



Peace & Justice Update
February 15, 2002
(Volume 3, Number 3)

The countries for the Peace and Justice updates have been chosen as areas of focus at the Institute. The International Human Rights section is intended to focus on aspects of international law. For information on specific cases of human rights abuses, please visit www.hrw.org or www.amnesty.org

Source information: Information presented in this update is condensed from wire and newspaper reports from Lexis/Nexis and from electronic sites on the World Wide Web. Complete biographical information is unavailable from these services, but every attempt has been made to properly cite information and give credit to source materials. This update is intended for use by IPJ staff and associates for informational purposes only. As the material in this update is condensed, and does not directly quote the primary source, information from the update should not be quoted.

The Peace and Justice updates are written by the Spring 2002 interns at the Joan B. Kroc Institute for Peace and Justice at the University of San Diego. The interns are Mark Cottrell (University of San Diego School of Law), Beth Rogers-Witte (University of San Diego), and Aimee Sepp (University of San Diego).

UPDATE SUMMARY

AFGHANISTAN

Bush agrees Geneva Conventions apply to the Taliban; Afghanistan's interim leader releases Taliban fighters; Afghan prisoners accuse U.S. soldiers of abuse

CHECHNYA

Allegations against Russians surface; Russian soldiers killed in Grozny

DEMOCRATIC REPUBLIC OF CONGO (DRC)

President to meet rebel leaders for talks; Rwandan and Ugandan defense ministers meet for talks; UN official says violence in the northeast could undermine peace process

GUATEMALA

Government official goes to trial

MACEDONIA

Government wants NATO peacekeepers to remain; European Union backs rapid reaction force to succeed NATO; Bomb kills man in contested village

NEPAL

Japanese corporations stop highway project due to security concerns

SRI LANKA

Peace talks continue

INTERNATIONAL HUMAN RIGHTS

Milosevic trial opens in The Hague; UN ends talks with Cambodia for tribunal; Rwandan tribunal dismisses defense lawyer for malpractice; Priest pleads innocent to genocide

UPDATE SOURCE ABBREVIATIONS

AP	=	Associated Press (www.ap.org)
AFP	=	Agence France Presse (www.afp.com)
BBC	=	British Broadcasting Corporation (http://news.bbc.co.uk)
CNN	=	Cable News Network (www.cnn.com)
DPA	=	Deutsche Presse-Agentur (www.dpa.com)
EFE	=	Agencia EFE (Spanish New Agency)
HRW News	=	Human Rights Watch News (www.hrw.org)
IRIN	=	Integrated Regional Information Network (www.irinnews.org) (UN Dept. of Humanitarian Affairs Information Network: www.unog.ch)
JED	=	Journaliste En Danger
NCN	=	New Congo Net (www.marekinc.com/NCN.html)
PANA	=	Pan African News Agency (www.panapress.com)
Xinhua	=	Xinhua News Agency (www.xinhuanet.com/english/index.htm)

AFGHANISTAN

Bush agrees the Geneva Conventions apply to the Taliban: The U.S. army at “Camp X” in Guantanamo Bay, Cuba has been trying to determine which prisoners are members of the Al-Qa’ida network and which are members of the Taliban because of U.S. President George Bush’s announcement February 7 that the Geneva Conventions would be limited to Taliban members only. Among other rights under the Conventions, the Taliban would be granted release at the close of the conflict and be allowed to return to their homes. Bush continued to deny the detainees status as Prisoners of War despite criticism from the international community, including the International Committee of the Red Cross and the UN. A U.S. army official at “Camp X” noted the process of determining which group each prisoner belonged to has been difficult because detainees have not been forthcoming during questioning and have often given different information each time they were questioned. Detainees have been taken from Kandahar in southern Afghanistan to “Camp X” since January 12 and have begun to arrive again after a two-week delay in which more outside prison cells were constructed. (Reuters, February 8; The Boston Globe, February 10, 2002)

Afghanistan’s interim leader releases Taliban fighters: The six-month interim leader of Afghanistan, Hamid Karzai, released 320 Taliban members from jail in the Afghan capital of Kabul February 11 and gave them notice to return to their homes and villages and “find jobs” and warned them against taking up arms. Each prisoner was given a small amount of money from both the government and the Red Cross. Karzai said the interim government had planned to release the prisoners for some time because the men had been proven innocent of any links to terrorism. The Taliban took control of Afghanistan in 1997 when they seized Kabul and built up an army of 40-45,000 soldiers and controlled 90 percent of the country. (The Gazette, February 11, 2002)

