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SPOTLIGHT

Athletes and Activists Strive for Medals and Send a Message of Peace for Darfur

Since 14 July, the day that charges of genocide were filed against President al-Bashir by the International Criminal Court in the Hague, Sudanese commentators have focussed on the implications of these charges. But on the closing day of the 2008 Olympic Games in Beijing, local media focused on Sudan's first-ever Olympic medal, and it seemed that for one day there was agreement that Ismail Ahmed Ismail's second place in the men's 800 meter race was "an unprecedented achievement."

Ismail won the silver medal, the first in Sudan's 50 years of competition, beating the reigning Kenyan world champion Alfred Yego. Ismail, Darfurian by decent, was hailed as a national hero and pictured, wrapped in a Sudanese flag, on the front pages of the country's newspapers. Former football player and businessman from Darfur, Mahmoud Medani, told the Associated Press that Ismail's win "is a source of pride for us, not for us alone but for all Sudanese people, and that this region has another face and has things to celebrate."

Ismail was quoted as saying "I can't find words to express my joy. This is an achievement for my country first and then for me. I was able to achieve this honour because of a lot of hard training." Ismail's parents migrated from western Darfur to Khartoum before Ismail was born. He and his five brothers and sisters grew up in a poor neighbourhood, and before the games he hadn't been able to organise the naming ceremony, traditionally held after one week, for his 1.5-month old son due to financial hardship.

Ismail was not the only Sudanese in the spotlight in Beijing. 1,500 meter track runner Lopez Lomong carried the US flag at the games. Lopez was abducted at the age of six by a militia faction and spent time as a child

soldier before escaping to Kenya. There, he spent the next 10 years in a refugee camp, until he became one of 3,500 refugees resettled to the United States. At Northern Arizona University, he pursued his dream of becoming an Olympic runner.

Lopez, now 23, is determined to raise awareness of the crisis in Darfur and is already speaking out. He was one of the 70+ athletes competing in Beijing who signed on to **Team Darfur's** mission to support the men, women and children of Darfur by raising awareness about and pushing for an end to the crisis. Team Darfur was co-founded by Olympic gold medal speed skater Joey Cheek and UCLA water polo player Brad Greiner. After the 2006 Winter Olympic Games, Cheek donated his medal bonuses to the Right to Play, an international aid organisation that works to improve the lives of some of the world's most marginalised children through sport and game, and he has since encouraged other athletes to use their time in the spotlight to raise awareness of the humanitarian crisis in Darfur. In the run up to the games, Team Darfur called for an Olympic Truce for Darfur, referring to the traditional ceasefire during the Ancient Greek games. More recently the Truce has been used as a diplomatic tool, in Bosnia, for example, to promote a U.N.-sponsored one-day ceasefire allowing the vaccination of 10,000 children.

In calling for an Olympic Truce for Darfur, the organisation called for "increased deployment of the UNAMID peacekeeping force and a rejuvenated peace process that has the full support of the permanent members of the UN Security Council." The international community was also encouraged to provide humanitarian assistance to Darfurians in need during the truce period. In Darfur the Truce, unfortunately, was not respected. The violence has continued and additional peacekeepers were not deployed on the ground in Darfur. In fact, on 25 August Sudanese police and soldiers raided South Darfur's Kalma camp, housing 90,000 internally displaced persons claiming they were searching for weapons, suspected rebels and bandits. UNAMID issued a harsh statement condemning the attack, which left 30 people dead and more than 100 wounded, as "excessive and disproportionate."

Not only was the Truce not successful, but the Chinese went to great lengths to suppress even discussion of the issue during the Olympics, revoking the visas of Team Darfur founder Joey Cheek and another member of Team Darfur, decathlete Chris Boyles.

Blocked from Beijing, another activist U.S. actress-activist and UNICEF good-will ambassador Mia Farrow, staged an alternative Olympics by airing a series of "Darfur Olympics" webcasts* from refugee camps along the Chad-Darfur border. Farrow has worked to use the Olympics to call attention to Chinese political and practical support of the Sudanese government. The Chinese have continued to pursue arms transfers and to oppose strong action in the Security Council in spite of clear evidence of the atrocities occurring in Darfur. With the Olympics as something of a "coming out" party for China as a major world player, the games served as an opportunity to remind China of the responsibilities that come with that role. **Dream for Darfur** release eight webcasts featuring Farrow during the Games. The organization appealed to Olympic viewers to change the channel during commercial breaks to view the webcasts.

While Dream for Darfur has focused on using the Olympics to pressure China for more positive policy, others have looked to the games for a different type of inspiration. For instance, in southern Sudan's Twic County, the annual Twic County Olympics brings together participants from across the county in football, volleyball, tug-of-war and running competitions. Located on the border between north and south Sudan, the previously divided districts of Twic are slowly recovering from two decades of civil war. Founded in 2000 by a local relief agency, Sudan Production Aid (Supraid), the games have facilitated community reintegration, especially for the youth, in the context of large scale returns by including peace and reconciliation education. As one participant put it, "the Twic Olympics challenges everyone who thinks nothing good can happen in Sudan." It exemplifies the original Olympic spirit of valuing competition over victory.

