

Trócaire: seeking justice and defending human rights



Maria Soto, member of Trócaire partner AJR, and other Ixil women, celebrating the guilty verdict against General Rios Montt outside the court. Photo: Elena Hermosa



Irish Aid

An Roinn Gnóthaí Eachtracha agus Trádála
Department of Foreign Affairs and Trade

trócaire

40
YEARS

1973
2013

**Working
for a just
world.**

1. Trócaire: empowering people to access justice across the world

Since its inception in 1973, justice has been central to Trócaire's work. Trócaire has supported the struggle for justice in diverse corners of the world, from El Salvador and Guatemala, to Colombia, Zimbabwe, Kenya, the Occupied Palestinian Territory, Cambodia and Rwanda. Many of the countries where we work face a multitude of challenges such as legacies of brutal dictatorships and embedded impunity; growing intolerance of social protest and human rights defence and outright negation of the rights of the poorest and most vulnerable in society such as women, minority groups and indigenous communities. Trócaire is privileged to work alongside brave and inspirational partners, many of whom are pushing the frontiers of international human rights and justice through their dedicated work and innovation on the ground.

2. Trócaire supporting access to justice in Guatemala

Guatemala was the scene of one of the most violent armed conflicts in Latin America between 1960 and 1996. According to the UN sponsored Historical Clarification Commission (Comisión para

el Esclarecimiento Histórico – CEH), 200,000 people were murdered, 45,000 people disappeared and over one million people were displaced. The CEH found that 93 per cent of these crimes were committed by state sponsored forces.

During the armed conflict, some of the worst atrocities were committed in the early 1980s and under the dictatorship of General José Efraín Ríos Montt who was in power from 1982 to 1983. In the Maya Ixil ethnic community alone, a total of 1,771 people were reported murdered, amounting to 33% of their total population. 98% of these crimes remained in impunity after the peace agreement of 1996.

Trócaire has been supporting partner organisations in Guatemala since the early 1980's, during the height of the armed conflict. Trócaire works with survivors and partner organisations to seek justice for the survivors of the armed conflict, supporting communities to exhume the remains of those massacred, search for the disappeared and gather legal evidence and witness testimonies to present in court to bring the perpetrators to justice. In 2001, Trócaire partners the Association for Justice and Reconciliation (AJR) and the Centre for Legal Action on Human Rights (CALDH), accused General José Efraín Ríos Montt to the Public Ministry for the crimes of genocide, war crimes and crimes against humanity.



On April 2nd, 2013, ten Ixil women, with their faces covered, gave their testimony about the sexual abuse they suffered from at the hands of the Guatemalan military. Photo: Elena Hermosa

It took 13 years, until March 2013, for the trial against Jose Efraim Rios Montt and his former chief of Military Intelligence, Mauricio Rodríguez Sánchez, to begin. Ríos Montt is the first former head of State who has faced charges of genocide in a national court. Over 100 witnesses, survivors and experts testified in the case.

On 10 May 2013 Jose Efraim Rios Montt was found guilty of genocide and crimes against humanity. He was sentenced to 80 years in prison, 50 years for the crime of genocide and 30 years for crimes against humanity.

The sentence was later overturned due to a fault in the legal proceedings and a re-trial is expected. However, it is the first time that people of Guatemala who lost their families during the conflict have had their voices heard and their loss recognised. It is the first time they had seen a glimmer of hope that justice might be done. It is the first time that their rights were recognised.

Because of its work defending the human rights of the victims of the armed conflict in Guatemala, Trócaire partner AJR has been nominated for the 2013 United Nations Prize in the Field of Human Rights.

3. Trócaire seeking accountability in Israel and the Occupied Palestinian Territories

Trócaire works in Israel and the occupied Palestinian territories, trying to build a just and lasting peace for the region. Trócaire works with both Israeli and Palestinian human rights organisations, monitoring and documenting human rights violations, and tries to achieve access to justice for victims of violations. As well as assisting individuals, we attempt to achieve precedent-setting changes in the Israeli courts to achieve long-term and sustainable change.

