACTICE OF REHABILITATION IN DOMESTIC ADMINISTRATIVE REPARATION PROGRAMMES



13-14 September 2012
Firstsite, Colchester, Essex

Second International Conference

‘The Law and Practice of Rehabilitation in Domestic Administrative Reparation Programmes’

The Essex Transitional Justice Network at the University of Essex, the American Society of International Law Interest Group on Transitional Justice and the Rule of Law, and the Clemens Nathan Research Centre, held a two-day international conference on “The Law and Practice of Rehabilitation in Domestic Administrative Reparation Programmes”. The conference took place at Firstsite (Colchester, UK) on 13 and 14 September 2012 and brought together a wide range of leading experts from around the world. The conference is part of an on-going research project on rehabilitation as a form of reparation; one of its main outcomes will be an edited collection of articles.

Rehabilitation as a form of reparation for gross violations of international human rights law and serious breaches of international humanitarian law has received sparse attention in literature and in practice, despite its vital and immediate role in victims’ recovery. Drawing on experience from a range of past and on-going domestic administrative reparation programmes, the conference explored the normative and legal role of rehabilitation as a form of reparation in times of transition. The conference stimulated reflection on the international obligation of states to provide adequate and prompt rehabilitation to victims of such abuses by looking at state practice. It was also highlighted that in the past there has been a particularly narrow understanding of the term rehabilitation. By assessing the existing practice the conference helped to identify best practice on rehabilitation and engage with the challenges associated with crafting and implementing rehabilitation in states undergoing transition.

*To provide a platform for researchers, practitioners, and decision-makers
to better understand transitional justice and thereby
to improve the situation on the ground.*

Essex Transitional Justice Network

Conference Overview

Key Note Address by Professor Theo van Boven ‘Reflections on Rehabilitation as a Form of Reparation under International human rights law with special reference to UN Principles’

Professor Emeritus, Faculty of Law, Maastricht University and Former Independent Expert on the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation

The keynote address was delivered by Professor Theo van Boven, architect of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (often referred to as the ‘Basic Principles on the Right to a Remedy and Reparation’). Professor van Boven reflected on the origins of rehabilitation as a form of reparation under international human rights law, noting that the right to reparation in international treaties was drafted by lawyers who did, and still continue to struggle with the meaning of this right. He emphasised that international law still fails to be victim-orientated and that the area of rehabilitation is still deficient. A major obstacle to understanding rehabilitation is the lack of a multidisciplinary collaboration in determining its scope.

Professor van Boven provided an overview of the impact of the Basic Principles on the Right to a Remedy and Reparation on the development of international law, focusing specifically on: the ICC Statute, the work of the Special Rapporteur on Violence Against Women and the Convention Against Torture. On the ICC, he noted that the Statute has provisions on reparations and rehabilitation that utilise the language of the Basic Principles on the Right to a Remedy and Reparation. The Court in the *Lubanga* case¹ was challenged with interpreting these provisions and established principles for providing reparations, recognising that the right to reparation is well established under international law. Professor van Boven noted that this case represents a significant step towards a victim-orientated approach that provides an important link between retributive and reparative justice.

Professor van Boven stressed the importance of engendering our approach to rehabilitation when working with victims. In this regard, he referred to the work done by the Special Rapporteur on Violence Against Women on integrating questions of rehabilitation and utilising the Reparation Principles in her work. He noted that another aspect of rehabilitation that deserves special attention is the distinction between rehabilitation and other social measures to promote and protect economic, social and cultural rights. Professor van Boven noted that remedies must have a transformative effect as for many victims, including those who suffered from violations of economic, social and cultural rights, a return to the pre-existing conditions may be a return to the conditions that led to violence. He also recognised that rehabilitation should be focused on those who have suffered the most, which often means women and girls.

Professor van Boven recognised that Article 14 of the Convention against Torture represents an important acknowledgment of rehabilitation in international law, noting that the Committee against Torture was doing important work on a draft General Comment on Article 14 to clarify states’ obligations under this article.

¹ International Criminal Court (Trial Chamber), Situation in the Democratic Republic of Congo, *In the case of the Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06, 7 August 2012.

Professor Theo van Boven concluded that while rehabilitation did not initially factor into international law, the humanization of international law has allowed for this right to be addressed. Rehabilitation can represent a form of transformative justice and social reparation, helping to address collective harms. However, in addressing societal harm and acquiescence in violations, we may be forced to acknowledge individuals are both perpetrators and victims. Rehabilitation needs to be understood as part, and not the exclusive, means of reparation and its relationship with other forms must continue to be examined. Professor van Boven pointed to the Inter-American Court as a leader in this understanding and suggested the European Court should follow its lead.

