



Peace & Justice Update
July 9, 2004
(Volume 9, 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. The Gender and Peace section highlights events in peacebuilding that pertain to gender and human rights.

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 bibliographical 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 & Justice updates are written by the Summer 2004 interns at the Joan B. Kroc Institute for Peace & Justice at the University of San Diego. The interns are Jeff Achen (University of North Dakota), Donna Chung (University of San Diego), Brian Israel (University of California, San Diego), Jared Leiderman (Swarthmore College), Natasha Mikha (University of Notre Dame), and Nicole Thompson (University of California, San Diego).

UPDATE SOURCE ABBREVIATIONS

AFP	=	Agence France Presse (www.afp.com)
AP	=	Associated Press (www.ap.org)
AllAfrica	=	AllAfrica Global Media (www.allAfrica.com)
AI	=	Amnesty International (www.amnesty.org)
Balkan News	=	Balkan News (www.balkannews.net)
BBC	=	British Broadcasting Corporation (news.bbc.co.uk)
BBC Monitoring	=	BBC Monitoring International Reports (www.monitor.bbc.co.uk/)
BCG	=	Balkan Crisis Group (www.iwpr.net)
Channel NewsAsia	=	Channel NewsAsia (www.channelnewsasia.com)
CPJ	=	Committee to Protect Journalists (www.cpj.org)
Economist	=	Economist (www.economist.com)
EUObserver	=	EUObserver.Com (www.euobserver.com)
ECHR	=	European Court of Human Rights (www.echr.coe.int)
FT	=	Financial Times (www.ft.com)
GlobalSecurity	=	GlobalSecurity (www.globalsecurity.org)
Guardian	=	Guardian Unlimited Network (www.guardian.co.uk/)
HRW	=	Human Rights Watch News (www.hrw.org)
ICC	=	International Criminal Court (www.icc-cpi.int/php/index.php).
ICG	=	International Crisis Group (www.crisisweb.org)
IRIN	=	Integrated Regional Information Network (www.irinnews.org)
IWPR	=	Institute for War and Peace Reporting (www.iwpr.net)
Kantipur Online	=	Kantipur Online (www.kantipuronline.com)
MRG	=	Minority Rights Group International (www.minorityrights.org)
LA Weekly	=	Latin American Weekly Report (www.latinnews.com/lwr)
Latinnews Daily	=	LatinNews Daily (www.latinnews.com)
Los Angeles Times	=	Los Angeles Times (www.latimes.com .)
Le Monde	=	Le Monde (www.lemonde.fr)
Le Jour	=	Le Jour (www.lejour.ci)
Nepali Times	=	Nepali Times (www.nepalitimes.com)
Nepal News.Com	=	Nepal News.Com (www.nepalnews.com)
NewKerala.Com	=	NewKerala.Com (www.newkerala.com)
New Vision	=	The New Vision (www.newvision.co.ug)
NCN	=	New Congo Net (www.marekinc.com/NCN.html)
NYT	=	The New York Times (www.nytimes.com)
Ottawa Citizen	=	The Ottawa Citizen (www.ottawacitizen.com)
PHR	=	Physicians for Human Rights (www.phrusa.org/index.html)
Reuters	=	Reuters (www.reuters.com)
RSF	=	Reporters Sans Frontières (www.rsf.org)
Santiago Times	=	The Santiago Times (www.tcgnews.com/santiagotimes)
Scotsman	=	The Scotsman (www.scotsman.com)
UN News Center	=	UN New Center Homepage (www.un.org)
U.S. Dept. of State	=	U.S. Department of State (www.state.gov)
UPI	=	United Press International (www.upi.com)
VOA	=	Voice of America (www.voanews.com)
Washington Times	=	The Washington Times (www.washintontimes.com)
Xinhua	=	Xinhua News Agency(www.xinhuanet.com/english/index.htm)