Afghan prisoners accuse U.S. soldiers of abuse: Four of 27 suspected Al-Qa’ida and Taliban fighters who were arrested during a misguided raid January 23 and 24 in Oruzgan, a small mountain town in northern Afghanistan, claimed U.S. soldiers abused them during their detention that ended January 30. The U.S. military arrested them despite the men’s protests that they were supporters of the new interim government. The U.S. government confirmed that none of the men were Al-Qa’ida or Taliban fighters. Oruzgan police chief Abdul was among the four claiming abuse and said the U.S. soldiers “punched and kicked him until his ribs cracked.” When the raids were found to have been in error, U.S. soldiers apologized to the prisoners. The Pentagon confirmed that in addition to the 27 detained from the raid, 15 Afghans were killed, while city officials claimed 21 were killed. The Pentagon admitted the raid was based on faulty intelligence and said that some of those killed may have been U.S. allies. The Afghan interim government’s head of disarmament called the U.S. raid a “very big mistake” and called for an end to U.S. bombings and raids to prevent further errors. U.S. soldiers were deployed to Afghanistan in the weeks following the September 11 terrorist attacks against U.S. that have been attributed to Osama bin Laden’s Al-Qa’ida network that killed more than 3,000 people. (New York Times, February 11, 2002)

CHECHNYA

Allegations against Russians surface: Chechen separatist leader Aslan Maskhadov said February 11 that evidence might soon come to light implicating the Russian secret service in the staging of the Moscow apartment bombings that revived the war in Chechnya in September 1999. Maskhadov told the AFP that a Russian self-exiled tycoon, Boris Berezovsky, was going to broadcast a documentary at the end of February linking the Russian Federal Security Service to the bombings that killed nearly 300 people. Many Chechens believed the Russians conducted the bombings to boost Vladimir Putin's popularity and put him into the presidency in March 2000. The Russians blamed Chechens for the bombings and redeployed troops to Chechnya after having left them with de facto independence following the 1994-1996 war. Neither side was able to deliver any proof linking the other to the apartment bombings. (AFP, February 11, 2002)

Russian soldiers killed in Grozny: Chechen rebels claimed they killed seven Russian soldiers and wounded 19 in a series of attacks February 11 on various federal buildings, including the pro-Moscow administration headquarters in the capital city of Grozny. The Russian government denied the report and described the situation as "calm." Another report said that rebels killed five Russian servicemen February 9 when they detonated a series of landmines on the outskirts of Grozny. Both the Russian government and the Chechen rebels have released contradictory reports of events throughout the 28-month war in Chechnya that the Russian leadership had labeled an anti-terrorism campaign. There was an unsuccessful attempt at peace negotiations in November 2001 between Vladimir Putin and Aslan Maskhadov. The Chechen rebels dismissed the demand of the Russian government that they disarm and hand over their commanders before a truce would be called. (AFP, February 9, 12, 2002)

DEMOCRATIC REPUBLIC OF CONGO (DRC)

President to meet rebel leaders for talks: UN Assistant Secretary-General for Political Affairs, Ibrahim Fall, announced February 9 that DRC President Joseph Kabila would meet with leaders of two Ugandan-backed rebel groups prior to the Inter-Congolese dialogue scheduled to begin February 25 in Sun City, South Africa. Kabila was scheduled to meet with Mbusa Nyamwisi, leader of the Kisangani-based Rally for Congolese Democracy (RCD-Kisangani) and Jean-Pierre Bemba, head of the Congolese Liberation Movement (MLC), although no date or place had yet been fixed. Fall said that the agreement to hold the talks came as a result of informal meetings held in Geneva that sought to narrow differences in advance of the gathering in Sun City. The Inter-Congolese dialogue, mandated by the 1999 Lusaka Accord, was designed to bring together government, rebel, and civil society representatives to reach agreement on a transitional government to lead the country for up to two and one half years while elections are prepared. More than three million people have died since civil war broke out in the DRC in 1998. (Reuters, February 9, 2002)

Rwandan and Ugandan defense ministers meet for talks: Rwandan Defense Minister Emmanuel Habyarimana met February 10 with his Ugandan counterpart, Amama Mbabazi, to discuss the results of a joint committee established October 2001 to investigate allegations of aggression by each side. A written statement issued by the defense ministers following the talks announced their agreement to establish regular contacts between their respective countries' military intelligence chiefs, to create patrolling arrangements in border areas, and to appoint mutual defense attachés. The meeting of defense ministers, which was mediated by British diplomats, came ahead of a scheduled meeting between Rwandan President Paul Kagame and Ugandan President Yoweri Museveni to be held February 14 at the border post of Gatuna. Rwanda and Uganda both sent troops to the DRC in 1998, initially in support of Laurent Desiré Kabila and later in opposition to his presidency, but differences over the strategies and objectives of the war effort led to fighting between their armies in August 1999 over control of Kisangani, the third largest city in the DRC. Although a ceasefire negotiated that same month ended direct hostilities between the armies, the power struggle between Rwanda and Uganda has continued by proxy in the form of fighting between competing Congolese rebel groups, the Rwandan-backed RCD-Goma and the Ugandan-backed RCD-Kisangani. (Reuters, February 10, 2002)