* The eight "Darfur Olympics" web casts by Mia Farrow are available on DVD from Dream for Darfur. Please contact Kate McNeece at kate@dreamfordarfur.org to request a copy.

ACTION AND ADVOCACY

Advocating a More Effective Peacekeeping in Darfur

At the end of July, marking the first anniversary of the authorisation by UN Security Council Resolution 1769 of the joint United Nations – African Union hybrid mission in Darfur (UNAMID), a coalition of NGOs came together in a campaign to push for a more effective force. The effort centred on the release of two reports. The first, "Putting People First: the Protection Challenge Facing UNAMID in Darfur", focussed on assessing UNAMID's performance on the ground. It was released by the Darfur Consortium, a network of more than 50 Africa based and Africa focused civil society organisations for which the International Refugee Rights Initiative serves as a secretariat. The report concluded, among other things, that the force has been inadequately supported by the international community and that this is limiting its effectiveness. The second report, "Grounded: the International Community's Betrayal of Darfur," was co-signed by the International Refugee Rights Initiative in a coalition of more than 30 civil society organisations. This report focused on remedying the lack of international support for the mission by focusing on one particularly critical piece of equipment for the mission – helicopters. The report sought to identify countries with resources at their disposal in an effort to secure new contributions.

Putting People First: The Protection Challenge Facing UNAMID in Darfur

The Darfur Consortium's report chronicled some of UNAMID's efforts in the region and made specific suggestions for improving the force's capacity to protect civilians. It found that the force was rapidly losing the confidence of ordinary Darfurians, many of whom felt no more protected now than before the mission arrived. In particular, the report documented the failure of the mission to respond to attacks against civilians occurring near the mission's bases and to establish a round the clock presence in the major IDP camps, where those who have been displaced by war continue to suffer from insecurity. While noting that many of these deficiencies were inevitable given the lack of resources available, the report concluded that this constituted a massive failure on the part of the international community to protect the people of Darfur.

In the words of Dismas Nkunda, spokesperson for the Consortium, "the people of Darfur deserve more than empty words and broken promises. One year ago the UN Security Council stood unanimous and promised Darfurians the strongest and largest protection force ever. Today that force is just over a third deployed, lacks even the most basic equipment, and is unable to protect itself let alone civilians. The international community needs to urgently bolster its support to the brave, mostly African peacekeepers. The truth is stark but simple: the international community's failure to act is costing lives."

The report identifies a number of key steps that could be taken by UNAMID to support the protection of civilians in the short term. For instance it recommends convening regular consultations with internally displaced and other vulnerable communities in order to explain the mission, its mandate and capabilities, and to understand their needs and security concerns. Such meetings would not require significant additional resources, but would both help manage the expectations of Darfurian communities and create a more comprehensive understanding of – and, therefore, more nuanced strategies for addressing – insecurity in Darfur.

The report further urges a series of priorities for the mission that could be progressively implemented as additional resources become available, including establishing a continuous presence in the camps, and

responding more quickly to attacks. As one Darfurian woman quoted in the report said: “We go out to collect firewood two or three times a week and I’m scared all day. I wish UNAMID would come with us. Sometimes armed men rob us or beat us. Some women have been raped or killed. If UNAMID came with us these men would not dare to attack us.”

In addition to advocating for a more proactive UNAMID, the report identifies critical roles for international actors in supporting the mission. For instance, it encourages the government of Sudan to accept vital troop offers without undue requirements and donor nations to contribute needed equipment.

The report was endorsed by Emmanuel Jal, the Sudanese musician and a former child soldier: “I survived the 20 year war that raged between north and south Sudan, and it pains me to the core to see history repeating itself again in Darfur. UNAMID could make a real difference to people’s lives – but only if the international community gives it the support that it deserves.” In addition, the UNAMID Joint Special Representative (JSR) Mr. Rodolphe Adada, expressed his appreciation for the report, although he stressed that despite its difficulties, UNAMID continues to do everything it can.

Grounded: the International Community's Betrayal of Darfur

The second report, "Grounded: the International Community's Betrayal of Darfur", was written by aviation expert Thomas Withington and co-signed by more than 30 organisations. It was a unique attempt to specifically identify those countries in a position to offer one critical resource – namely helicopters. While the report also noted that other critical resources, including UN blue helmets and boots as well as training for the force, are also desperately needed, it specifically focused on the issues of helicopters. It noted that not a single transport helicopter had been offered to the peacekeeping mission, regardless of the fact that the number needed (18) was modest in comparison to the number deployed in Iraq (350). The report also named six countries, the Czech Republic, India, Italy, Romania, Spain, and Ukraine, which are believed to be best placed to offer these resources. In total, these six countries are estimated to have the capacity to donate more than four times the needed number of helicopters.

The report was the product of extensive and detailed research on capacity, taking into account the fact that some helicopters are not suitable for the environment in Darfur. It also recognized that, because helicopters are high maintenance assets, three helicopters would be needed in rotation to maintain a consistent deployment of one.

Nonetheless, resources can and should be made available. In the words of Archbishop Desmond Tutu, Lakhdar Brahimi, President Jimmy Carter and Graca Machel, who co-authored the foreword to the report, “many of these helicopters are gathering dust in hangars or flying in air shows when they could be saving lives in Darfur.”

