

Building a Future on Peace and Justice Nuremberg, 25 - 27 June 2007

Keynote Speech by

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Your honors
Distinguished participants
Ladies and gentlemen

It is an honor and a privilege to participate in this International Conference on Peace and Justice, representing the President of Costa Rica, Oscar Arias Sánchez, who expresses his deep regret for not being able to come to Nuremberg, but at the same time, sends his congratulations to the organizers and confirms his commitment to be part of the necessary follow-up to the conclusions of this most timely discussion.

I would like to express my special congratulations to the Government and the people of Germany for working so hard on behalf of peace in the world by relying on your own experience on confronting the difficult task of dealing with your past and the sufferings of a devastating war. I am moved by being in this most symbolic Crown Court room, a Court that has become a symbol as the site of the Nuremberg trials. The legal framework and fairness of these trials is still subject of great controversy, but they will always carry the powerful symbol of the first serious effort to bring to justice those who had committed the most serious crimes against humanity.

This conference brings together some of the most significant actors in the difficult task of finding ways to resolve the apparent tension between peace and justice after a violent conflict ends. The excellent papers that have been prepared as background for discussions, should certainly be a solid basis for producing concrete proposals useful both to the United Nations and to the many organizations working in this field and so well represented here. The consequences of the tension between “peace” and “justice”, are more acute on the negotiating process, and the conflicting interest of the main actors are more obvious, for no sustainable peace will be achieved if violators of human rights are granted impunity and justice is not accomplished. The rights of the victims to know the truth is severely violated when an amnesty is granted, and as a consequence, a divided society is bound to bring back the wounds that have not healed and give rise to yet another, maybe even deeper conflict. In this respect, let me share with you three emblematic cases, certainly of use as an introduction for the topic of this conference:

1. Twenty years have passed since the “Esquipulas Agreement” signed by the Presidents of Central America in order to end the long wars afflicting the area. Last week at UN Headquarters in New York, commemorating this event, President Arias recalled: “I embarked on that quixotic journey with a firm belief: security cannot be a prerequisite for peace, but peace is a prerequisite for security. By declaring that all violence must end before any negotiation begins, leaders give veto power to every fanatic, every person on any side of a

conflict who wishes to upend the process of peace. First negotiations must come, and then cease-fire, and then the never-ending process of untying the knots of hatred and underdevelopment that gave rise to the conflict in the first place.”

Achieving peace, let’s not forget, is a very long process, a process sometimes extremely painful, but always worth working for. The Central American agreements brought electoral democracy to every country and the region has managed to disarm and reintegrate military personal into civil society. However, the roots of conflict prevail and poverty afflicts millions of our people. Democracy is not delivering as much prosperity as previously expected and for many, discrimination, violence, and hunger, are a day- to-day experience.

Crime and insecurity have become one of the main threats: Central Americans cannot find peace when “maras” (organized criminal gangs operating mainly in El Salvador, Guatemala and Honduras) terrorize neighborhoods and murder hundreds of innocent people. But repression cannot be the only answer to this problem.

The United Nations, and many of the organizations represented here, played a most important role in pursuing peace for the region, but resources for development were not there when most needed.

We are now at a challenging turning point, where we can move forward to a more productive future, or we can sit back and watch as conflict and war cast their shadow over our lands again.

The road to sustainable democracies is still not clear and much to our regret, too full of treacherous and unpredictable threats.

2. In 1983, Argentina elected its first democratic president after years of dictatorship and systematic widespread human rights violations. Laws on “reconciliation” and “final point” (amnesty) were enacted. However President Alfonsin created the National Commission on the Disappeared and the report “nunca más” appeared in 1984. Some of the army leaders were nonetheless brought to trial, but the most important ones were never called.

Elections also took place in Chile and President Aylwin created the “National Commission of Truth and Reconciliation” that produced the “Retting Report” in 1991. In spite of the good work of the Commission and the credibility of its members, the main actors were not brought to trial, including the never ending process of General Pinochet.

