Professor Fionnuala Ní Aoláin, Dr Catherine O’Rourke and Aisling Swaine (Transitional Justice Institute) have been selected to be consultants on a study commissioned by U.N. Women and the U.N. Office of the High Commissioner for Human Rights, entitled “Reparations for Conflict-related Sexual Violence.”

The goal of the U.N. study is to ensure best practices in transitional justice processes to deliver reparations in conflicted and post-conflict societies. The study aims to build on existing U.N. normative frameworks and operational guidelines to outline a legal framework for the right of victims of human rights and international humanitarian law violations to receive reparations. This research will involve reviewing current U.N. policy, reports, and evaluations on reparations for conflict-related sexual violence; reviewing court, state, and other program practices to date regarding reparations; and analyzing the roles and responsibilities of the various states involved.

Many women who endure the physical and mental effects of human rights violations also suffer from the stigma attached in some societies. Rejected by families and communities, they are left in social isolation and extreme poverty. Reparations can provide important recognition that victims were wronged in addition to concrete assistance, such as help obtaining medical treatment.

“For women in particular, reparations programmes can provide acknowledgement of their rights as equal citizens, a measure of justice, as well as crucial resources of recovery,” said U.N. Women’s Deputy Executive Director Lakshmi Puri at a May 2011 panel discussion on justice for women in post-conflict states.

U.N. Women, headquartered in New York, was created by the U.N. General Assembly in July 2010 to enhance progress toward the U.N. goals of gender equality and empowerment of women. Its primary roles are to support formulation of policies, standards, and norms among intergovernmental bodies; to help member states implement these standards by providing technical and financial assistance when needed; and to monitor progress and hold the U.N. system accountable for its commitments to gender equality.

I am delighted to circulate the latest edition of News from TJI, outlining our activities in recent months. This edition sees a particular focus on the Gender research stream of the TJI, outlining recent consultancy work with the UN, our recent conference, the Summer School and forthcoming publications.

We are delighted to welcome some new additions to the TJI: Professor Monica McWilliams, Professor Tom Hadden, Kevin Hearty and Elizabeth Super.

The TJI also looks forward to welcoming a new cohort of students onto the LLM Human Rights Law and Transitional Justice programme, at both Magee and Jordanstown campuses, which continues to go from strength to strength.

Best wishes for the forthcoming academic year.

Professor Bill Rolston (Director)
The Transitional Justice Institute has launched the webpage and podcasts of its May conference: ‘Women, Transition and Institutional Reform: Northern Ireland and Beyond’. The Good Friday Agreement of 1998 provided for substantial reform to democratic institutions, policing and criminal justice institutions, and the establishment of new institutions for the protection of equality and rights. The May conference provided a timely opportunity to reflect on those institutional reforms, and to consider in particular how women have fared within the new and reformed institutions.

Baroness O’Loan commented on the broad scale of reform that had been undertaken across policing and criminal justice since the Good Friday Agreement. However, inattention to prison reform and the small number of women in senior positions within the sector were her greatest concerns.

Respondents to Baroness O’Loan’s contribution were made by: Dr Jacqueline Monahan of the Committee for the Administration of Justice (CAJ) who drew attention to the dramatic increase in recent years in the number of women receiving custodial sentences in Northern Ireland; Dr Mary O’Rawe of the University of Ulster who talked about a need to reflect on the notion of security at the heart of these security sector reforms, in order to ‘replicating failed institutions’. Annie Campbell of Women’s Aid discussed advances that had been secured within policing and criminal justice institutions in their response to domestic violence, and the many good relationships that existed between the statutory and voluntary sector around the issue. However, she noted, there was an impression that these institutions are ‘managing this problem’ of domestic violence, rather than thinking creatively about how to bring it to an end.

The final panel ad-

For Rosemary Nelson, indifference and abuse were part of her experience and interaction with the police. And I don’t think I exaggerate when I say that, for many women, this was also, although in different circumstances, their experience of police. And it’s a common experience of women across the world, not just in conflict situations, but in situations where women are trying to get on with the ordinary business of living, whether its whole scale corruption, whether it’s manifest inequality, whether its poverty, and where there’s marginalisation of parts of the community; the common experience is that women fear the police.”