In New York City, activists launched the report at a press conference near the United Nations headquarters, featuring a helicopter hung with a banner reading "Send Me to Darfur." The UN launch underscored the need for leading nations to supply the critically lacking helicopters to the UNAMID peacekeeping mission. Groups also made public a petition with more than 50,000 signatures – urging the permanent five members of the U.N. Security Council to fulfil their obligations and commitments to the people of Darfur. NGOs are continuing to push for more effective peacekeeping in Darfur.

Civil Society Demands Protection of Targeted Foreigners in South Africa

Five months after the outbreak of violence against foreigners in South Africa, civil society organisations are still working to ensure that there is an appropriate governmental response. Over the last months, civil society from across Africa has become engaged with an initiative by the Citizenship Rights in Africa Initiative to conduct an African civil society assessment. At the same time, civil society within South Africa has mobilized to ensure that the displaced and others continue to receive the support that they need, whether in camps, reintegrating into the community or returning to their countries. More recently, 14 non-governmental organisations (NGOs) have spoken out about the shortcomings of the UN High Commissioner for Refugees (UNHCR) in South Africa in protecting those displaced from the May 2008 attacks on foreign nationals and have requested a formal inquiry.

The Citizenship Rights in Africa Initiative Visits South Africa

From 4-14 August, the Citizenship Rights in Africa Initiative (CRAI) visited South Africa on a fact-finding mission to document the May attacks upon foreign nationals that resulted in the deaths of at least 62 people and the displacement of approximately 20,000. CRAI, launched in February 2007 by the International Refugee Rights Initiative, the Open Society Justice Initiative and the Pan African Movement, is dedicated to raising awareness about the denial of citizenship rights in Africa and advocating with governments to ensure more equitable protection.

Outside of Johannesburg, the mission visited Rand Airport camp, which the Gauteng provincial government has since announced it would close. The camp is home to roughly 1,500 foreign nationals who were displaced in the violence. Mission members were able to speak with a number of the residents. In Cape Town, they met with members of the Treatment Action Campaign (TAC), an HIV/AIDS activist group that had expanded the scope of its duties to include tending to the needs of the displaced victims and gathering evidence for potential court action against the provincial government. CRAI representatives followed some of those who had chosen to return to their countries in the wake of the violence, speaking with Mozambicans who had recently returned from South Africa in Mozambique.

CRAI representatives found that many foreign nationals who were not directly attacked have fled to camps in apprehension of further violence. Through interviews with the UN High Commissioner for Refugees, CRAI learned that approximately 300 individuals have asked for resettlement to Canada and Australia. Generally, the foreign nationals living in camps as well as those who had returned to their country of origin have expressed a need for three things, "relocation, compensation and a reintegration plan," according to Adam Hussein, Co-ordinator of the Citizenship & Statelessness Project of the Open Society Institute for East Africa (OSIEA) and participant in the CRAI mission.

One young Mozambican man told the team how he had lived in South Africa for ten years, eventually bringing three of his brothers to live with him. He took care of his brothers, wed, rented land, built a house and bought a car. During the crisis, he found that his neighbours had torched all of his possessions. He saved his car but lost all his other belongings. One young woman, a South African national who had married a Mozambican, was told by her South African family members that she would be safer staying away from her family's community due to her husband's origin. This fear was not unfounded as, according to South Africa's newspaper Mail & Guardian, approximately one third of the victims killed during the attacks were South Africans. The immigration status of the displaced spans a wide range, from recognised asylum-seekers and refugees to undocumented migrants, from naturalised to natural-born citizens.

The CRAI mission uncovered numerous and intertwined causes of the violence. Some of those interviewed by the mission proffered reasons, including the negative media portrayal of foreign nationals; a police force

unsympathetic to immigrants; emotional and unsubstantiated stereotypes of high rates of unemployment among, and draining of social benefits by, foreign nationals; a lack of community leaders or organising in immigrant populations; and the history of apartheid and oppression in South Africa which has led to high rates of unemployment in the impoverished areas where the attacks began. While acknowledging that individual criminal intent was a key aspect of the attacks, the CRAI mission concluded that the attacks could have been avoided, or at least their impact mitigated, had the South African government responded more strongly to the warning signs of previous violent attacks on foreign nationals or condemned the attacks sooner.

In the immediate aftermath of the attack, CRAI called on the South African government to protect the rights and property of the migrants. The report of the CRAI mission will soon be made public and a campaign of follow up advocacy will be undertaken in order to comprehensively address the situation of displaced migrants. It is hoped that the initiative will mobilise civil society in South Africa and beyond, to advocate for the rights of migrants and others excluded from their rights on the basis that they do not fit within the national conception of identity.