The Inter-American Court of Human Rights in the case “Barrios-Alto v. Peru” confirmed the incompatibility of amnesty laws with the convention: “this Court considers that all amnesty provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible, because they are intended to prevent the investigation and punishment of those responsible for serious human rights violations such as torture, extrajudicial, summary or arbitrary execution and forced disappearance, all of them prohibited because they violate non-derogable rights recognized by international human rights law”. (Barrios altos Case Chumbipuma Aguirre et al. versus Peru) Judgment of March 14, 2001.

Based on this jurisprudence, new trials are opening, after a period of more than 20 years, in Argentina and Chile, causing tremendous stress in the societies and mainly on the victims, many of whom had never spoken before.

On a recent trip to both countries on behalf of the UN Voluntary Trust Fund for Victims of Torture, I was highly moved by the experience of witnessing women and men coping with their past, reopening their wounds, reliving painful memories, but seeking for the truth at any cost.

But the search for justice is still a dangerous path. Already, one of the first witnesses in Argentina has disappeared and the judge in charge of the case is being severely threatened. Peace certainly was achieved in both countries and in many ways democratic governments are working for their people, but justice has not been accomplished. Three decades later, the victims and their families keep demanding the truth by means of fair and transparent trials, as well as other important measures to fight impunity. In Chile, President Bachellet in her recent

Statement to Congress, proclaimed August 30, as the “National Day of the Disappeared Detainee.” She also announced the creation of a Human Rights Institute and the first “National Museum of Memory” all complementary measures to the new trials.

In Argentina, Human Rights Organizations are reopening their files, but here I would like to mention the Grandmothers of Plaza de Mayo” who show an incredible strength as they keep searching for their lost grandchildren. Many of them are now quite old, but they don’t give up, and their claims are done with dignity as well as firm conviction and knowledge. By now, thanks to their “blood bank” they have found at least eighty of them and more are already in site. Their white handkerchiefs show a smiling child dancing toward the future. Their embrace is warm and heart-breaking.

3. I still feel anger and sorrow as I talk about my experience in East Timor, for it’s hard to imagine that people can be so cruel and vicious to other human beings, particularly to innocent children and helpless women. In a Country as poor as East Timor all property was destroyed, mainly burned down, from houses in towns to small huts of which only the black circle of their base was left. However, the main military responsible for this gross violations of Human Rights and Humanitarian Law will probably never go to Court for, as Caitlin Reiger points out in the case study for this conference, “there was never any significant prospect of the Serious Crime Unit, established by the UN, obtaining custody of such people considering the international reluctance to put any concerted pressure on Indonesia.”

This was the frustrating feeling of all members of the Commission of Inquire, nominated by the High Commissioner of Human Rights in 1991 pursuant to the resolution adopted by the Commission on Human Rights at its special session on East Timor. We were five members from India, Nigeria, Papua New Guinea and Costa Rica. We held meetings in Geneva and Darwin to meet with previous missions and organizations, that had been working in Timor and they shared with us extremely valuable information particularly on the events that had taken place during that year and after the Timorese voted for independence.

No matter how hard we study the background or how much valuable information of the conflict was conveyed to us, the reality surpassed by far what we expected. As we arrived in Dili we found the entire Country to be a ghost Country. Men had fled to the mountains, or were taken in a massive capture and sent to West Timor, where we were never allowed to go by the government of Indonesia. Children, women and older people wondered around in misery and yet, they all raised their hands to wave to the U.N. vehicles. In the U.N. they saw hope, and they had hope.

As we visited Dili and its surroundings and traveled to Los Palos, Suai, Cailaco, Maliana and many other cities, people came out to see us, eager to testify and to talk, to ask for justice and reconciliation. We listened to hundreds of testimonies mainly from women, for there were always lines of people anxious to testify and talk about their experiences. We spoke with leaders of the Country, priest and certainly the U.N. teams and the NGO’s working on the field.