Baroness Nuala O’Loan led the discussion on women and reform of the institutions of the security sector and criminal justice. Baroness O’Loan opened by commenting on the report of the Inquiry into the death of Rosemary Nelson, which had just been published. She felt that a lot could be learned about women’s experiences of policing and criminal justice from looking Rosemary Nelson’s experience:
dressed the negotiation and implementation of institutional reform undertaken during transitions.

Professor Monica McWilliams, who was Chief Commissioner of the Northern Ireland Human Rights Commission, set the scene for the panel by focusing on the gap between the promise and the delivery of institutional reform since the Good Friday Agreement. She cited ongoing difficulties in the adoption of a Bill of Rights as an example of this gap. The continued under-representation of women within public life in Northern Ireland was also noted. And the dramatic lack of reform of prisons, in particular, caused concern. She concluded by emphasizing the importance of attaching strong enforcement mechanisms to progressive provisions of the Agreement in order to ensure that those provisions deliver on their promise. Responses to Professor McWilliams were made by Eilish Rooney of the TJI, who discussed the failure to address socio-economic issues in the Agreement and in its implementation.

Prisoner Ombudsman Pauline McCabe noted the deleterious detention conditions of women prisoners in Northern Ireland, and the absence of any discussion of prison reform in the Agreement. Judith Cross from Alliance for Choice discussed the failure, across the new and reformed institutions, to guarantee women’s reproductive rights in Northern Ireland. Contributions from the audience suggested that inattention to socioeconomic issues, women prisoners, and women’s reproductive rights in the negotiation and implementation of institutional reform might not simply have been a ‘benign omission’ from the institutional reform agenda. Rather, unwillingness to address these issues suggested that they were particularly difficult areas around which to secure political consensus on the need for reform. This observation prompted further reflection on where the rights of women are located within the political compromises that underpin institutional reform in transitions.

The conference was concluded by Dr Fiona Mackay of the University of Edinburgh School of Politics, (pictured bottom right) who brilliantly reflected on and synthesized the contributions from the day. She identified the key themes from the day as: firstly, the importance of ‘being there’, how women organise to take opportunities to influence institutional reform when it’s being negotiated, in order to ‘build some of these ideas [of women’s participation and women’s equality] in with the bricks’ of these new institutions. But she also noted how the optimism of the transitional moment often confronts ‘the morning after, or should we say the decade after’ when institutional reform is realized to be a slow and halting process. The difficulty of implementation was identified as a further key theme of the day, and the need for constant vigilance about the detail of institutional reform. The importance of considering the legacy of the institutions that went before was the fourth key theme. Even in the case of dramatic institutional reform, as in transitions, ‘it’s not a blank slate’. New institutions are nested within several old institutions, and these institutions have gendered legacies. The active neglect of certain institutional reforms was the fifth theme emerging from the day. This active neglect, or ‘drift’, was how resistance to institutional reform manifested. The final theme addressed was the issue of actors. The participation of women in new institutions, the activities of civil society in monitoring institutional reform, and the work of actors who move between institutional and civil society arenas, were all reflected upon.

Dr Mackay concluded by observing that ‘precarious progress’ that had been made in Northern Ireland.

The TJI is very grateful to the contributors for their enormous generosity with their time and their thoughts. As well as providing a timely reflection on the local experience of women, institutional reform and transition, we also hope to have advanced the fledgling gender research agenda in institutional reform and transitional justice.
TJI CONTRIBUTES TO CEDAW

Gender research at the TJI has once again made significant impact in policy circles. The Committee on the Elimination of Discrimination Against Women (CEDAW) is currently developing a General Recommendation on ‘Women in Conflict and Post conflict Situations’. To that end, the Committee has produced a Concept Note on the theme, and recently convened a general discussion at the UN to develop the content of the planned General Recommendation. The Concept Note draws heavily on the work of TJI scholars, including articles by Eilish Rooney, Fionnuala Ni Aolain, and Catherine O’Rourke. Further, TJI scholars directly inputted into the general discussion on the General Recommendation: Fionnuala Ni Aolain made a submission to the Committee based on her forthcoming monograph (with Naomi Cahn and Dina Hayes) On the Frontlines, while Catherine O’Rourke and Christine Bell made a submission to the Committee based on their recent article ‘Peace Agreements or “Pieces of Paper”? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements’ 59 International & Comparative Law Quarterly 941-980.