Closing Down the Camps

Several South African civil society actors have pushed to hold the government to its obligations through domestic advocacy, for example, by challenging plans to close camps and monitoring registration requirements. In Gauteng province, where the attacks first started in Alexandra, Johannesburg on 12 May, the provincial government has shut down victims' camps in Ekurhuleni, Midrand, Corlett Gardens, Spring and Glenanda. The government has announced that it will shut down the two remaining camps at Rand Airport and Boksburg. The Consortium for Refugees and Migrants in South Africa (Cormsa) had unsuccessfully applied to the Pretoria High Court to prevent the closures and subsequently brought an urgent application in the Constitutional Court on behalf of the displaced to keep the shelters open until a reintegration plan was produced. The court issued an interim ruling that the government and lawyers for the displaced must attempt to negotiate with the goal of closing the camps by 30 September. The court granted the government's request to consolidate the camps and to discuss the removal of people residing in South Africa without documentation. According to the order, no one could be forcibly removed from the camps except to consolidate the camps. On 16 September, The Constitutional Court postponed the hearing once again, stating that it would hear further arguments on 20 November.

In the Western Cape, the debate over the closure of the camps has taken place in an atmosphere of ongoing insecurity. Since the so-called "end" of the attacks, five foreign nationals have been killed and seven injured as the Western Cape provincial government began reintegrating victims of xenophobic attacks. In addition, some have become victims of extortion by neighbours demanding protection money. Currently, approximately 6,000 foreign nationals are living in Cape Town's refugee camps, which the provincial government had hoped to close by 3 September. TAC founder Zackie Achmat announced in early August that legal steps would be taken against the province and the city due to the deterioration of living conditions within the camps. The provincial government has maintained that the danger is over and that reintegration must begin. AIDS Law Project (ALP) and several other NGOs met with Cape Town authorities, leading the city to postpone the closing of Harmony Park camp and Blue Waters camp until remaining residents are either reintegrated or repatriated. Relocation of individuals from shelters at Chrysalis Manor Community Hall, Solomon Mahlangu and Soetwater to Blue Waters camp continues.

Another key debate has revolved around efforts to document the migrants forced into centres for the displaced. Residents at Glenanda camp risked deportation if they did not register for temporary ID cards that would allow them to stay another six months in South Africa. Many of the refugees nonetheless refused to register for the ID cards, fearing that doing so would invalidate their existing refugee status

documents. A Gauteng government spokesperson insisted that refugees and asylum seekers at Glenanda camp would need to register or risk losing their status. However, South African law does not allow the revocation of refugee status except in cases in which the person in question has committed a crime. Lawyers for Human Rights (LHR) has spoken out about the registration process, stating that the permits are being misused as a tool by the provincial government to control people they suspect are undocumented and to prevent the displaced from accessing humanitarian aid.

In addition to TAC, Cormsa, ALP, and LHR, other organisations are responding to the needs of the displaced. Many have expressed their support of the court action in Gauteng, including a coalition of NGOs called the Reintegration Working Group. The group includes representatives of, among others, the Anglican Diocese of Johannesburg, the Somali Community Board, the Refugee Ministries Centre, the Coalition against Xenophobia, His People Church, the Centre for the Study of Violence and Reconciliation, Mthwakazi Arts and Culture, and the Salvation Army. Oxfam has said that it supports the role of the government in finding a durable solution for foreign nationals, including the eventual closure of the camps, but it believes that conditions and processes required for a safe, accountable, and voluntary reintegration of the 5,000 people sheltered in camps in Gauteng have not been met.

The UN High Commissioner for Refugees and civil society members in South Africa have clashed over the response to the May xenophobic attacks. 14 South African non-governmental organisations (NGOs) have called for a commission of inquiry into the failures of UNHCR in South Africa. These organisations, including Black Sash, the Treatment Action Campaign, the country's largest trade union federation, Cosatu, and the South African Council of Churches, stated that some UNHCR staff treated people in the displacement camps with "enormous contempt and disrespect". UNHCR's response criticised the "negative role played by some civil society groups, which have failed to make any constructive contribution to the search for solutions to this problem, but have rather systematically criticised those who are genuinely trying to tackle the problem at hand". UNHCR maintained that it played its role in conformity with its mandate and had worked closely with the South African government in addressing the problems of the displaced following the attacks.

FEATURES AND ANALYSIS

Northern Uganda since the Collapse of the Juba Talks

The Juba peace process, which many hoped would end northern Uganda's 21 year conflict, virtually collapsed in April when Joseph Kony, leader of the rebel Lord's Resistance Army (LRA), refused to sign the Final Peace Agreement. Kony explained that his refusal was motivated by the International Criminal Court (ICC) arrest warrants outstanding for him and his top commanders. Then, in mid-September, David Matsanga, a spokesman for the rebels, said that Kony had agreed to sign the Final Peace Agreement "anytime," however the LRA would not disarm until the ICC arrest warrants were lifted. In place since 2005, the warrants have been a sticking point throughout the negotiations, especially after the Accountability and Reconciliation phase produced an agreement on domestic trials for atrocities committed during the conflict.

This article surveys developments in northern Uganda since the talks stalled. Although the LRA have not resumed violence in northern Uganda, the failure to sign the Final Peace Agreement has left the future of the region in flux. As the debate over accountability rages on, the region faces ongoing violence, displaced from northern Uganda to other countries; the threat of renewed military action; and a daunting return and reconstruction challenge.