UN official says violence in the northeast could undermine peace process: UN Special Representative to the DRC, Amos Ngongi, voiced concern February 7 that persistent violence in northeastern DRC between opposing Uganda-backed rebel groups could threaten the country's fragile peace process. The UN estimated that since January 1 fighting in the Ituri province among members of the MLC, led by Jean-Pierre Bemba, and the RCD-Kisangani, led by Mbusa Nyamwisi, had caused hundred of deaths and the forced displacement of approximately 15,000 people. Hostilities between the two groups, which both oppose the government in Kinshasa, seemed to grow more intense following the withdrawal by Uganda last year of most of its troops, as mandated by the 1999 Lusaka Peace Accord. Ngongi said that the UN was looking principally to Uganda, which helped to arm and train both of the groups, to help quell the violence in the province. Ugandan President Museveni pledged February 7 to take a more active role in easing the hostilities though he stopped short of saying he would send additional troops to the area. Uganda, however, was not altogether without military strength in the region. The country last month reinforced troops stationed on the Ugandan side of the border and two Ugandan battalions, from the country's original deployment to the DRC, remained in the eastern towns of Bunia and Butta. (BBC, Reuters, February 7, 2002)

GUATEMALA

Government official goes to trial: Former Guatemalan Interior Minister Byron Barrientos was formally charged February 8 with embezzlement of over \$11 million in public funds and his bail was set at \$1 million in a Guatemalan court. Two weeks earlier, the Guatemalan Supreme Court ruled that there was sufficient evidence for a charge to be filed against Barrientos who stepped down from his position as Interior Minister in November 2001 amid accusations of corruption. If convicted, Barrientos could face up to 10 years in prison. Barrientos has been a member of the Guatemalan Republican Front, a

political party whose leader, General Jose Efrain Rios Montt, has been implicated in many government crimes that occurred during the country's 36-year civil war. The civil war included a massacre in 1982 in the Los Dos Erres village where 200,000 men, women, and children either "disappeared" or were killed. (EFE News Service, February 9, 2002)

MACEDONIA

Government wants NATO peacekeepers to remain: A government spokesperson announced February 6 that Prime Minister Ljubco Georgievski would ask the North Atlantic Treaty Organization (NATO) to extend the mandate of its peacekeeping mission in Macedonia. The request by the government would seek a three-month extension of NATO's "Task Force Fox" (TFF) and would propose no changes to either the terms of the mandate or to the existing level of NATO personnel. A relatively lightly armed German-led force of 1,000 soldiers replaced the 4,500 strong "Operation Essential Harvest" mission that collected nearly 4,000 weapons in a voluntary disarmament of the opposition National Liberation Army (NLA). Under an August 2001 peace agreement that brought an end to nearly eight months of fighting, the NLA, which had seized territory in Macedonia's northwest in what it said was a struggle for better rights and representation for ethnic Albanians, agreed to disband and disarm in exchange for political reforms and greater representation in areas in which ethnic Albanians formed a majority. NATO's TFF forces were initially deployed in September 2001 to protect international monitors observing the return of government forces and displaced persons to areas formerly controlled by the NLA insurgents. NATO's mandate for its mission was extended once before, in December 2001, and is now due to expire March 26. (Reuters, February 6, 2002)

European Union backs rapid reaction force to succeed NATO: Foreign ministers of the 15-nation European Union (EU), gathering February 8 in the Spanish town of Caceres, endorsed the idea of deploying for the first time the EU rapid reaction force in place of the NATO-led peacekeepers presently deployed in Macedonia. The group of foreign ministers largely supported an EU-led force, even as the Macedonian government formally requested a three-month extension of NATO's mandate following its expiration in March. Support for the proposal, however, was neither unanimous nor unqualified. Finnish Foreign Minister Erkki Tuomioja voiced clear opposition to the plan and Dutch, German, and British representatives, who generally favored the proposal, indicated their concern that coordination between NATO's three Balkan operations could be lost. NATO Secretary-General George Robertson said February 8 that there are presently no plans for the EU to take over when the current NATO mandate expires. (Reuters, February 8; The Wall Street Journal Europe, February 8, 14, 2002)