TJI WELCOMES MONICA MCMILLIONS

The TJI is delighted to welcome Professor Monica McWilliams as an Associate Researcher at TJI to be based in Dairiada House on the Jordanstown campus.

Professor McWilliams returns to the University of Ulster this academic year having been on secondment to serve as Chief Commissioner of the Northern Ireland Human Rights Commission.

Professor McWilliams was appointed Chief Commissioner for Human Rights in Northern Ireland in September 2005 and appointed for a further four years from September 2008. She also served as a Member of the Legislative Assembly in Northern Ireland from 1998 to 2003 and was an elected member of the Multi-Party Peace Negotiations which led to the Belfast (Good Friday) Agreement in 1998. She was a co-founder and leader of the Northern Ireland Women’s Coalition from 1997-2005. She has published widely on domestic violence, human security and the role of the political conflict on women’s lives. Her work has been recognised by the John F Kennedy Leadership and Courage Award and the Frank Cousin’s Peace Award. She has received a Doctor of Humane Letters from Lesley College, Massachusetts and Mount Mary College, Milwaukee and is a graduate of Queen’s University Belfast and the University of Michigan.

FIONNUALA NI AOLAIN MAKES IRISH LEGAL 100

Professor Fionnuala Ni Aoláin (pictured right), TJI Associate Director, has been chosen by the Irish Voice Newspaper, the leading media source for Irish America as one of their 2011 Irish Legal 100, a list of leading figures in law across the United States. This is the second year running that Professor Ni Aoláin has been selected. The Irish Legal 100 list includes justices, judges, professors, lawyers, attorneys general, and many other influential personalities. Among past recipients are US Supreme Court Justices John Roberts and Anthony Kennedy, Head of Fordham University School of Law’s Center for Public Justice, John Feerick and State Supreme Court justices Anne Burke, Carol Corrigan, and Seamus McCaffrey.
The annual Summer School on Transitional Justice which incorporated two separate programmes: Gender, Conflict and Transition and The Use of Public Inquiries, took place at the Magee campus from 13 to 17 June 2011.

Now in its fourth year, the Summer School continues to attract participants from various conflict and post-conflict states around the world. Participants came from Austria, Bosnia and Herzegovina, Canada, Japan, Kenya, Uganda and US, in addition to representatives from various public bodies and NGOs in Northern Ireland.

The academic component of the programme was complemented by a full social programme providing the opportunity for participants to get to know a little about the local area – this included a walking tour of Derry city, a very popular tour to the North Coast, film screenings and a Summer School dinner.

The TJI was delighted to be able to offer bursaries to some participants through a competitive process: Megan Dersnah-Alexandra from the University of Toronto, Gorana Mlinarevic from the University of Sarajevo and Lindsay McClain from the Justice and Reconciliation Project in Uganda (pictured below, right).

The week long residential course provided a dynamic context for the exchange of views and experiences between academics, practitioners and students through a combination of interactive lectures, workshops and roundtable discussions on key aspects of transitional justice. Guest speakers on the Gender programme included: Dr Fidelma Ashe (UU); Professor Christine Bell (TJI); Claire Hackett (Falls Community Council); Sari Kouvo (International Center for Transitional Justice); Professor Fionnuala Ni Aoláin (TJI); Dr Catherine O’Rourke (TJI); Mrs Eilish Rooney (TJI), Ms Aisling Swaine (TJI). Speakers on the Inquiries programme included: Professor Bill Rolston (TJI); Professor Fionnuala Ni Aoláin (TJI); Professor Christine Bell (TJI); Professor Colm Campbell (TJI); Dr Louise Mallinder (TJI); Professor Phil Scraton (Queen’s University Belfast); Dr Vicky Conway (Queen’s University Belfast); Ms Marny Requa (Queen’s University Belfast); Ms Colleen Smyth (TJI); Mr John Leckey (Senior Coroner for Northern Ireland); Mr Neil Garnham QC; and Ms Caroline Cross (Barrister).

