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Asia - Philippines: MILF – Statement on the progress of the peace talks

Latin America - Guatemala: Continuing Feature Story
The disappearance of Fernando García: what a trial reveals
The countries for the *Peace & Justice Update*
have been chosen as areas of focus at the institute.

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*The Peace & Justice Updates are written by the interns at the Joan B. Kroc Institute for Peace & Justice at the University of San Diego.*

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iAfrica = iAfrica (http://iafrica.com)
IANS = Indo-Asian News Service (www.ians.in)
IAPA = Inter American Press Association (www.sipiapa.org)
ICG = International Crisis Group (www.crisisweb.org)
IHT = International Herald Tribune (www.iht.com)
Independent = The Independent (www.independent.co.ug)
Informer = The Informer (www.theinformer-lr.com)
IPS News Agency = Inter Press Service News Agency (www.ipsnews.net)
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Justice News Flash = Justice News Flash (www.justicenewsflash.com)
E-Kantipur = Kantipur News (www.ekantipur.com)
Kuwait Times = Kuwait Times (http://www.kuwaittimes.net/)
LAHT = The Latin American Herald Tribune (www.laht.com)
La Prensa = La Prensa (www.laprensa.hn)
La Prensa Grafica = La Prensa Grafica (www.laprensagrafica.com)
LA Times = Los Angeles Times (www.latimes.com)
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LBO = Lanka Business Online (www.lankabusinesssonline.lk)
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Miami Herald = The Miami Herald (www.miamiherald.com)
Mindanews = Mindanews (http://www.mindanews.com/)
MSF = Médecins Sans Frontière (www.msf.org)
Monitor = The Monitor (www.monitor.co.ug)
NACLA = North American Congress on Latin America (www.nacla.org)
Nepal News = Nepal News (www.nepalnews.com)
New Times = The New Times (www.newtimes.co.rw)
New Times BPB = New Times Broward-Palm Beach (www.browardpalmbeach.com)
New Vision = The New Vision (www.newvision.co.ug)
Observer = The Observer (http://www.observer.ug/)
Oxfam = Oxfam International (www.oxfam.org)
Patriote = Le Patriote (wwwлепатриоте.net)
Prensa Libre = Prensa Libre (www.prensalibre.com)
Press TV = Press TV (www.presstv.ir)
Relief Web = Relief Web (www.reliefweb.int)
RSF = Reporters without Borders (www.rsf.org)
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LATIN AMERICA

Tonia Crosby

COLOMBIA: Santos to visit Chavez in Venezuela


An anticipated meeting between Colombian president Juan Manuel Santos and Venezuelan president Hugo Chavez, scheduled for October 29 was postponed. The announcement came from Colombian Foreign Minister Maria Angela Holguin. Apparently, Chavez had been out of the country working on a diplomacy campaign and was not able to return to Venezuela in time for the meeting.

The meeting is to be a continuance of relationship building between the countries that began in August when Chavez visited Santa Marta. That initial meeting began diplomatic engagements after a long period of tension between Chavez and former Colombian president Alvaro Uribe. Chavez cut ties with Uribe after the then Colombian president accused Chavez of harboring terrorists.

On the bilateral agenda are issues related to infrastructure in the border zone, joint development projects and security. Also, Chavez is aiming to discuss the extradition of suspected Venezuelan drug trafficker Walid Makled, who was detained in the Colombian city Cucuta in August. Trade is also a to be discussed. The two countries are expected to begin a round of negotiations for a trade agreement in mid November that has a proposed signature date in April.

The rescheduled date for the meeting is yet to be announced but is expected by both countries to be revealed soon. Recently, Chavez spoke warmly of the visit on his TV station: “I will receive him in [presidential palace] Miraflores. We are very interested in re-establishing relations with Colombia and will not be provoked from there or from here, because [Colombia] is our brother people.”