Bomb kills man in contested village: A Macedonian man was killed February 10 and another gravely injured by a bomb that exploded in a village held briefly last summer by ethnic Albanian insurgents. The explosion occurred as the two men opened a padlocked door at an empty house owned by a policeman in the predominantly Albanian village of Aracinovo, about six miles southeast of the capital, Skopje. A police spokesman said the

house had apparently been booby-trapped with an explosive device rigged to detonate upon opening. Government forces hit Aracinovo in June 2001 with tank, artillery, gunship, and machine gun fire in an effort to dislodge ethnic Albanian insurgents who had occupied the town and were thought to be close enough to hit the capital with mortar shells. Police sources said that the village had been swept for explosives following last summer's fighting, but they could not be certain that every building had been cleared. Police forces have been recently redeployed to territories previously held by the NLA as part of the implementation of the August 2001 agreement that ended the eight-month conflict between the NLA and the government forces. (AP, February 11; Reuters, February 10, 2002)

NEPAL

Japanese corporations stop highway project due to security concerns: Maoist rebels killed 16 policemen February 4 after attacking a police post at Bhakundabesi, one of the sites of construction for a future highway in Nepal. The Minister of Public Works and Transport, Chiranjibi Wagle, announced that the Japanese corporations funding the highway project, Hazama and Taisei, have stopped construction due to the safety of their employees. Construction began in 1996 after Japan agreed to finance the \$80 million project that had a completion date of 2005. Almost half of the construction on the highway had been completed and would have extended 98 miles to connect the capital of Kathmandu to the southern lowland region. Wagle said the Ministry of Public Works spoke to the army about providing extra protection against Maoist rebels for the highway project to continue. More than 2,500 people have been killed since Maoist rebels began fighting in 1996 to replace the constitutional monarchy with a "People's Republic." (AFP; AFX-Asia, February 8, 2002)

SRI LANKA

Peace talks continue: A team of diplomats from Norway, headed by Deputy Foreign Minister Vidar Helgesen, met February 6 with Sri Lankan President Chandrika Kumaratunga, Prime Minister Ranil Wickremesinghe, and members of the opposition Liberation Tigers of Tamil Eelam (LTTE) for two days of talks. The Constitutional Affairs Minister, G.L. Peiris, and other government officials said they were close to signing an agreement to formalize a ceasefire. The agreement was aimed at putting a permanent truce into force and improving living conditions in rebel areas. It was also intended to stop military operations on land and sea and to specify circumstances under which combatants could move around the country, unarmed and out of uniform, to visit relatives in areas under the control of the opposing side. The LTTE said that a permanent ceasefire had still not been settled and that they would not agree to sign the agreement yet because differences among the parties still remained. Civil war broke out in 1983 between the majority Sinhalese government and the ethnically Tamil LTTE that has resulted in approximately 64,000 deaths. The current ceasefire, initiated December 24, 2001 and extended until February 24, 2002, was the first time in seven years that the government and rebel groups halted fighting. (BBC, February 7, 12; MSNBC, February 8, 2002)

INTERNATIONAL HUMAN RIGHTS

Milosevic trial opens in The Hague: Former Yugoslav President Slobodan Milosevic went on trial before the UN International Criminal Tribunal for the Former Yugoslavia (ICTY) February 12, charged on three separate indictments. ICTY's Chief Prosecutor, Carla Del Ponte, won a motion last week permitting the consolidation into a single trial of the three indictments, each of which relates separately to actions undertaken by Milosevic in Bosnia, Croatia, and Kosovo. The Bosnia indictment charges Milosevic and other senior Serbian and Yugoslavian officials with conspiring from 1992 to 1995 to eliminate the Bosnian Muslim and Croat ethnic groups by means of massacres, forced deportations, detention, and torture. The Bosnia indictment includes two counts of genocide, which is the tribunal's gravest charge, 10 counts of crimes against humanity, eight counts of grave breaches of the Geneva Conventions, and nine counts of violations of the laws or customs of war. The Croatia indictment charges Milosevic with undertaking, from August 1991 to June 1992, to remove the Croat and non-Serb populations from about one-third of the Republic of Croatia. The Croatia indictment includes 10 counts of crimes against humanity, 13 counts of violations of the laws or customs of war, and nine counts of grave breaches of the Geneva Conventions. The Kosovo indictment charges Milosevic with undertaking a campaign of terror from January 1999 to June 1999 against ethnic Albanian civilians in Kosovo, effectively expelling one-third of the Kosovo Albanian population from the province. The Kosovo indictment includes four counts of crimes against humanity and one count of violations of the laws or customs of war. Milosevic, who was handed over to the ICTY in June 2001 by opponents who defeated him in the Yugoslav national elections of 2000, has refused to recognize the authority of the ICTY and does not intend to appoint defense counsel. Del Ponte said she expects the Milosevic trial, the first prosecution for war crimes or genocide of a head of state, to last approximately two years. (AP, Reuters, February 12)