UPDATE SUMMARY

ANDES

COLOMBIA

Negotiations face unstable start; Teachers' protest turns violent

VENEZUELA

Questions arise over attempted coup

BALKANS

Milosevic trial to resume

GENDER AND PEACE

European Court supports headscarf ban

AFGHANISTAN

UNDP trains civil servants on gender

GREAT LAKES

Brussels meeting aims to ease tensions

BURUNDI

ICG requests election intervention

DEMOCRATIC REPUBLIC OF CONGO (DRC)

MRG presses for ICC investigation

KENYA

Police disrupt protests

HORN OF AFRICA

ERITREA/ETHIOPIA

Annan urges resolution of border dispute

SOMALIA

Coca-Cola opens factory

SUDAN

AU sends peacekeepers to Darfur; Government promises disarmament of Janjawid

INTERNATIONAL HUMAN RIGHTS

SUDAN

Uncertainty over status of Darfur crisis

NEPAL

Prime Minister forms coalition government; New U.S. ambassador arrives;
Abductions disrupt education

WEST AFRICA

COTE D'IVOIRE

Gabon leader mediates conflict; AU holds mini-summit on Ivorian crisis; Dispute
with Burkina Faso intensifies

SIERRA LEONE

War crimes court holds first trials

ANDES

COLOMBIA

Negotiations face unstable start: Peace talks between the Colombian government and right-wing paramilitaries began July 1 in the northern province of Cordoba. The talks were in jeopardy due to the kidnapping of former senator Jose Gnecco, by Rodrigo Tovar, the leader of the Autodefensas Unidas de Colombia (AUC). Gnecco was released by Tovar, who left the peace talks stating that his actions endangered the peace process. Skepticism about the talks was widespread and involvement of the international community has been limited due to the AUC's repeated violations of the 2002 cease-fire agreement and its deepening involvement in drug-trafficking. Paramilitary groups now involved in the AUC began operations 22 years ago to combat leftist guerillas known as the Fuerzas Armadas Revolucionarias de Colombia. (AP, BBC Monitoring, June 30; Channel NewsAsia, July 1; Guardian, July 2, 2004)

PERU

Teachers' protest turns violent: Thousands of protesters, including the Peruvian Education Workers Union and its supporters, clashed violently with police in the southern city of Ayacucho July 1. The demonstrators demanded higher wages for teachers and accused the government of attempting to privatize public education. Violence broke out after riot police used tear gas to disperse both the demonstrators and 350 teachers who had taken control of city offices earlier that week. During the violence, at least two people died and approximately 40 were injured before the violence subsided. Prime Minister Carlos Ferrero claimed that the Shining Path movement was responsible for inciting the protest. Ayacucho was the birthplace of the Maoist-inspired movement that was active throughout the 1980s. (AP, July 1; LA Weekly, May 11; Latinnews Daily, Xinhua, July 2, 2004)

VENEZUELA

Questions arise over attempted coup: In May, approximately 132 Colombians were discovered outside Caracas and accused of attempting to overthrow President Hugo Chavez's government. However, Patricia Poleo, reporter and editor of *El Nuevo Pais*, provided evidence June 28 that the unarmed Colombians entered Venezuela with a valid collective entry permit issued by the Department of the Interior and Justice. Poleo dismissed the government's accusation that the Colombians were paramilitaries contracted by Chavez' opposition to stage a coup against the President. Poleo's report was the first to indicate that the Chavez government invented the Colombian paramilitary incident in order to bolster the government's approval ratings. As a result of her work, Poleo was charged with slander and instigation of rebellion by the Venezuelan armed forces and could face trial in the military courts. This incident was the latest in a string of government setbacks for Chavez who was scheduled to face a referendum on his presidency August 15. (BBC Monitoring, July 4; UPI, July 2, 2004)

BALKANS

SERBIA

Milosevic trial to resume: Despite Slobodan Milosevic's poor health, judges at the International Criminal Tribunal for the Former Yugoslavia at The Hague announced that his trial was to resume temporarily July 14 because he appeared well enough to participate. However, due to his risk of suffering a heart attack, the judges said he might have to discontinue representing himself and accept a court-appointed lawyer. The trial was to be adjourned from July 21 to August 31 to give Milosevic extra time to prepare his case. Slobodan Milosevic served as President of Serbia during the Balkan wars of the 1990s and was charged with 66 counts of war crimes, crimes against humanity, and genocide. The trial has been repeatedly delayed due to Milosevic's poor health. (AP, BBC, July 6, 2004)