Sources: http://www.terra.com; http://colombiareports.com

GUATEMALA: Continuing Feature Story:

The disappearance of Fernando García: what a trial reveals

Tonia Crosby, November 1, 2010

On October 18, when the trial for Héctor Roderico Ramírez Ríos and Abraham Lancerio Gómez began, the courtroom buzzed with anticipation for a number of reasons. As the case progressed, ultimately towards the conviction of the accused, many incidents and truths about the era of the “disappeared” in Guatemala would be revealed.
There are several key legal precedents to be considered in the case. First, the trial has presented its main evidence from the archival project of millions of documents found in 2005 in a National Civil Police compound. Also, convictions in the trial represent only the third conviction for “forced disappearances” in the country and in turn, validate criminal charges for future and pending cases. And perhaps most importantly, expert witnesses testified that although the accused in the case physically kidnapped Edgar Fernando García, there existed a centralized chain of command that orchestrated disappearances in the country. These legal elements will be quite important as Guatemala continues to progress through its transition; families of victims will have judicially legitimate and evidence based cases in the disappearances of their loved ones at both the individual and state levels.

The trial also revealed a number of personal and political truths that are likely to support Guatemalan citizens in their progress towards reconciliation. From her seat in the courtroom, National Security Archives representative and expert in the Fernando García case Kate Doyle writes,

“Witnesses who had been called to testify about their relationship with Fernando García and events surrounding his disappearance spoke openly about his – and their own – militancy in the Guatemalan insurgent movement. It was the first time that people willingly exposed their links to the political opposition that was the target for state repression during the country’s 36-year internal armed conflict.”

The expert witnesses

Among the evidence presented in the case, expert witness testimonies illuminated a chain of command in the operations that forced the disappearances of as many as 40,000 Guatemalan citizens. And as it seems, state evidence of repressive violence was not reserved for the Guatemalan government alone.

Doyle was called as an expert witness to discuss United States documents that elaborated on campaigns in the country during the time of García’s kidnapping. These documents released by the National Security Archive and accessed through the Freedom of Information Act expose detailed descriptions of state-sponsored violence written by the U.S. State Department in Washington as well as the U.S. Embassy in Guatemala. Doyle claims that “this and other U.S. documents provide context for Fernando García’s kidnapping as well as describe a pattern and practice on the part of Guatemalan security forces to use forced disappearance in their war against their political opponents.”

Statistician Daniel Guzmán of the Human Rights Data Analysis Group of California-based Benetech produced expert testimony about the movement of incriminating documents between Guatemalan state departments at the time of García’s kidnapping. According to Guzmán, the documents that concerned García were circulated quickly among high-level officials in the Guatemalan government. His testimony not only expanded on information found in archival documents but also showed the participation of upper level military departments and officials in the planning of García’s disappearance.

Doyle suggested that the most important expert witness was the “Police Archive’s own investigator, Velia Muralles Bautista.” Her testimony provided frightening details about the “cleansing
operation” that was launched by security forces on the very day that Fernando García was disappeared. Bautista’s testimony walked the courtroom through the surveillance of García that began in 1978, intelligence depictions of García’s labor organization as dissident, chilling operational details for García’s kidnapping and the direct commands given to the Fourth Corps of the National Police to complete the orders. Perhaps most disturbing was her testimony that Héctor Roderico Ramírez Ríos and Abraham Lancerio Gómez were recommended by the National Police to receive medals of honor in García’s disappearance. She produced a document that states: “On February 18, 1984, at 11:00 a.m., while carrying out an Operation in the Guard’s Market, Zone 11, they were attacked by two subversives, from whom they seized subversive propaganda and firearms.”

The personal witnesses

The witness testimony of Fernando García’s wife Nineth Montenegro de García was described the personal loss and frustrations that followed his disappearance. She retold the heart-wrenching story of that day in 1984 and described her immediate efforts to find her husband. She said, “I wanted him back alive.” Now a representative in the Guatemalan Congress, Montenegro co-founded the Mutual Support Group (Grupo de Apoyo Mutuo: GAM) with García’s mother Doña Amelia García who also testified about the suffering that her family experienced when García went missing.