International Law and Rehabilitation: Clarifying Standards

Chair: Professor Sir *Nigel Rodley*, Chair of the Human Rights Centre; Essex Transitional Justice Network and School of Law, University of Essex

Panellists: Professor *Nora Sveaass*, Department of Psychology, University of Oslo and Member of the UN Committee Against Torture; Dr. *Nimisha Patel*, Reader, School of Psychology, University Of East London; *Charlotte May-Simera*, Centre for Disability Law and Policy, National University Of Ireland, Galway

This session focused on the need to clarify the meaning of the term, rehabilitation, under international law.

Professor Sveaass emphasized that when considering how to best provide rehabilitation, the way in which rehabilitation is defined is important. Rehabilitation must be multi-disciplinary, involving health care, legal assistance, capacity building and training, housing and reintegration into society. Professor Sveaass highlighted the need for a victim-centred approach and victim-participation in the process, stressing that rehabilitation is not something that is done to a victim, but a process in which a victim plays the key role. Rehabilitation is about regaining life and dignity.

She outlined the right to redress in Article 14 (1) of the UN Convention Against Torture, and referred to the wording of the draft General Comment to Article 14, clarifying the content and scope of state obligations under Art. 14.

General Comment no. 3 is tabled for adoption by the Committee Against Torture at its November 2012 session. The draft General Comment focuses that the provision of ‘as full rehabilitation as possible’ includes; ‘medical and psychological care as well as legal and social services’; looking at long and short-term needs; understanding that some victims will require services immediately; assessment and evaluation of needs; and the necessity of the victim-centred approach. The draft refers to the state obligation to establish rehabilitation services, as well as mechanisms to ensure all victims of torture the right to redress including rehabilitation, and finally that the application of article 14 is not limited to victims who are harmed in the territory of the State party or by or against nationals of the State party.

Dr. Nimisha Patel brought a clinical perspective to the panel demonstrating the importance of a multi-disciplinary approach. She described rehabilitation as an umbrella term that covers a wide range of services, encouraging the need for what she referred to as a ‘whole system’ approach. Dr. Patel highlighted the importance of the effectiveness and accessibility of services and argued that measuring this should not be left to states, but an evidence-based approach should be used to develop universal indicators and benchmarks. Ms Patel highlighted the most important and urgent tasks are to ensure meaningful and ethical victim participation in: better understanding of rehabilitation as a process of recovery; providing a recovery environment; efforts to improve implementation and shape service design monitoring overall quality; and accessibility of rehabilitation services and programmes.

Charlotte May-Simera explored the right to rehabilitation contained within the United Nations Convention on the Rights of Persons with Disabilities, which entered into force in May 2008, noting that rehabilitation requires the person to achieve and maintain optimal functioning in interaction with their environments and ensures full participation in the community. Rehabilitation is understood as a means to achieve the wider objectives of the Convention and the rights provided for in other articles. The Convention refers to both habilitation, learning a new skill, and rehabilitation, restoring capacity and ability. Article 26 requires state parties to set up habilitation and rehabilitation measures alongside legislative reform. Ms May-Simera emphasised the need to ensure the inclusion of people with disabilities in any domestic administrative reparation programmes and highlighted that the links between disability and transitional justice have not been sufficiently explored despite the fact that many victims of gross human rights violations or serious violations of international humanitarian law end up suffering from serious disabilities as a direct consequence of conflict or repression.

Rehabilitation and other Relevant Experiences: The Conference on Jewish Material Claims against Germany and the ICC Trust Fund for Victims

Chair: Dr. *Clara Sandoval*, Director of Essex Transitional Justice Network and School of Law, University of Essex

Panellists: *Clemens Nathan*, Chairman of the Clemens Nathan Research Centre; *Scott Bartell*, ICC Trust Fund for Victims; *Mariana Goetz*, Deputy Director, REDRESS

This panel moved away from the international legal framework and explored past and on-going experiences of rehabilitation through the examples of the Jewish claims process and the work of the ICC Trust Fund for Victims.