GENDER AND PEACE

European Court supports headscarf ban: The European Court of Human Rights ruled June 29 that Turkey's ban on Muslim headscarves in its universities did not violate Muslim women's freedom of religion. In 2002, two Turkish female students brought cases to the Court, and argued that the Turkish state's restriction on their wearing of headscarves in class was an interference with their right to religious freedom as stipulated under Article 9 of the European Convention on Human Rights. In its defense, Turkey argued that Islamic headscarves were considered a symbol of fundamentalism and have threatened secularism in Turkey. In support of the Turkish government, the Court's ruling upheld states' rights to restrict the wearing of the headscarf "in the interests of public safety and for the protection of public order, health or morals." However, U.S. based Human Rights Watch criticized the court's ruling, saying the Turkish government's imposition violated students' academic freedom. (AP, ECHR, HRW, June 29; EUObserver, June 30; Ottawa Citizen, July 1, 2004)

AFGHANISTAN

UNDP trains civil servants on gender: The UN Development Programme (UNDP), together with the Afghan Ministry of Women's Affairs, launched July 5 that an Institutional Capacity Building Program aimed at expediting gender awareness training in Afghan government agencies. Putting a special emphasis on the role of women in post-conflict development, the Program was formed to train civil servants from the Ministries of Foreign Affairs, Interior, Rural Reconstruction and Development, Higher Education, Religious Affairs, and Information and Culture. The trainings would help government institutions include gender-perspectives in all their programs and policies. The program was to establish a team of Afghan gender experts and a gender-training institute where a series of workshops for gender-trainers was to be held. From the mid-1990s until 2001, Afghanistan was ruled by the Taliban, a fundamentalist Islamic group that rose to prominence during a power struggle in the country after Soviet troops withdrew in 1989. Under the Taliban's interpretation of Islam women were denied access to basic rights including education and employment. (IRIN, July 5, 2004)

GREAT LAKES

Brussels meeting aims to ease tensions: Foreign ministers from the Democratic Republic of the Congo (DRC), Burundi, and Rwanda agreed to hold a meeting in Brussels to relieve friction among the three countries. Rwandan Foreign Minister Protais Mitali said that the meeting, scheduled to take place July 11 and 12, was to focus on reviving economic activity as a way to mend alliances. The economic plan was to involve trilateral cooperation in banking, electricity distribution, and agriculture. Rebels who have clashed with DRC troops since May 26 withdrew into Rwanda June 8, causing the DRC military to position more than 20,000 troops along the border. The violence forced more than 25,000 Congolese to flee, greatly affecting the economic situation in border areas. (BBC, July 4; IRIN, July 2, 5, 6, 2004)

BURUNDI

ICG requests election intervention: The International Crisis Group (ICG) called for international assistance in pressuring government and other political leadership to abide by the Peace and Reconciliation Accord signed in Arusha, Tanzania, August 2000. The Accord outlined processes for the creation of a constitution and elections, both of which were to take place by October 31. The transitional government, who refused to allow militias to form legitimate political parties, claimed that the state must be secure before elections could take place. Non-governmental groups argued that the militias would be turned into political parties leading up to elections. The ICG report, released July 5, praised Burundi's progress but warned that a disruption of the political plan as laid out in the Accord could lead to a political vacuum and further violence. Burundi has been recovering from nearly 10 years of civil war which ended with the creation of the transitional government in 2001. The war, driven by Hutu-Tutsi violence, killed over 300,000 people. (BBC, June 2; ICG, July 5; IRIN, July 6, 2004)

DEMOCRATIC REPUBLIC OF CONGO (DRC)