Patricia McBride, Commission for Victims and Survivors, NI

Wednesday 16 November 2011, 12-2pm
Dalriada House, Jordasntown campus

Dr Mary McAuliffe,
School of Social Justice, UCD

‘Restorative Justice: The Irish Magdalene’s and Oral History’

Wednesday 12 October 2011, 12-2pm
Dalriada House, Jordasntown campus
**Nuffield Foundation funds ‘Amnesty Guidelines’ Project**

Dr Louise Mallinder (pictured right) and Professor Tom Hadden (pictured below) have been awarded funding by the Nuffield Foundation for a sixteen-month project to create a bespoke set of Amnesty Guidelines and Commentary to explain best practice on the situations in which amnesties can contribute to protecting human rights and delivering transitional justice objectives. The underlying idea for this project is to address the growing controversy in international scholarship and practice surrounding the use of amnesty laws to address violent crimes.

Although in recent decades, there have been extensive and valuable advances in the development of the duty to prosecute serious human rights violations under international law, this legal framework remains patchy and piecemeal. As a result, this project will seek to explore the ‘grey areas’ created by the current framework in order to provide more detailed guidance to policymakers and activists grappling with complex legacies of past violence within transitional states.

In addition, this project will examine the considerable innovation and diversity in the nature of contemporary amnesty laws and focus in particular on the ways in which carefully-designed amnesties can encourage combatants to disarm, demobilise and reintegrate into their societies, and can deliver some forms of accountability in conjunction with selective prosecutions, truth seeking endeavours, restorative justice, or institutional reforms.

The project will be led by the team in Belfast, based at the Transitional Justice Institute. This team will work with a high profile group of interdisciplinary scholars and practitioners who have been recruited both from all the main world regions and from areas in which there is recent or current experience of dealing with the aftermath of serious conflict. The list of participants includes Mark Freeman, Prof Bill Schabas, Prof Ron Slye, Prof Hurst Hannum, Dr Jehan Perera, Prof Suzannah Linton, María Paula Saffon, Prof David Kretzmer, Prof Rodrigo Uprimny Yepes, Dr Chaloka Beyani and Barney Afako. The first project seminar with all participants will be held in London in autumn 2011. It will identify and define the issues around which the Guidelines will be structured. Once drafted, the Guidelines and Commentary will be scrutinised by the project participants at further seminars during 2012 and will be widely disseminated in 2013.

Given the central role that debates on amnesty laws often play in fragile political transitions, these Guidelines have the potential to make a meaningful and practical contribution to the challenges faced by international and national policymakers and donors, civil society activists, legal professionals, and interdisciplinary scholars who work in the fields of transitional justice, conflict resolution and peacebuilding.

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**Tom Hadden joins TJI**

Professor Tom Hadden (pictured right) has been appointed to a part-time Chair at the Transitional Justice Institute, from August 2011. Professor Hadden is Emeritus Professor with Queen’s University Belfast and has been a Visiting Professor with the TJI for the last three years. Tom Hadden was born and educated in Northern Ireland. He spent a year at the Universite Libre de Bruxelles before taking his first degree in Moral Science and Law and a taught LLB at Christ’s College, Cambridge. In 1965 he was awarded a research fellowship at Emmanuel College, Cambridge and in 1967 he completed a PhD on the law of criminal and company fraud at the Cambridge Institute of Criminology. He spent two years as a lecturer at the University of Kent at Canterbury before returning to Northern Ireland in 1969 as a lecturer in the Faculty of Law at Queen’s University Belfast. In 1974 he changed to a (50%) part-time contract to enable him to focus his academic work on research and writing and to allow time for his non-academic work as founding editor of *Fortnight: an Independent Review for Northern Ireland*. In 1985 he was promoted to a part-time Professorship in Law. He has held visiting professorships at the University of British Columbia, Magill University, University College Galway, and the University of New South Wales. From 1985-1990 he was a member of the *Standing Advisory Commission for Human Rights* in Northern Ireland and he is currently a part-time Commissioner of the Northern Ireland Human Rights Commission. He is currently working as a consultant for the United Nations Working Group on Minorities. His main teaching interests have been in Company Law, Housing Law, Emergency Law and currently Human Rights Law.
**European Consortium for Political Research**

Following the award of a British Academy Travel Grant, Professor Colm Campbell attended the European Consortium for Political Research’s conference at Reykjavik, Haskoli Islands (University of Iceland), last August.