Clemens Nathan spoke on providing reparations to Jewish populations who suffered post WWII. German and Austrian-financed reparation programmes reached the majority of all refugees, however this was a complex task that required a multi-national approach, given that victims were spread over 70 countries. He noted that settlements have been varied, the first was in 1952 and they are still continuing in various forms today. He focused on corporations in Nazi Germany and the long and difficult struggle to ensure that they contributed to reparations. Mr Nathan highlighted issues such as the long drawn out period over which negotiations for reparations were started and finally paid, problems of contacting all victims, issues in identifying victims and the fact that some victims have never been compensated at all. He strongly emphasised the need to provide other forms of reparations, which go beyond compensation, e.g. indemnification to surviving victims of the holocaust, and education for the next generation.

Scott Bartell presented on the Trust Fund for Victims established under The Rome Statute of the ICC, mandated to work on 'reparations' and 'assistance'. The mandate includes, but is not limited to, psychological and physical rehabilitation. The Trust Fund is limited to the situations under the investigation of the Court including Eastern DRC and Northern Uganda and, later in 2012, the Central African Republic. The idea of the Fund is that the perpetrator must pay for reparation, however if the perpetrator has no assets the Fund will provide the resources necessary, or supplement the reparation provided to the victim(s). Mr Bartell emphasised that the scheme was responsive to specific needs of victims in 'ICC situation countries' without need to wait for completion of the judicial process, furthermore there was an ability to reach victims who are not included in judicial processes of the ICC.

Mariana Goetz asked the question, 'Reparative Justice at the ICC: best practice or tokenism?' She discussed the provisions within the Rome Statute on protection, access to justice and reparations, considering the extent to which the trial process contributes to rehabilitation as reparation and challenging

whether it can address victims' rights and needs in practice. Ms Goetz noted the importance of managing expectations with regard to reparations, while respecting that some expectations are also legitimate. She highlighted the important points made by the ICC in its decision in the *Lubanga case* on reparations (now on appeal). Nevertheless, she indicated that a permanent problem at the Court is that victims are not always updated about the progress of the long and complex proceedings. In conclusion, Ms Goetz identified challenges that the Trust Fund faces in implementing its mandate, specifically, accessibility for victims, how to ensure reparations are perceived as such and dealing with visibility versus protection issues.

The Challenges of Setting up and Implementing Domestic Administrative Reparation Programmes and Rehabilitation in Particular in Transitional Societies

Chair: *Lorna McGregor*, Essex Transitional Justice Network and School of Law, University of Essex

Panellists: Professor *Naomi Roht-Arriaza* (by Skype), Professor of Law, University of California, Hastings College of the Law; *Lucie Viersma*, Rule of Law, OHCHR; *Ruben Carranza*, Director of Reparations, International Centre of Transitional Justice

This session assessed the challenges of setting up and implementing reparation programmes providing rehabilitation, focusing on particular challenges of specific programmes.

Professor Roht-Arriaza joined the conference via skype from California. She posed a number of key challenges to the setting up and the implementation of domestic administrative reparation programmes. First, she noted the time lapse between the end of a conflict or dictatorship and establishment of a reparation programme, observing this was often around 10 to 20 years or more. She spoke of the failure to acknowledge pre-existing rights for victims specifically in relation to victims receiving reparations in the form of a right

that they had already been entitled to, for example, receiving healthcare as reparation when it was a pre-existing economic right. Professor Roht-Arriaza raised the challenge of resentment among victims, which may be caused by giving rehabilitation services to former fighters. She raised the more general challenge of how to identify victims, noting that the entity identifying victims may be the same one that failed to provide services prior to the conflict or may have contributed to the root cause of the conflict. Finally, Professor Roht-Arriaza raised the issue of stigmatisation in rehabilitation, particularly in the context of sexual violence against women, asking whether projects should take active or passive approaches to victims and the terminology used in addressing them.

Lucie Viersma discussed OHCHR's work leading transitional justice programmes in 20 countries, and helping in the implementation of complex reparation and rehabilitation programmes. However she focused on the reparations project for women as victims of sexual violence in the DRC, where OHCHR had faced an overarching challenge of lack of state commitment. More specific challenges included the best time to institute such a project, given the conflict was on-going in some areas; the state's role in the project, given its continuing role on conflict; practical problems, relating to the number of victims and lack of infrastructure; and also cultural considerations, which prompted a concern that the project may create further harm through stigmatisation. A pilot project was launched but was not successful; however, Ms Viersma noted this provides a good example of the multiple challenges these types of programmes face.