The roll of the United Nations in peace keeping was vital, and a model to follow in the many cases it has to attend. A thought to my dear friend Sergio Viera de Mello, head of the East Timor Mission, who was killed in Iraq, in his quest for peace and justice.

The Commission of Inquiry, after considering a number of specific suggestions, proposed that the United Nations establish an “International Human Rights Tribunal” consisting of international judges, preferably with the participation of members from East Timor and Indonesia.

In view of the recurrent violence and crises that have occurred in the past year, this idea should not be dismissed. The recent elections process and the arrival of Ramos Horta as President, offer some hope, but the roots of the conflict are still there. The Commission of Inquire insisted over and over that the report was only a starting point, and the follow up was vital for Timor to survive.

As we left for Jakarta, a children's orphanage bid us good by. I will never forget the smile in their mutilated little bodies..... The world shouldn't either.

Having been a witness of the above mentioned conflicts, and particularly in view of the prevailing consequences still there, it is obvious that the process of peace has to be followed by support to development from the wealthiest countries and the different entities of the United Nations. Some suggestions on this respect:

Under the leadership of Japan, the idea of an independent commission for human security was launched at the 2000 UN Millennium Summit to achieve the twin goals of "freedom from fear" and "freedom from want", chaired by Ms Sadako Ogata, former High Commissioner for Refugees and Amartya Sen, Nobel Laureate in Economics. I feel privileged to have been one of the twelve commissioners, and I'm deeply committed to promoting this concept. "Human security" leaves behind the traditional "security of the state", to focus on the freedoms and rights of all people.

In this globalized world, wars between states, internal conflicts and transnational terrorism pose tremendous risk to people's survival, livelihoods and dignity. As analyzed by the commission, internal conflicts are devastating and add to the poverty that prevails.

Adopting a human security approach means among other things, strengthening humanitarian action, respecting human rights, disarming people and fighting crime. But it also means promoting basic economic security by reducing poverty and empowering people through better health and education.

The international community is often supportive during a conflict and the search for peace, but the indispensable economic assistance to improve the quality of life afterwards is always rather scarce – leaving intact the roots of conflict. In order to protect people, their basic rights and freedoms must be upheld, and this is the key to human security.

Two other positive initiatives should be known here: in 1997, eight Nobel Prize laureates gathered in New York to propose an international code of conduct on arms transfers. The idea was simple: encourage countries not to transfer weapons if there is reason to believe the weapons will be used to violate human rights or international law. The code has been developed into a comprehensive "arms trade treaty". It is now at the United Nations First Committee, and everyone in this symbolic court room can do something to help promote it and turn it into a reality.

Second and last: Scholars, diplomats, students, governments and NGO representatives recently came together with President Arias at the United Nations in New York to launch the initiative of a "Costa Rica Consensus", which would create mechanisms to forgive the debt of developing nations that invest less in soldiers and weapons and more in education, health and environmental protection. In President Arias's words: "It is time that the international financial community reward not only those who use resources efficiently, but also those who use resources morally."

This gathering, today, in this room, has a tremendous moral strength and power. Let us then, work in the hope that peace and justice can go hand in hand as long as human rights are perceived and enforced as the one universal ethical code of globalization.

We live in a time when utopias are desperately needed, when material things and the futile pleasure of acquisition in wealthy societies obscures the drama of misery and hunger that prevails in many parts of the world. Human Rights are the only point of reference, internationally accepted, that can build a bridge between the haves and the have-nots, that can be viewed as a challenge for our youth to take on and a utopia possible to build together,

rescuing the value and sense of Humankind. Those still carrying the marks of suffering from abuses and terror in the past, can find in this challenge a reason to look ahead, with the sense that justice can be achieved, inspired by the love and solidarity that only peace can bring. In words of President Arias: “Peace is the most honorable form of exhaustion, and the most exhausting form of honor”.