The Shurrab Family

During the Israeli military invasion of Gaza in 2009, known as 'Operation Cast Lead', 926 Palestinian civilians, and 3 Israeli civilians, were killed. Trócaire's Gaza-based partner, the Palestinian Centre for Human Rights (PCHR), works with families of the victims trying to achieve compensation and redress through the Israeli court system. One such case is the Shurrab family, where 67 year old Palestinian farmer Mohammed Shurrab lost two of his sons, Kassab (28) and Ibrahim (18) during an attack on unarmed civilians.

PCHR, as legal representative for the Shurrab family, submitted a civil complaint to the Compensation Office of the Israeli



Mohammad Shurrab "I watched both my sons die". Photo: Palestinian Centre for Human Rights

Ministry of Defense, demanding compensation for the family. PCHR argued that the Israeli military were unequivocally responsible for the deaths of the two civilians, and forced the Israeli prosecution to seek a settlement to close the claim. PCHR was able to conclude a settlement of 430,000 NIS (approximately €90,000) with representatives of the Israeli military prosecution, which was paid to the victims' family.

The compensation claim for the Shurrab family was one of only two successful cases where PCHR managed to ensure compensation for victims following operation Cast Lead. Hundreds of other victims have not managed to achieve any access to justice. In effect, in the vast majority of these cases, the Israeli legal system prohibits access to justice, penalises the victim financially, and promotes a culture of impunity within the Israeli military.

Given these very difficult challenges of using the Israeli court system, Trócaire's partners are also advocating for accountability and international investigations from the international community and at the UN Human Rights Council, and are also taking legal cases in 3rd party countries under the principles of universal jurisdiction. They are also hoping that Palestine will soon gain access to the International Criminal Court, which would provide a new avenue for trying to seek justice for the victims of military attacks such as 'Operation Cast Lead'.

4. Trócaire supporting human rights defenders in Zimbabwe

Human rights defenders and civil society activists in Zimbabwe carry out their activities at great personal risk. The Mo Ibrahim Index (2012) ranked Zimbabwe 47 out of 53 countries on respect for human rights and participation. There are constant arrests of human rights defenders, particularly civil society organisations and opposition party activists. Over the past 10 years particularly, civil society has faced serious threats and harassment with human rights defenders and civil society organisations being abducted, tortured, arrested and detained on trumped up charges. The repression has meant that people have been forced to demonstrate loyalty to one political party or another.

Trócaire supports partner organisations in Zimbabwe to monitor and document human rights violations, advocate for the protection, respect and fulfillment of human rights as well as supporting citizens to engage with democratic processes.

In 2012 Trócaire partner the Zimbabwe Human Rights Association (Zimrights) began a national citizen mobilization campaign to encourage citizens to participate in the forthcoming elections.

This initiative saw the organisation conducting public education about the importance of participation as well as providing assistance to voters to help them to register. On 13 December 2012 the police raided the office of Zimrights, and arrested Leo Chamahwinya, programme officer with Zimrights. In January 2013 Okay Machisa, director of Zimrights, was detained in police custody for two weeks. They were both later charged with publicizing falsehoods, forgery and fraud. Charges were also brought against the organisation Zimrights.

Their trial began in April 2013 and they were represented by Zimbabwe’s Lawyers for Human Rights, another of Trocaire’s partners. On 21 June 2013 Okay Machisa, Leo Chamahwinya and the organisation Zimrights were acquitted of all charges, their acquittal served to confirm that the charges were part of a broader strategy to criminalise and intimidate human rights defenders in Zimbabwe.



Okay Machisa, director of Trócaire partner Zimrights being welcomed by his daughter on his release from detention in January 2013.

The onslaught on ZimRights was part of a pattern of harassment of human rights defenders and civil society organisations ahead of the elections: similar attacks were made to another Trócaire partner Zimbabwe Peace Project as well as other civil society organisations and human rights defenders.

“To demand justice is not an act of revenge, to demand justice is not tantamount to vengeance, to demand justice does not equal a call for violence, to demand justice is not about ideology, it is not about left or right. To demand justice is a right.”

Trócaire partner the Centre for Legal Action on Human Rights (CALDH) testifying during the trial of retired General Efraim Rios Montt in Guatemala on charges of genocide.

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