Agreement on Accountability and Reconciliation

On 19 February the government of Uganda and the LRA signed an Annex to the 29 June 2007 Agreement on Accountability and Reconciliation (the Principal Agreement). The Principal Agreement provided that whether accountability was pursued in formal courts or using traditional justice would depend upon the severity of the crime. The Annex expanded upon this framework, providing that a domestic war crimes court would try individuals alleged to have committed serious crimes during the conflict, while traditional justice would address lesser crimes.

The Principal Agreement and the Annex pave the way for admissibility and other jurisdictional challenges in respect of the cases before the ICC, which under the principle of complementarity cannot pursue cases genuinely prosecuted at the national level. Aware of this, Kony had refused to sign the Final Peace Agreement until the ICC warrants were “withdrawn” – which, as explained below, is not as straightforward as Kony’s position suggests. The government countered that it would not seek ICC “withdrawal” until the Final Peace Agreement was signed.

The Juba Peace Process

The Juba peace process was divided into six distinct agenda items. The Final Peace Agreement consists of all the substantive agreements reached on each of the agenda items since the peace process began in 2006, including the Cessation of Hostilities Agreement and its six Addenda; the Agreement on Comprehensive Solutions and its Protocol; the Agreement on Accountability and Reconciliation and its Annex; the Agreement on a Permanent Ceasefire; the Agreement on Disarmament, Demobilization and Reintegration, which Kony recently refused to implement unless the ICC warrants are lifted; the Agreement on Implementation and Monitoring Mechanisms; and the Implementation Schedule which was to be signed with and attached to the Final Peace Agreement.

Current prospects for concluding the Juba process with the signature of the Final Peace Agreement are grim. Uganda's president Yoweri Museveni stated in July that his government would not hold further negotiations with Kony but instead would wait for him to sign the Final Peace Agreement, however the LRA continue to make demands and request meetings. In a 25 July letter to chief mediator Riek Machar, copied to United Nations envoy Joachim Chissano, the LRA demanded the withdrawal of the Ugandan army (UPDF) from southern Sudan. A subsequent meeting between Kony and Machar scheduled to discuss the demand fell through. South Sudan government officials cited logistical problems, while LRA representative Matsanga claimed that Kony cancelled the meeting because food was not made available at the meeting site. Kony then requested a late August meeting to discuss the contents of the Final Peace Agreement, stating that it had “been officially opened for scrutiny.” That meeting also failed to materialise, in part because the Ugandan government insists that negotiations are closed. Kony is welcome to sign the Final Peace Agreement that has already been prepared, they say, but its contents cannot be revisited.

On 11 September, Machar disbanded the cessation of hostilities monitoring team and declared the peace process over, in part due to LRA’s attitude and soaring costs. Two days later, however, further to Kony’s apparent decision to sign the Final Peace Agreement, members of the Ugandan parliament and religious and cultural leaders from northern Uganda, who hope to meet with Kony in the coming weeks to convince him to sign, travelled to Juba to take part in arrangements towards the signing of the Final Peace Agreement and to witness it pursuant to a request by the LRA’s chairman. The Final Peace Agreement, however, remains unsigned as Kony’s pattern of declaring he will sign and then failing to do so becomes further entrenched.

Perhaps in response to the failed peace process, in early August the government of Uganda extended deadline for registration under the Amnesty Act – which over 12,000 LRA fighters, including Kony's chief negotiator in Juba, have taken advantage of since 2000 – by two years to encourage further defections. Similarly, despite the failure to conclude the Final Peace Agreement, the government also pledged to implement some of its obligations under the interim Juba agreements. Some of the issues to be addressed include resettlement of internally displaced people (IDPs) and the cessation of military activities in northern Uganda. The government has also constituted the war crimes court agreed under agenda item three.

The War Crimes Court

The domestic war crimes court agreed during the Accountability and Reconciliation phase of the Juba process, constituted by Principal Judge Akiiki-Kiiza and two other judges, was set to begin operating in August. Operations have, however, been delayed due to the failure to finalise legislation to govern the Court's operations. There are a number of outstanding issues, including the definition of crimes, the assignment of penalties, the limit on the Court's jurisdiction to prevent retrospective application of new laws, the regime for witness protection, the strategy to deal with alleged criminals who were abducted as children, the location and budget. A working group, comprised of members of the Justice Law and Order sector of the Ugandan government, has been established to examine some of the issues. The working group, which has sub-committees on judicial, legislative, financial and traditional justice issues as well as truth telling, started its work in July and is expected to report to Parliament by November.

The International Criminal Court

Despite the constitution of the Ugandan war crimes court and LRA calls for the ICC warrants to be "withdrawn," under ICC rules the Court's jurisdiction can only be curtailed in three specific ways. First, ICC judges could deem the Uganda cases inadmissible by operation of the principle of complementarity in response to a petition by the defendants or another group. Second, the United Nations Security Council could resolve to defer prosecutions for a period of 12 months, which could be renewed indefinitely. Finally, the ICC prosecutor could argue that prosecutions are no longer in the interests of justice.

None of the above options have been pursued, so for the moment, the ICC warrants remain in force. However, Kony and the other indictees are likely hiding out in the Central African Republic (CAR), the Democratic Republic of Congo (DRC) or Sudan, and in the absence of the success of the proposed military solution discussed below, weak governmental authority in those states mean the rebels will likely remain at large.