UUMRG presses for ICC investigation: Minority Rights Group International (MRG) submitted reports to the International Criminal Court (ICC) at The Hague July 6 stating that the minority Bambuti Pygmies have been persecuted by the DRC military. The Bambuti, who live in northern DRC, were subject to rape, mass murder, and exploitation for their knowledge of the treacherous terrain. The alleged perpetrators, currently members of the DRC armed forces, were formerly members of a variety of rebel groups active during the DRC civil war. The military forces accused of the crimes by the MRG were under the direction of Vice President Bemba, a former commander of the Movement for the Liberation of Congo, a rebel group that fought during the civil war. The evidence submitted by MRG included testimony from victims of crimes committed since July 1, 2002 when the DRC fell under ICC jurisdiction. Following the DRC civil war between 1998 and 2002, many rebel militias were incorporated into the national armed forces. (BBC, MRG, July 6, 2004)

KENYA

Police disrupt protests: Demonstrators demanding the enactment of the new constitution were stopped by government police in two protests. In Kisumu July 7, protestors reportedly threw rocks at the police who opened fire, killing one and injuring 10. Led primarily by the opposition Liberal Democratic Party, the July 3 protest ended when

police used tear gas and batons to disperse the crowd. Both demonstrations, banned by the government, were in response to President Mwai Kibaki's declaration that the new constitution would not be enacted by the June 30 deadline. When he was elected in December 2002, President Kibaki promised that a new constitution would be enacted in 100 days, though that deadline was postponed until June 30. President Kibaki blamed political divisions along ethnic lines for the failure to meet the latest deadline. (BBC, July 5; IRIN, July 3, 2004)

HORN OF AFRICA

ERITREA/ETHIOPIA

Annan urges resolution of border dispute: On his visit to Africa, UN Secretary General Kofi Annan spoke July 3 in the Eritrean capital of Asmara, calling for Eritrea and Ethiopia to resolve their border dispute. He warned that UN peacekeepers, deployed since September 2000 to stabilize the border area, would not remain in the region indefinitely. The neighboring countries fought for two years until they signed the 2000 Algiers Agreement, which required both sides to accept the ruling of an independent boundary commission as final and binding. Ethiopia refused to accept the commission's ruling and called for dialogue on a new ruling that would include politics and demographics in its basis for delineation. However, Eritrea said that it would not engage in talks until the original ruling was implemented. (BBC, July 4; IRIN, July 5, 2004)

SOMALIA

Coca-Cola opens factory: A Coca-Cola factory opened July 5 in Mogadishu, becoming the largest single investment in the country since the 1991 overthrow of Muhammad Siad Barre's regime. The factory, owned by United Bottling Co. which was comprised of Somali investors, would employ hundreds of people. The chief executive of the company hoped the opening would encourage other Somali entrepreneurs to invest in businesses in Somalia. The country's infrastructure has suffered due to 13 years of civil war and the absence of a central government. A transitional government was established in 2000 with the aim of uniting the country. Although unification has not taken place, delegates to peace talks in Kenya recently appointed a committee that would elect a new parliament which would in turn elect the country's president. (AP, BBC, IRIN, July 5, 2004)

SUDAN

AU sends peacekeepers to Darfur: The African Union (AU) stated July 5 that it would send a 300-member armed "protection force" to the western region of Sudan. The primary responsibility of this force was to protect refugees and unarmed cease-fire monitors who had been unable to begin work due to a lack of security. Fighting in Darfur broke out in February 2003 when rebel groups took up arms against the government to demand representation. The Janjawid Arab militia was sent in to quell the uprising and their attacks led to thousands of deaths and the displacement of more than a million people. A temporary cease-fire was signed April 8 but has yet to be implemented. (AP, BBC, IRIN, July 6, 2004)

Government promises disarmament of Janjawid: The Sudanese government pledged July 3 to disarm Janjawid militias in Darfur that were contributing to the violence and chaos in the region. It also promised to deploy police forces in areas surrounding camps for

internally displaced persons (IDP) and to lift the restrictions on humanitarian workers. This news came in a statement made after separate visits to IDP camps in Darfur from both UN Secretary General Kofi Annan and U.S. Secretary of State Colin Powell who urged the government to take action. ([BBC](#), [IRIN](#), July 3, 2004)