Ruben Carranza focused on conceptual, political, financial and material challenges faced when establishing reparation programmes in Tunisia, Timor Leste, Peru and Nepal. He raised a number of conceptual challenges including: which violations, harms and victims should be included in reparation schemes? What is the role of victims? Is overlap with development and with state obligations to fulfil economic, social and cultural rights, a challenge? For example, he raised the issue of mass poverty in Tunisia and

the requirement of some victims for urgent interim reparation in Timor Leste. With regard to political challenges, he noted the trend of privileging of criminal justice; focus on perpetrators and ex-combatants, the absence of political will and the lack of international support. He concluded by addressing financial and material challenges, including funding, sustainability and capacity, noting examples such as the importance of a balance between symbolic and material reparations and highlighting the situation in Nepal where many victims were required to go to India for medical treatment and wish to be reimbursed as a form of reparation.

Reflections on the Achievements and Challenges to Rehabilitation in the Domestic Administrative Reparation Programmes of Chile and Timor Leste

Chair: *Professor Françoise Hampson*, Essex Transitional Justice Network and School of Law, University of Essex

Panellists: *Elizabeth Lira*, Universidad Alberto Hurtado, Member of the Valech Commission; *Galuh Wandita*, Asia Justice and Rights and the International Centre for Transitional Justice

This panel provided great insight into the achievements and challenges that reparation programmes faced in Chile and Timor Leste, providing a wealth of knowledge and nuanced consideration of lessons learned.

Elizabeth Lira gave an outline of the challenges faced in establishing the domestic administrative reparation programme in Chile. She then identified a number of specific achievements and challenges with regard to rolling out the programme. An achievement has been the success in recognising victims; 28,000 people have been recognised as victims of torture and in 2010-2011, 9,800 new people were recognised as victims. Some challenges included the reluctance of survivors to accept psychological support and

lack of proper training for psychologists, including ensuring psychologists understood that they were part of a reparation programme providing rehabilitation. The lack of epidemiological profiling of victims shows the deficiencies in the design of the reparation's programme since not much was or has been done to assess and adapt the programme to the changes experienced by victims over more than 20 years of implementation.

Ms Wandita presented on the challenges that were faced by the truth and reconciliation commission in Timor Leste (CAVR) in its attempt to design a reparations programme and to provide urgent support to victims. The truth and reconciliation commission undertook activities such as mapping violations, establishing a victim's support unit in an attempt to reach those that needed immediate support, and setting up the national victims association. Particular challenges in Timor Leste included the short term nature of the urgent reparations provided by the truth and reconciliation commission, coupled with the short term presence of the international community; denying the existence of victims - only recognising 'heroes'; a lack of a gender sensitive approach; a lack of recognition that victims come from both sides and inability to reach people with disabilities. Ms Wandita stressed the need for a victim-centred approach when designing domestic administrative reparation programmes. Through lack of state support and funding issues there has been no implementation of the recommendations made by the truth and reconciliation commission of Timor Leste on reparations.

The Architecture and Challenges for Rehabilitation in Domestic Administrative Reparation Programmes Currently Being Established and/or Implemented (Colombia, Peru)

Chair: *Professor Sabine Michalowski*, Co Convener of Essex Transitional Justice

Network and School of Law, University of Essex

Panellists: Professor *Felix Reategui*, Instituto de Derechos Humanos, Universidad Católica, Peru; *Camilo Sánchez*, Senior Researcher Transitional Justice Desk, De-Justicia, Colombia; *Peter Van der Auweraert*, International Organization for Migration

This panel attempted to shed light on the current architecture and challenges for rehabilitation in reparation programmes currently being established and/or implemented. It focused on the programme currently being implemented in Peru, the programme currently being designed in Colombia and particular challenges observed with the implementation of programmes in practice.

Professor Reategui outlined the reparation programme that is currently being implemented in Peru. The programme comprises symbolic reparations, health care services, educational services, housing, restitution of civil rights, and economic and collective reparations. Although some of these provisions may amount to rehabilitation, there was no specific mention of rehabilitation in the programme or the law establishing it. Professor Reategui noted that collective reparations have been particularly relevant in Peru to provide redress to some communal harm, and they have been and continue to be implemented. Implementation has been a challenge in relation to the other forms of reparation, partly because of continuing social unrest, failed decentralisation of the administrative and financial process and funding issues. Furthermore, he noted that the main challenge experienced related to the overlap between development and reparations. The language used has continually reinforced the idea of development and this has left some victims unaware that they have received reparation.