Regional Insecurity

The consequences of the rebels roving the region have been dire: the LRA has been conducting child abductions reminiscent of those that plagued northern Uganda for the better part of 20 years in eastern CAR, north-eastern DRC (where LRA rebels are also reportedly building new bases) and southern Sudan. The United Nations reports that in recent months southern Sudan has seen a rise in LRA attacks. Towards the end of September, Sudanese officials claimed that nearly 100 LRA rebels had attacked a military barracks in the Western Equatoria region, killing a child and a south Sudanese soldier. Around the same time, the LRA also reportedly abducted approximately 90 children in north-eastern DRC, causing over 75,000 people to flee their homes. Following these renewed LRA attacks against civilians, in October the ICC Prosecutor called for renewed efforts to arrest Kony and his top commanders.

Although the LRA are no longer active in northern Uganda, having moved on to other countries in the region, northern Uganda is by no means free from conflict. Former members of pro-government militias are

being blamed for a recent series of brutal killings, which have spread fear among the region's population. Some serving members of the UPDF are also believed to be involved in the murders, which authorities are struggling to stem.

A Military Solution?

One option for apprehending the ICC indictees and stemming regional insecurity is the military solution proposed by regional leaders, whose position has been fuelled by impatience with the peace process. President Joseph Kabila of DRC, for example, is reportedly becoming increasingly impatient with efforts to peacefully end the conflict and deems it necessary to pursue a military option against the rebels. UPDF chief General Aronda Nyakeirima has stated that his army is prepared to launch operations against the LRA. These positions coalesced at the end of June, when the leaders of Uganda, DRC and South Sudan agreed to coordinate military efforts to stamp out the rebellion. However, prospects for credible military pressure on the LRA remain elusive and, if apprehended, whether Kony and his cronies would be handed over to Uganda or to the ICC will depend on the effect of Uganda's war crimes court on ICC jurisdiction.

Reconstruction and Return in the North

As the debate about the ICC rages on and the LRA continues to wreak havoc in CAR, the DRC and Sudan, a measure of calm has returned to northern Uganda. President Museveni has assured people there that the LRA will never return to Acholiland to disturb the peace being consolidated by the government through its Peace, Recovery and Development Plan for Northern Uganda (PRDP), the framework introduced in July for rebuilding the north and assisting IDPs who are going back to their home areas.

Despite relative peace and the existence of the PRDP, many IDPs have yet to complete the process of return, maintaining homes in IDP camps or transit sites while returning home during the days to cultivate land and ready it for permanent settlement. Two principal reasons underlie this bifurcated living: first, Kony's failure to sign the Final Peace Agreement has led some people to fear that the LRA might return to northern Uganda. Some commentators, who have warned that the prospect of a new military offensive may set the LRA on the warpath, echo this sentiment. Second, basic services in the return areas are far from adequate for those resettling. Refugees International highlights clean water, education and health care as priority areas as Ugandan and international aid programmes transition from humanitarian to reconstruction and development efforts. Another important issue as IDPs return home will be the issue of land. During the period of displacement, many IDPs' land was taken over by corporations or individuals. The allocation of land and the provision of compensation for lost land represent significant challenges.

The Road to Resolution?

With the Final Peace Agreement yet to be signed, the unknown fate of ICC jurisdiction, the LRA contributing to regional insecurity and northern Uganda's population living in limbo, the only thing that is clear is that the situation in northern Uganda is far from being resolved. Rather, it remains fraught with outstanding issues. All eyes are on the region as the LRA, the government of Uganda, the Juba mediators and the ICC grapple with them.

LAW AND POLICY DEVELOPMENTS

Chadian Judgment against Habré: What Implications for the Search for Justice?

On 15 August, the International Herald Tribune reported that former Chadian dictator Hissene Habré had been sentenced to death alongside dozens of others accused of engagement with the eastern rebellion in the country. The verdict against Habré was based, according to Chadian Minister of Justice Jean Bawoyeu Alingue, on his "financial, material and moral support to the rebels."

The Chadian verdict came in the midst of a multi-year effort to bring Habré to justice in exile. Habré fled from Chad in 1990 after an eight year reign which claimed the lives of more than 40,000 political opponents, activists and members of disfavoured ethnic groups, according to a Commission of Inquiry set up by the Chadian government to assess Habré's impact. The Commission also estimated that Habré managed to escape to Senegal with 11.6 million dollars in government assets.

The Case Against Habré Abroad

Since 1999, a committed group of activists in Chad, Senegal and throughout the world have worked tirelessly to ensure that Habré faces justice. Initial charges were lodged in the Senegalese courts in 2000, but when proceedings were suspended on the grounds that Senegal had no jurisdiction to prosecute crimes committed by a foreigner in another country, the coalition began to seek alternative venues. Belgium, with its legal provisions for prosecuting human rights abusers under the principle of universal jurisdiction, was a logical choice. In 2005, the Belgian authorities issued an arrest warrant against Habré. Stymied by the extradition proceedings initiated by this warrant, the Senegalese authorities referred the case to the African Union, which mandated Senegal to try Habré "in the name of Africa."