A joint initiative with Philipps University, Marburg (Germany) resulted in the establishment of a section on ‘Theories of/for Transitional Justice’ which was chaired by Friedereke Mieth and Professor Suzanne Buckley-Zistel (Marburg), with Professor Campbell acting as discussant. His contribution highlighted some unevenness in the quality of the papers, but drew attention to the strength of the contributions from Eilish Rooney (TJI), and Teresa Koloma Beck (a Marburg PhD student). A lively discussion followed.

In a separate section on ‘Rioting and Insurrectionary Collective Action in Comparative Perspective: Conceptual and Theoretical Concerns’ Professor Campbell delivered a paper in which he offered a social movement theory analysis of the disengagement of armed opposition groups from violence. Many of the issues addressed will be teased out in more depth in a forthcoming article of his in the International Journal of Transitional Justice.

Professor Campbell also contributed a paper to a section on ‘Exit Strategies from Political Violence’, in which he focused on the question of how armed opposition groups frame the shifts that are necessary when the groups engage in transition, and with transitional justice. He particularly highlighted issues of frame transformation, whereby new meanings are given to old concepts in order to make them more compatible with peace-oriented strategies.

A conference plenary was addressed by the President of Iceland Ólafur Ragnar Grímssoon. A former academic, President Grímssson emphasized the positive contribution social science can make to maintaining a vibrant society. He also highlighted some unique challenges Iceland had faced in this regard: When the University of Iceland set up its first Politics Department several decades ago, it had to find Icelandic words for a host of political science terms. The challenge was especially severe, as the Icelandic language has changed relatively little from the Viking era. As he put it: ‘in several cases, when political science concepts were put through the filter of this old Viking language, they were found lacking’.

**Research on Memory**

**Dr Kris Brown** who is researching commemoration and memorialisation in divided societies visited Lebanon in August and September of this year to conduct field research.

A particular interest of his research is how ‘sectarian’ memory cultures interface with processes of transitional justice and peace making. ‘There are certainly real differences between the likes of Lebanon, Northern Ireland, Cyprus and Kosovo’, said Kris ‘but there are important focal points in these political memory cultures which have a shared resonance—particularly around issues such as victim hierarchies, heroes and martyrs, the use of political symbols, the marking of, and jostling over, territory, representing the communal ‘other’, the use of myth, history and memory, selective forgetting, the naming of places, and the complexities of intra as well as inter community conflict. There is a lot to draw on’. Kris’s research took him to Beirut, Baalbeck, the Chouf Mountains and Mleeta.

**Ex-Prisoners**

**Professor Bill Rolston** carried out a literature review for the Office of the First Minister and Deputy First Minister (OFMDFM) of the Northern Ireland Assembly, published in September 2011.

The literature review considers approximately 150 pieces of existing research and information collated on republican and loyalist ex-prisoners and ex-combatants and their families in Northern Ireland. Specifically, the research objectives were: to identify available research and information which has been carried out or collated on this subject; to determine demographic and socio-economic information on ex-prisoners, ex-combatants and their families; to review the research to provide a robust evidence base on ex-prisoners and ex-combatants in relation to a number of areas and to identify gaps in the knowledge. The review is available on the OFMDFM website.
NEW PUBLICATIONS

Transitional Jurisprudence and the ECHR: Justice Politics and Rights
Antoine Buyse & Michael Hamilton (eds)
Cambridge University Press
August 2011
The European Convention on Human Rights has been a standard-setting text for transitions to peace and democracy in states throughout Europe. This book analyses the content, role and effects of the jurisprudence of the European Court relating to societies in transition. It features a wide range of transitional challenges, from killings by security forces in Northern Ireland to property restitution in East Central Europe, and from political upheaval in the Balkans to the position of religious minorities and Roma. Has the European Court developed a specific transitional jurisprudence? How do politics affect the ways in which the Court's judgments are implemented? Does the Court's case-law itself become woven into narratives of struggle in transitional societies? This book seeks to answer these questions by highlighting the unique role of Europe's main guardian of human rights, the Court in Strasbourg. It includes a comparison with the Inter-American and African human rights systems.

