



BAMAKO  
2 - 5 DECEMBER 2011  
REGIONAL CONFERENCE  
IMPUNITY, JUSTICE AND HUMAN RIGHTS IN WEST AFRICA

Check against delivery

**OPENING SPEECH  
OF Ms. KYUNG-WHA KANG  
DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS**

**Excellence Monsieur le Président de la République,  
Excellences,  
Mesdames et Messieurs,  
Chers participants,**

Je suis très honorée et très heureuse d'être avec vous, aujourd'hui, à cette Conférence, un événement qui rassemble les principaux acteurs nationaux, régionaux et internationaux pour réfléchir, sur les voies et moyens pour lutter efficacement contre l'impunité, afin de parvenir à la sécurité humaine, à la paix économique et social durable et à la protection des droits humains.

Je tiens à vous transmettre les salutations personnelles de Madame la Haut-Commissaire aux droits de l'homme, Navi Pillay, qui attache une grande importance à cette importante Conférence régionale. Je voudrais aussi féliciter et remercier le Président Touré et le Gouvernement du Mali pour avoir accueilli cette conférence. Vous me permettrez également de remercier RSSG Said Djinnit ainsi que toutes les autres agences et organisations qui ont rendu possible la tenue de cette conférence.

We have all come to understand that without justice, human rights violations persist, peace and security cannot be attained and consequently sustainable development remains an illusion. As you know, traditions of justice and human rights protection have a long history in this particular region. In 1236, already, the Emperor of Mali Sundiata Keita adopted the famous Charter of *KurukanFuga* (the *Mandé* Charter), an impressive constitutional document that already recognized the right to life and has been recognized as a UNESCO World Cultural Heritage. It is in this spirit that I hope that the states of this

region will once again emerge as trendsetters in our shared international quest for justice and human rights.

It has been shown over the years that a climate of human security and durable economic and social peace in which human rights are respected and protected and where development can take firm root, be assured if impunity prevails. Impunity only emboldens perpetrators and breeds new violations. Therefore fighting against impunity in its various forms has to be a priority for all states.

Today a high number of **international and regional human rights instruments** embracing impunity, justice and human rights are in existence, including the ECOWAS Protocol on Democracy and Good Governance. Many of the states represented here today have ratified a number of these treaties and I would urge you to also accede to the others. More importantly, it is now time to ensure that national legislation is harmonized with these international norms so that the rights of everyone living in West Africa are also protected in practice. I am hopeful that the outcome of this conference will contribute to this objective.

When we talk about impunity, justice and human rights in **periods of transition** to peace, where the need for reconciliation is urgent, it needs to be underlined that whichever path a country takes, amnesty for international crimes and gross human rights violations must not be one of them. Numerous past experiences have shown that amnesty for these atrocities do not create conditions for lasting peace, security and, development. Some may claim that peace and justice exclude each other, without being able to point clear evidence to support this claim. Instead, studies from Latin America, for instance, show that countries which have decided to try the perpetrators of major crimes are on the average more stable than those who did not. In many contexts, we also see that perpetrators, who get away with major human rights violations, transfer their criminal energy to illegal activities such as the trafficking of crimes, weapons and human beings, which also undermine stability. Peace and justice go hand in hand.

Over the past decades a variety of approaches to deal with past atrocities have been developed. Today, many countries use a combination of referring the major perpetrators to national, regional or international prosecution systems; putting in place truth commissions to elucidate the extent of violations and having recourse to traditional systems of justice and

reconciliation, especially where large numbers of people were involved in violations. The two latter complement prosecutions well, especially since they put the victims at the center and give them a platform to share their grief, address their alleged aggressors and find out the truth. In this context, I also believe that victims' **rights to reparation**, which is a fundamental tenet of international human rights law, need to be more widely applied.

Obviously, impunity and denial of access to justice can also be a major problem outside contexts of armed conflict, as they undermine trust in the protective power of the state, foster corruption, scare off investors and exacerbate inequality. In this context, it is inspiring to see that the West African states have put in place a regional court that is up and running. Despite the fact that challenges lie ahead - some of which will certainly be discussed today and tomorrow - the **ECOWAS Court of Justice** is a milestone! I say this especially since the Court has distinguished itself by offering people the possibility to turn to a court and have their claims of human rights violations examined in an objective and fair manner.

President Touré,  
Excellencies,  
Distinguished participants,

The **Office of the High Commissioner for Human Rights** with its West African field presences stands ready to provide technical or advisory support in these matters. It is already doing so, amongst others, by supporting the truth commissions in Togo and Côte d'Ivoire and the process for the establishment of a truth and reconciliation commission in Guinea. We also stand ready to support you in your efforts to harmonize national laws with international norms, create conditions guaranteeing access to justice as well as in the many other matters that are involved in guaranteeing an independent and accessible justice system.

To conclude, I would like to encourage to contribute to the success of this conference and to diligently implement the outcomes of this conference. This will be crucial for a peaceful future in West Africa, where human rights are protected and development is sustainable. I wish you a very successful and productive conference.

Thank you for your attention.