INTERNATIONAL HUMAN RIGHTS

SUDAN

Uncertainty over status of Darfur crisis: There has been much deliberation by the international community as to the classification of the crisis in Darfur. Human rights groups have reported that Janjawid militias, allegedly supported by the Sudanese government, have engaged in killing, raping, and destroying the villages of thousands of Fur, Masalit and Zaghawa peoples in the Darfur region of Sudan on its western border with Chad. The year-old conflict has led to some 30,000 deaths, 1.2 million internally displaced peoples, and at least 130,000 people living as refugees on the border of Chad. In a July 2 open letter to members of the UN Security Council on the crisis in Sudan, the Boston-based NGO Physicians for Human Rights described actions by the Sudanese government as genocide. Conversely, the U.S. government and UN, both of which called the situation in Darfur “the worst humanitarian crisis in the world,” have not concluded that actions in Darfur constituted genocide. Genocide has been defined in international law by Article II of the Convention on the Prevention and Punishment of the Crime of Genocide (1948) (herein Genocide Convention):

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

This definition of genocide was mirrored verbatim in the statutes of the International Criminal Tribunal for the Former Yugoslavia, its counterpart for Rwanda, and most recently in the Rome Statute of the International Criminal Court. The classification of the actions by the Sudanese state was not merely of linguistic importance, but could potentially have implications for the response taken by the international community. There was widespread support for the proposition that an act of genocide gives rise to universal jurisdiction. This means that those responsible for genocide may be punished by any state in the international community. Though the Genocide Convention did not refer specifically to universal jurisdiction, Article VI of the Convention did not preclude its use for cases of genocide. State practice and successive rulings by the International Court of Justice suggest that states may exercise universal jurisdiction over genocide. ([AI](#), June 19; [AllAfrica](#), June 14; [BBC](#), [PHR](#), July 2; [HRW](#), May 24, 2004)

NEPAL

Prime Minister forms coalition government: Prime Minister Sher Bahadur Deuba introduced a new 31-member Council of Ministers July 5. The new government consisted of members from four of the country's political parties with two of the appointees selected by the king. The coalition did not include the Nepali Congress, Nepal's largest party and the Prime Minister's former party. Deuba said that elections were a priority and that political consensus between all parties and the King was the key to ending the Maoist conflict. However, the Maoist leader known as Comrade Prachanda denounced Deuba's coalition government saying it would only intensify the conflict. Political tension in Nepal has been heightened since King Gyanendra dissolved parliament in May 2002 after a disagreement between members in parliament and then Prime Minister Deuba about how to handle the Maoist conflict. Deuba was later dismissed in October 2002 after failing to resolve the conflict and secure new elections. He was reappointed in June. ([BBC](#), [Nepalnews.com](#), July 5; [Nepali Times](#) July 3, 2004)

New U.S. ambassador arrives: U.S. Ambassador Designate to Nepal James Francis Moriarty arrived in Kathmandu July 5. Ambassador Moriarty most recently served as Special Assistant to the President and Senior Director for Asian Affairs at the National Security Council. He has also served at U.S. embassies in Morocco and Swaziland. Ambassador Moriarty was to commence his official business after presenting his credentials to His Majesty the King. ([U.S. Dept. of State](#), July 6, 2004)

Abductions disrupt education: The abduction of teachers and students by Maoist rebels was reported in many areas of Nepal. As recently as July 5 more than 150 teachers were abducted from different schools in the Udayapur district of the country, causing many of the schools to close and denying education to more than 30,000 students. Dhurba Basnet, the filmmaker who made the 2001 documentary about the Maoist insurgency, *The Killing Terraces*, was working on a new documentary about teachers and students caught in between the fighting. The situation for teachers and students who were abducted and forced to participate in Maoist activities has been denounced by Prime Minister Deuba and international human rights organizations. ([Kantipur Online](#), June 28, July 7; [Nepalnews.com](#), June 4, July 6; [NewKerala.com](#), June 23, 2004)