Note: Additional details regarding the Milosevic prosecution and a live broadcast of the trial proceedings may be found by visiting the website for the International Criminal Tribunal for the Former Yugoslavia at www.un.org/icty.

UN ends talks with Cambodia for tribunal: The UN's chief legal counsel, Hans Corell, announced February 8 that the UN had suspended discussions with the Cambodian government concerning the establishment of a criminal tribunal to try leaders of the former Khmer Rouge. Corell explained that the UN reached its decision after concluding that it could not adequately guarantee the impartiality, independence, or credibility of the tribunal in the form currently envisaged by Cambodia. The decision followed nearly four and one half years of difficult negotiations between the UN and the Cambodian government over the structure and mandate of the proposed tribunal. In addition to numerous substantive objections to Cambodia's vision for the tribunal, the UN objected particularly to the government's "lack of urgency" in establishing the tribunal, which, according to Corell, jeopardized the chances of bringing to justice the aging former

leaders of the Khmer Rouge. Cambodia's government, which first sought the assistance of the UN in the creation of a tribunal in June 1997, insisted that it would, if necessary, pursue prosecution on its own. The former Khmer Rouge leaders have been accused of causing the death of an estimated 1.7 million people through execution, torture, starvation, and other abuses committed during the communist regime's rule from 1975 to 1979. (AP, Kyodo News Service, February 8; Reuters, February 8, 9, 2002)

Rwandan tribunal dismisses defense lawyer for malpractice: The Registrar of the UN International Criminal Tribunal for Rwanda (ICTR), Adama Dieng, dismissed a defense lawyer February 6 on grounds of legal malpractice. Dieng cited "financial dishonesty" in the firing of Scottish lawyer Andrew McCartan, lead defense counsel for genocide suspect Joseph Nzirorera. The decision followed investigation into claims that some defense attorneys, who can be paid as much as \$230,000 annually by the tribunal, had shared a portion of their legal fees with their clients in return for being kept on as counsel. A February 2000 report by the UN Office of Internal Oversight Services (OIOS) found evidence of improper fee splitting arrangements between defense lawyers and their clients at both the ICTR and the tribunal investigating crimes in the former Yugoslavia, the ICTY. The ICTR, which is located in the northern Tanzanian town of Arusha, has suffered from charges of mismanagement and slowness in dealing with its prosecutions of the masterminds of the 1994 genocide in Rwanda during which an estimated 800,000 ethnic Tutsis and moderate Hutus were killed. The tribunal, which has an annual budget in excess of \$115 million, has convicted and sentenced eight senior planners of genocide since its November 1994 creation by the UN Security Council, including Rwanda's former Prime Minister Jean Kambanda, and has, in that same time, indicted more than 70 individuals, 56 of whom have been taken into custody. (Reuters, February 3, 6, 2002)

Priest pleads innocent to genocide: A Roman Catholic priest, The Rev. Athanase Seromba, pleaded innocent February 8 to charges by the ICTR of genocide and crimes against humanity for allegedly instructing Hutu extremists in April 1994 to kill thousands of minority Tutsis who had taken refuge from genocidal attackers in his parish church in the Rwandan village of Nyange. According to a statement by the ICTR outlining the charges, Rev. Seromba, himself a member of Rwanda's Hutu majority, allegedly ordered Hutu militants attacking his church to destroy it by bulldozer, forcing its collapse upon the nearly 2,000 Tutsis sheltering inside. Seromba has denied the charges, saying that he had already left his parish in Nyange by the time the killings began. Seromba, who has been a priest in the Archdiocese of Florence, Italy since 1997, was taken into custody following his surrender February 6 to Italian officials. Catholic officials in Tuscany, who had been criticized for sheltering the priest, said after his departure for the ICTR that they hoped international justice would be "swift and calm." A 1994 report commissioned by the Organization of African Unity stated that the Catholic hierarchy in Rwanda, a country in which approximately 60 percent of the population is Catholic, was one of several groups that bore the "heaviest responsibility" for the country's genocide. (AP, Reuters, February 8, 2002)