Mr Sánchez provided insight into the Colombian experience, discussing the challenges of designing an administrative reparation programme that attempts to

incorporate a more comprehensive definition of rehabilitation. He noted that in the design of the programme important considerations include how to deal with violations of economic, social and cultural rights and the issue of the on-going conflict, which requires balance between interim measures and on-going reparation. Mr Sánchez highlighted problems with the current design, noting the programme does not have a nuanced approach to differences in victim's needs adopting a clinical approach, marginalising mental health issues, lacking differential treatment options and having a lack of training for health care professionals. Lastly, Mr Sánchez raised key challenges for further discussion: Is the normative concept of rehabilitation too broad? How should we understand the idea of rehabilitation, for example, as a set of services, a process, an end or an approach? Who do we need to provide rehabilitation to, victims only or society at large?

Mr van der Auweraert highlighted general challenges that he had observed with rehabilitation and reparation programmes in practice. He was particularly concerned with the ever-expanding notion of reparation, coupled with failures of these schemes in practice. He argued that the current understanding of reparation and rehabilitation is often too extensive for states to effectively address, requiring rapid economic development. He noted that the failure of many reparation programmes relates to the lack of reconciliation between national and international standards, and the difference between what victims want versus what can be provided. There is a concern that this expansion of reparation may endanger the concept itself. In considering the idea of transformative reparations, he argued a longer running development programme is more suitable to achieve this aim. In conclusion Mr Van der Auweraert argued programmes should focus on recognition of violations and symbolic reparations.

The Right to Rehabilitation vis à vis Economic, Social and Cultural Rights: Peaceful Coexistence or Unavoidable Tension

Chair: *Camilo Sánchez*, Senior Researcher Transitional Justice Desk at De-Justicia, Colombia

Panellists: *Christian Courtis*, OHCHR; *Judith Bueno de Mesquita*, School of Law, University of Essex; Professor *Paul Hunt*, School of Law, University of Essex and Senior Advisor to the WHO

This session focused on the overlap between economic, social and cultural rights and rehabilitation. An overarching theme from all panellists was the need to ensure transitional justice processes consider ways to balance in an adequate manner the realisation of economic, social and cultural rights and of the right to reparation.

Christian Courtis highlighted that violations of economic, social and cultural rights are often the root cause of conflict and it is imperative that they are dealt with in transitional justice processes. He went on to discuss issues of overlap between economic, social and cultural rights and reparations, for example, rehabilitation as a form of reparation, where it can possibly already be encapsulated within the right to health. However, while the substance of rehabilitation may not be mutually exclusive to reparation and encompass the right to health, the key difference is recognising the reparation is about acknowledging a wrong has been committed against the victim. Mr Courtis went on to discuss the scope of the right to rehabilitation versus the scope of the right to health. He noted that these two rights are intrinsically linked, but given the nature of the progressive realisation of the right to health they must be assessed in relation to the context of a particular state, therefore the content of a rehabilitation programme cannot be decided without assessing the general level of health services in a state.

Judith Bueno de Mesquita again noted the neglect of economic, social and cultural rights in transitional justice processes, but this time specifically in the context of non-repetition. She focused on rehabilitation from a right to health perspective, including mental and physical rehabilitation. She discussed issues such as infectious diseases in armed conflict, which are often ignored, but can have a far higher mortality rate than mortality through direct violence. She also discussed inaccessibility of health infrastructure and government policies that amount to violations, such as forced sterilisation in Peru. She asked whether the right to health should be incorporated in transitional justice processes and noted challenges in this regard. However she argued that many of these challenges could be overcome by ensuring that transitional justice professionals work very closely with health professionals to ensure an understanding of need, and furthermore there must be coordination with development efforts.

Professor Hunt made several observations, noting that we have seen three phases of thinking about economic, social and cultural rights: are economic, social and cultural rights human rights? If they are, are they justiciable? If they are justiciable, what are the appropriate remedies for violations? He noted the third question is not settled and asked if we can borrow remedies from civil and political rights or do we need new ones? He observed that rehabilitation is a medical term taken by lawyers and it is critical to listen to health practitioners to gain an understanding of it. This approach supports the argument for a multi-dimensional strategy, encompassing a contemporary understanding of human rights law. Professor Hunt noted that it depends where economic, social and cultural rights fall within this multi-dimensional strategy, as a one-size fits all approach does not work, and we must prioritise a participatory process acknowledging different victims have different needs. Human rights cross cut this multidimensional strategy affecting transitional justice, development and ministries of health. Professor Hunt concluded with the observation that economic, social and cultural rights are crosscutting in

transitional justice for example, the right to truth must be inclusive of economic social and

cultural rights.