The TJI will host a book launch in No Alibis Bookstore, Botanic Avenue, Belfast on Monday 24 October 2011 at 4pm. The editors Dr Michael Hamilton and Dr Antoine Buyse will join us, as will a number of the contributors. RSVP: Elaine McCoubrey—a.mccoubrey@ulster.ac.uk

On the Frontlines: Gender, War and the Post-Conflict Process
Fionnuala Ni Aolain, Dina Haynes and Naomi Cahn
Oxford University Press
November 2011
Gender oppression has been a feature of war and conflict throughout human history, yet until fairly recently, little attention was devoted to addressing the consequences of violence and discrimination experienced by women in post-conflict states. Thankfully, that is changing. Today, in a variety of post-conflict settings—the former Yugoslavia, Afghanistan, Colombia, Northern Ireland—international advocates for women’s rights have focused bringing issues of sexual violence, discrimination and exclusion into peace-making processes.

In On the Frontlines, Fionnuala Ni Aolain, Dina Francesca Haynes, and Naomi Cahn consider such policies in a range of cases and assess the extent to which they have had success in improving women's lives. They argue that there has been too little success, and that this is in part a product of a focus on schematic policies like straightforward political incorporation rather than a broader and deeper attempt to alter the cultures and societies that are at the root of much of the violence and exclusions experienced by women. They contend that this broader approach would not just benefit women, however. Gender mainstreaming and increased gender equality has a direct correlation with state stability and functions to preclude further conflict. If we are to have any success in stabilizing failing states, gender needs to move to the forefront of our efforts. With this in mind, they examine the efforts of transnational organizations, states and civil society in multiple jurisdictions to place gender at the forefront of all post-conflict processes. They offer concrete analysis and practical solutions to ensuring gender centrality in all aspects of peace making and peace enforcement.

Children of the Revolution
Bill Rolston
Guildhall Press
July 2011
Bill Rolston’s new book, Children of the Revolution, was launched on 28 July in Belfast. It contains the stories of twenty people who had a parent politically active in Northern Ireland’s recent conflict, the majority deeply involved in non-state combatant groups. Sons and daughters of republicans and loyalists, as adults now, they recount their experiences of childhood and how the activities of their mothers or fathers impacted on their lives. Some reject the parent and the events that led to their own suffering, while others are completely supportive of the parent and his or her politics; many are ambivalent. In the end, some individuals were clearly traumatised by their experience, but all display a remarkable level of resilience in the face of what conflict brought their way. The launch was a highly moving event, with four of the contributors reading from their stories. The audience was also captivated by keynote speaker Wilhelm Verwoerd’s account of how he moved from the privilege and ignorance of an Apartheid upbringing to eventually joining the ANC.

Children of the Revolution: the Lives of Sons and Daughters of Activists in Northern Ireland is published by Guildhall Press in Derry, priced £8.95.
NEW PUBLICATIONS

Recent Journal Articles


POSTGRADUATE STUDENTS

The TJI looks forward to welcoming the incoming students on the LLM Human Rights Law and Transitional Justice programme at both the Jordanstown and Magee campuses.

We also welcome two new PhD students to the TJI: Kevin Hearty and Elizabeth Super.

**Kevin Hearty** is a graduate from the LLM Human Rights Law and Transitional Justice programme at TJI. His PhD research investigates the notion of collective memory in transitional justice societies, more specifically examining the intra-communal contestation of memory within the Irish republican constituency during the policing debate of 2006-07.

**Elizabeth Super** is a graduate from the University of Minnesota Law School. Previously she was an intern with the Transitional Justice Institute undertaking work on the public inquiries on Robert Hamill, Rosemary Nelson, Billy Wright.

Kevin and Elizabeth join the team of PhD Affiliates based at TJI: Tim Cunningham, Aisling Swaine, Deborah Magill, Colleen Smyth, Michael Folami and Jarlath Kearney.

INTERNSHIPS AT TJI

The Transitional Justice Institute regularly hosts interns from other Universities, both in Europe and the US. The internships enable postgraduate students to gain experience working in an academic research institute, providing research assistance, undertaking training and generally participating in the intellectual life of the TJI.

Ms Gianna Schlichte (pictured right), postgraduate student from Marburg University (Germany), spent the Summer months as an intern with TJI at the Jordanstown campus, working with Professor Colm Campbell. We would like to thank Gianna for her contribution to TJI and wish her well in her future career.

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