The Reaction from the Parties

The Chadian move appeared to take both the Senegalese authorities and the advocacy community by surprise. In comments given to the press, Senegalese Minister of Justice Madicke Niang said that the ruling came as a surprise to him. He went on, however, to say that the prosecution could undermine proceedings against Habré in Senegal. According to Niang, Habré could not be tried in Senegal if he had already been prosecuted in Chad on the same evidence. The Minister also reportedly commented that in the case of a conflict, the proceedings in Chad would take precedence as the victims had been based in Chad.

These comments were, perhaps, welcomed by Habré's defence team, which responded to the announcement saying that the case was "manipulation" and that they were "not taking this seriously." Perhaps emboldened by the reticence of the Senegalese minister (who was formerly part of Habré's defence team), the defence took the opportunity of convening a press conference on August 22 challenging the Senegalese proceedings. They argued that Habré had been unfairly singled out for prosecution among numerous actors in a bloody conflict. According to French defence lawyer Francois Serres, "only trying Habré will not lead to a fair trial. This war at first pitted Chadians against Chadians (...) to develop into an internationally armed conflict in which Chad led by Habré fought against a foreign country: Qadhafi's Libya." He then questioned the wisdom of trying Habré and these other parties -- including current Chadian President Idriss Deby and Libyan President Muammar Qadhafi.

Senegalese Civil Society Responds

Civil society organizations, however, while equally surprised, were extremely critical of the move according to Khady Ndiaye, Executive Director of the *Rencontre Africaine pour la Defense des Droits de l'Homme* (RADDHO) in Senegal.

First, RADDHO and their partners l'*Organisation Nationale Sénégalaise des Droits de l'Homme* (ONDH) noted that they "totally disapproved" of the ruling. The ruling was contrary to human rights standards, it was argued, both because the death penalty violated the right to life and also because the proceedings failed to respect basic fair trial standards, most notably the right to a defence (no defence was permitted during the three day proceedings). According to RADDHO President Alioune Tine, "We are fundamentally opposed to the death sentence and we have always been against a trial for Habré in Chad due to the weakness of the judicial system and the fact that it is often used for political means." Indeed, in the words of Ndiaye, Deby was attempting to act both as a judge of, and party to, the armed conflict.

Second, differing from the position of Minister Niang, RADDHO argued that the timing of the proceedings was "inopportune" given the fact that Senegal had already moved to prosecute Habré, having been mandated by the African Union. They also pointed out that Senegal had made significant strides in moving the process forward, passing a constitutional amendment affirming that the Senegalese authorities have jurisdiction to try crimes against humanity and assigning three judges and two prosecutors to work on the case. Rather than superseding Senegal's jurisdiction, the organisation argued, the case in Chad needlessly undermined it. The spokesperson, Khady Ndiaye, summed up the organisation's position by saying that they "want to move forward," and that the proceedings in Chad have "nothing to do with us."

This position is supported by the fact that the Chadian charges are quite separate from those filed in Senegal. While the charges considered in Chad had to do with engagement in the current rebellion, the charges filed in Senegal relate to torture and other human rights abuses committed against Chadians during the time that Habré was in power. Therefore, despite the speculation of Justice Minister Niang, it seems that there should be no legal obstacle to continuing with proceedings in Senegal.

The Chadian trial may, however, insert a new layer of political opposition. Some have speculated that the move was an effort on the part of the Chadian authorities to stall the trial. These analysts argue that the Deby regime, which includes a number of individuals who held high posts under the Habré regime, wishes to avoid seeing the full extent of human rights violations under Habré from coming to light.

Others, such as Human Rights Watch's Reed Brody, say that the Senegalese minister's comments reflect a lack of political will to carry the trial forward. In an interview with Voice of America, Brody noted that it was "no secret that Hissene Habré has used the millions of dollars that he stole from the Chadian treasury to build himself a network of protection and support in Senegal... There are people in Senegal that have always opposed bringing Habré to justice."

Assane Dioma Ndiaye of the ONDH similarly criticised the "delay" in the development of the case. RADDHO urged the government to move forward with the case quickly, noting that the mandate from the African Union gave the government of Senegal a unique opportunity to be the first African country to judge a former African head of state. In a global context where "African leaders are transferred to the International Criminal Court as a result of the lack of African jurisdictions," this opportunity should not be wasted.

ANNOUNCEMENTS

Oak Institute for the Study of International Human Rights Announces Fellowship Call

The **2009 Oak Human Rights Fellowship** is sponsored by the Oak Institute for the Study of International Human Rights at Colby College in Waterville, Maine. The fellowship is a one-semester appointment for a scholar-in-residence. It is designed to provide human rights practitioners doing "on-the-ground" work at some level of personal risk a respite from front-line duties to enable them to reflect, write, and communicate their work to our campus community.

This year, the focus of the fellow search is for an activist whose work involves migration and human rights of migrants outside of the United States. Possible areas of human rights activity may include, but are not limited to: rights of displaced peoples and refugees; discrimination and unequal treatment of migrants; migrant workers' rights in both formal and informal markets; migrant land and resource struggles; resettlement; human trafficking and smuggling; economically motivated migration; asylum seekers; gender and sexual exploitation of migrants and refugees; or movement of seasonal workers.