NEXT STEPS

Key Challenges and Themes in Need of Further Research

Conference discussions identified several key challenges in need of further research and clarification. These issues can serve as a guide for continued research by the ETJN and those interested in the field of transitional justice and rehabilitation as a form of reparation.

What is the scope and content of rehabilitation as a form of reparation?

- ❖ Lawyers do not appear to have a full understanding of the meaning of rehabilitation, unpacking this requires a multidisciplinary approach.
- ❖ What do domestic policies on rehabilitation that have been designed in administrative reparation programmes illustrate in terms of state practice and *opinio juris*? Can it be argued there has been a trend towards recognising that rehabilitation in administrative reparation programmes incorporates the elements of the Basic Principles?
- ❖ Specifically, what are the international legal standards to be applied by domestic administrative reparation programmes in countries undergoing transitions when designing and providing rehabilitation as a form of reparation?
- ❖ In understanding the legal meaning of rehabilitation we must further explore its relationship with development, economic social and cultural rights, humanitarian assistance and interim relief.
- ❖ If rehabilitation is seen as a continuum of a variety of processes that are not time bound; how can the time and financially constrained mechanisms of transitional justice address this challenge?

Can rehabilitation vary in the context of transitional justice processes?

- ❖ How can standards of adequate and effective reparation under international law be reconciled with transitional justice processes?
- ❖ When reconciling rehabilitation with economic, social and cultural rights and development, can it be argued that the most comprehensive understanding of rehabilitation is a right of progressive realisation?
- ❖ The interpretation of the legal definition of rehabilitation requires an understanding of the cultural context and an understanding of the specific victims' needs.
- ❖ Can the meaning of victim alter the legal definition of rehabilitation? How far should the concept of victim extend – for example, direct descendants, widows and widowers of victims?

- ❖ Do we take need or harm into account when identifying victims? If need is the priority how does this affect the legal definition? Can we argue that harming the most vulnerable amounts to perpetrating a greater harm?
- ❖ How do we determine who are the most vulnerable victims? Can we create a standard?

What are the implementation challenges faced by the provision of rehabilitation in administrative reparation programmes?

- ❖ Underfunding remains a key challenge in the provision of rehabilitation, what can we learn from long running administrative reparation schemes that have been well budgeted?
- ❖ Political will is another key challenge, are there any further mechanisms that can be used to put pressure on governments to provide rehabilitation as part of an administrative reparations scheme?
- ❖ Institutional capacity to deliver rehabilitation is often missing in societies undergoing transition, can we link it with mechanisms already providing humanitarian relief or implementing development programmes?
- ❖ How can we ensure that rehabilitation develops a sensitive approach to gender and disability? Should we approach this issue for victims in an active or passive way?
- ❖ How can we address the issue of time lag between the harm suffered, its consequences and the moment when rehabilitation begins to be provided?
- ❖ What role could and should interim and urgent reparation programmes play in relation to rehabilitation?
- ❖ How do we measure effectiveness and accessibility of services? What has been their impact on victims? Can we develop an international mechanism to measure these? Alternatively, can we draw on the experience of health professionals?

Normative issues

- ❖ Are we overburdening transitional justice mechanisms? Should we continue to put as much emphasis on reparations and rehabilitation? What is the political cost or benefit of this? Does it matter if we provide development instead of reparation?

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TRANSITIONAL JUSTICE RESOURCES

The following provides a list of resources, documents, books and articles mentioned by speakers

- ❖ Essex Transitional Justice Network: <http://www.essex.ac.uk/tjn/>
- ❖ Clemens Nathan Research Centre:
<http://www.clemensnathanresearchcentre.org/Welcome.html>
- ❖ American Society of International Law: <http://www.asil.org/>
- ❖ The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: <http://www2.ohchr.org/english/law/remedy.htm>
- ❖ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001: <http://www.unhcr.org/refworld/docid/3ddb8f804.html>
- ❖ Rome Statute of the International Criminal Court:
<http://untreaty.un.org/cod/icc/statute/romefra.htm>
- ❖ *Case The Prosecutor v. Thomas Lubanga Dyilo*:
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- ❖ ICC Trust Fund for Victims: <http://www.trustfundforvictims.org/>
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