

NEW TACTICS IN HUMAN RIGHTS

A RESOURCE FOR PRACTITIONERS



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A workbook created by

The New Tactics in Human Rights Project

A project of

The Center for Victims of Torture





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This book is also available for download free of charge at www.newtactics.org. Periodic updates will be made.

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INTRODUCTION

In the past two decades the world has seen the beginning of a new era for human rights, one in which the weight of international law and international public opinion has come increasingly to bear. In the arena of international law, new mechanisms have transformed the way we think about and achieve justice. And at the same time, the creative thinking and innovative spirit of individuals and organizations have changed the way we think about what is possible in human rights — and therefore what we can achieve.

All around the world and at all levels, in small villages and in national governments as well as at the highest levels of international justice, people are creating and using innovative tactics to make their work more effective. The New Tactics in Human Rights Project captures these tactical innovations and shares them with others striving to advance human rights. I invite you to join me in celebrating this work and in making use of the valuable resource you now hold in your hands.

In reflecting on my own area of work, I have seen new opportunities for obtaining justice arise for victims of the gravest human rights abuses. The establishment of the International Criminal Tribunals for the former Yugoslavia and Rwanda, which were the first war crimes courts to be created with the full weight of international opinion behind them, opened new doors for justice. The international teams working on the tribunals, people from dozens of countries, were doing something that had never been attempted before — making new law, setting new precedents, handing down indictments that did not look like indictments that had ever been handed down before in any country. Together a new tactic was created, one that paved the way for another, even more powerful tactic, the International Criminal Court. This court could now provide a tool to achieve justice no matter where or by whom crimes against humanity are perpetrated.

Within the context of the International Criminal Tribunal for the former Yugoslavia, we used another new tactic: We made rape a war crime that could be prosecuted on its own, rather than as a secondary offense that was only appended to other offenses. When the tribunal indicted eight Bosnian Serb military officers on charges of systematic rape of Muslim women, it represented a sea change in the way the world thought about gender-related crimes and human rights. This tactic has made it possible to achieve justice in many more cases since.

Ten years ago legal experts would have laughed at the prospect of indicting and extraditing a powerful former dictator like Augusto Pinochet. This was not a tactic that seemed available to us. Perpetrators at that level, no matter how barbarous their crimes, moved about the world with impunity. Pinochet's arrest and extradition changed the way we think about what is possible in international justice. It added a tactic to the human rights arsenal, one that is sure to be used again and again in the future.

I applaud efforts by human rights advocates to use national and international courts and other public forums to call attention to crimes against humanity, wherever they occur, and to call loudly and boldly for justice. But these are just a few among the many new and innovative tactics being used by people around the world, in spheres and regions as diverse as human experience itself, to promote and protect basic human dignity.

I am proud to join the New Tactics in Human Rights Project in presenting this resource. While it could never claim to be an exhaustive catalogue, it is a rich compendium of this fresh and innovative thinking, one which we hope will be valuable to you in your work.

— Justice Richard J. Goldstone

Justice of the Constitutional Court of South Africa, retired

Chief Prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and Rwanda

Chairperson of the International Independent Inquiry on Kosovo

Chairperson of the International Task Force on Terrorism established by the International Bar Association

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