WEST AFRICA

COTE D'IVOIRE

Gabon leader mediates conflict: In an attempt to resolve the 22-month crisis in Cote d'Ivoire, President Omar Bongo of Gabon, held peace talks July 2 with Cote d'Ivoire's opposition leaders including Guillaume Soro, leader of the New Forces rebel group. At the talks, President Bongo urged the opposition leaders to play a constructive role in moving forward with the implementation of the Linas-Marcoussis Agreement signed in January 2003. After the meeting, the New Forces issued a statement July 5 indicating it would join a political dialogue with the government if the UN were to mediate. During the week of June 21, President Bongo hosted Laurent Gbagbo, President of Cote d'Ivoire, and government loyalists to obtain their cooperation in the peace process. ([BBC](#), July 4; [IRIN](#), July 2, 2004)

AU holds mini-summit on Ivorian crisis: The African Union (AU) held a summit July 6-8 in Addis Ababa, Ethiopia with the presence of 40 political leaders from its member states. Following the opening speech, issues regarding the Cote d'Ivoire crisis were discussed with the participation of UN Secretary General Kofi Annan and the presidents of Cote d'Ivoire, Burkina Faso, Ghana, Gabon, and Nigeria. However, representatives from Ivorian oppositional political parties as well as the New Forces rebel group were not present at the meeting. After the session, Secretary General Annan announced that President Gbagbo of Cote d'Ivoire agreed to meet opposition leaders and rebels July 29 in Accra, Ghana's capital, to end a four-month stalemate in the country's peace process. Other regional leaders were to attend the Accra peace talks to facilitate the meeting. Cote d'Ivoire has been divided between the rebel-held north and the government loyalist south since a September 2002 coup attempt which pulled the country into civil war. A French-brokered peace agreement was signed in January 2003, but the implementation of the agreement was halted in March 2004 when rebel forces boycotted the power-sharing government after government forces killed an estimated 100 opposition demonstrators. (AFP, Le Monde, July 6; IRIN, July 7, 2004)

Dispute with Burkina Faso intensifies: In a statement released July 6, the government of Burkina Faso accused the Cote d'Ivoire government of failing to monitor the illegal overflights of both military and civilian aircraft. Despite the Burkina government's strong protest against the use of its air space, Ivorian planes have allegedly flown over southwestern Burkina Faso since January. The statement indicated that the Burkina government would use all necessary means, including "the most extreme," to protect its airspace if intruders continued to enter the country. In response, the Ivorian government issued a statement dismissing the allegations. The government said that the state's defense security forces did not commit illegal overflights, but that other unauthorized aircraft belonging to rebel groups might have been responsible for the illegal activity. The rebel movement in Cote d'Ivoire said it would investigate the accusations although intelligence sources said that it did not have any airplanes of its own. Since the 2002 civil war, the bilateral relationship between the two countries has deteriorated after Ivorian authorities accused Burkina Faso of supporting rebellion in Cote d'Ivoire. Most recently, military and security chiefs from the two countries met May 25-26 in Ouagadougou, the capital city of Burkina Faso, to discuss a possibility of reopening the border, which has been officially closed for eight months. (BBC, IRIN, Le Jour, July 6, 2004)

SIERRA LEONE

War crimes court holds first trials: A UN sponsored Special Court for Sierra Leone opened its first trials July 5 for three commanders of the Revolutionary United Front (RUF). Issa Sesay, Morris Kallon, and Augustine Gbao were indicted for 18 counts of crimes against humanity including systematic killing, rape, recruitment of child soldiers, and mutilation committed during Sierra Leone's 10-year civil war. The conflict in Sierra Leone from 1991 to 2001 claimed more than 50,000 lives and displaced an estimated one million people. In its military campaign the RUF committed numerous atrocities against civilians in an attempt to gain control over mineral resources. The Special Court for Sierra Leone, created by the Sierra Leone Government and the UN, was established to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the country since November 30,

1996. Currently, 11 persons associated with all three of the country's former warring factions have been indicted by the Special Court. (AP, IRIN, July 5, 2004)