The appointment is for the fall semester of 2009 (September through mid December). Responsibilities include participation in a lecture series or symposium in the Fellow's area of expertise and regular interaction with Colby students through a one credit non-graded discussion class. The College provides a stipend of \$32,000, plus transportation, housing, health care coverage, and other fringe benefits. We encourage the fellow to bring family through limited financial support for their travel as well.

The deadline for completed applications is 15 December 2008.

For more information and application materials, please visit www.colby.edu/oak. Please read the frequently asked questions to clarify terms and eligibility before preparing your application.

Human Rights Advocates Program (HRAP) at Columbia University

The application for the 2009 session of the annual Human Rights Advocates Program (HRAP) at Columbia University is now available.

HRAP is designed to prepare proven human rights leaders from the Global South and marginalized communities in the U.S. to participate in national and international policy debates on globalization by building their skills, knowledge, and contacts. The Program features a four-month residency at Columbia University in New York City with a structured curriculum of advocacy, networking, skills-building, and academic coursework.

Since 2004, HRAP has concentrated its support on individuals and organizations that address issues broadly related to globalization.

The four-month intensive capacity building program based at Columbia University in New York focuses on the following key issue areas:

- * Environmental injustice
- * Labor rights violations
- * Ramifications of resource extraction

- * Public health crises
- * Unsustainable development
- * Intolerance, xenophobia, and social exclusion related to globalization

Special attention is given to the above issues and their intersection with gender, race, ethnicity, sexual identity, and/or other sources of marginalization.

Participants are selected on the basis of their previous work experience on human rights and globalization, commitment to the human rights field, and demonstrated ability to complete graduate-level studies. Advocates must originate from and reside in either the Global South or the United States. Fluency in English is required. Advocates must secure institutional endorsement from their organizations for their participation in the Program and must commit to returning to that organization upon completion of the Program. If accepted, they must also commit to participating in the program fully.

This extremely competitive Program will admit approximately six participants. We make every effort to provide full fellowships to cover program costs as well as travel and living expenses for selected Advocates each year.

Completed applications are due by 19 December 2008. The 2009 HRAP will take place from the middle of August to the middle of December 2009.

For further information or to download additional copies of the application, please refer to our website at: <http://hrap.hrcolumbia.org/>.

30th International Human Rights Training Program (IH RTP)

Ste-Anne-de-Bellevue, Québec, Canada, June 14 – July 3rd, 2009

Applications are now invited for the three-week program and the opportunity to meet more than 120 participants from around 60 different countries.

All forms and background information can be found at: <http://www.equitas.org/english/programs/IH RTP.php>

IH RTP is intended for human rights workers and educators from non-governmental organizations, National Human Rights Institutions, government bodies and educational institutions. The goal of the IH RTP is to strengthen the capacity of human rights organizations to undertake human rights education efforts aimed at building a global culture of human rights. The curriculum is based on principles of adult experiential learning in which participants and facilitators engage in a process of mutual teaching and learning. The Program Information provides a detailed description of the Program.

Please note that the deadline for receiving international applications is 21 November 2008 and that only the 2008 Application Forms will be accepted.

Publications

Association for the Prevention of Torture / Centre for Justice and International Law. "Torture in International Law - A guide to jurisprudence," July 2008.

Blaser, Caitlin. "Opportunity and conflict: the impact of a refugee influx on decentralisation in Mali," October 2008.

Brookings-Bern Project on Internal Displacement. "Protecting Internally Displaced Persons: A Manual for Law and Policymakers," October 2008.

Cohen, Roberta, Brookings-Bern Project on Internal Displacement. "Listening to the Voices of the Displaced: Lessons Learned," September 2008.

Consortium for Refugees and Migrants in South Africa. "Protecting Refugees, Asylum Seekers and Immigrants in South Africa, Johannesburg," June 2008.

Darfur Consortium. "Putting People First: The Protection Challenge Facing UNAMID in Darfur," July 2008.

Hollanbach, David, ed. "Refugee Rights. Ethics, Advocacy, and Africa," 2008.

Interaction. "A Guide to Humanitarian and Development Efforts of InterAction Member Agencies in Sudan and Chad," June 2008.

Joint NGO Report. "Grounded: the International Community's Betrayal of UNAMID," July 2008.

Jones, Rebecca. "State failure and extra-legal justice: vigilante groups, civil militias and the rule of law in West Africa," October 2008.

Pantuliano, Sara, Margie Buchanan-Smith Paul Murphy & Irina Mosel, Humanitarian Policy Group. "The long road home: Opportunities and obstacles to the reintegration of IDPs and refugees returning to Southern Sudan and the Three Areas - Phase II," October 2008.

Refugees International. "U.S. Civil Military Imbalance for Global Engagement: Lessons from the Operational Level in Africa," July 2008.

Traffic East/Southern Africa. "'Night Time Spinach': Conservation and livelihood implications of wild meat use in refugee situations in north western Tanzania," January 2008.

UNHCR. "Asylum Levels and Trends in Industrialized Countries - First Half 2008 - Statistical Overview of Asylum Applications Lodged in 38 European and 6 Non-European Countries," October 2008.