Other witnesses who knew García and worked beside him in the Guatemalan Workers’ Party (PGT) had an opportunity to tell their stories as well. Marina Villagrán reiterated the “lingering anguish” that loved ones of the disappeared experienced and detailed the effect that the repression had on Guatemala’s societal fabric. Ana Lucrecia Molina Theissen was the person that García and his companion were headed to see when the kidnapping happened. Her 14-year-old brother was among the disappeared and she was brave enough to detail the activities of the PGT. Her testimony represented the first time that a witness would openly testify about the activities of the organization. She described the group as “militants,” making a distinction between militants and combatants who carried arms. She defined the PGT as “internal enemies” and stated her belief that “opposing the government was an illegal act for the state.”

Other interesting testimonies illuminated a related story that has not been extensively covered. Iduvina Hernández and Aura Elena Farfán spoke about García’s companion Danilo Chinchilla who was taken to the hospital after the incident with gunshot wounds. Hernández testified that Chinchilla managed, while hospitalized, to give a recorded testimony of the incident. In the recording, played for the courtroom, Chinchilla recounts the details of the operation and describes being surrounded by police officers and men in street clothing. While Chinchilla was taken to the hospital, García was taken away in an unmarked car, not to be seen again. Farfán, a nurse in the hospital, recalled carrying a note “begging to be rescued” for Chinchilla to her brother. Farfán’s brother organized a successful rescue but unfortunately, Chinchilla would disappear only months later.

Final testimonies were heard on October 19 including that of Rembar Larios, a former National police officer, who corroborated reports of the planned “cleansing” operations. After October 28th, the Eighth District Judge held Hector Roderico Ramírez Ríos and Abraham Lancerio Gómez responsible for the forced disappearance of Edgar Fernando García and sentenced them each to 40 years imprisonment. The verdict comes after 26 years of justice work for García and also represents
significant progress in the Guatemalan fight against impunity. Perhaps we will see other victims of violence and repression in the country empowered to pursue justice for their loved ones as well.

Sources: www.ghrc-usa.org; nsarchive.wordpress.com; wwwelperiodico.com; www.prensalibre.com

SOUTH ASIA:

NEPAL: Taskforce continues to settle disputes

Noor Diab, November 2, 2010

On November 1st, Nepal’s newly appointed high-level taskforce resolved four disputes concerning the drafting of the constitution. Three other contentious issues remain. Leaders have agreed to entrust the head of state with the authority to appoint and remove the army chief of staff on the recommendation of the cabinet. Task-force members have also decided to include a provision in the constitution requiring the central government to seek the consent of the province concerned before signing any treaty or agreement, if it concerns any subject falling under the jurisdiction of the province or affects the province in any other way. In addition, the taskforce decided to incorporate a provision requiring provinces to receive the consent of the federal government before signing any agreement with foreign parties concerning financial and industrial matters.

However, what the taskforce could not resolve a dispute over a proposal for mandatory military training for all Nepali citizens above the age of 18. Maoist leaders have shown support for this proposal but the majority of the parties have met it with resistance. The proposal states:

“The government may call upon citizens above 18 years for military training it deemed necessary for the protection of the country and it shall be the duty of every citizen to accept the training and serve the nation.”

Parties have also opposed an additional proposition made by Maoists that addresses the rehabilitation, management, and integration of Maoist combatants who are now in United Nations-monitored “cantonments.” The taskforce, headed by Maoist Chairman Pushpa Kamal Dahal has the responsibility of resolving approximately 225 disputes in eight out of the eleven Constituent Assembly meetings. So far, a dozen have been resolved.

Sources: www.myrepublica.com
PHILIPPINES: MILF – Statement on the Progress of the Peace Talks

Alexis Kokkinos, November 2, 2010

In an article written by a member of the Moro Islamic Liberation Front (MILF) negotiating panel, Maulana Bobby Alanto questioned the sincerity of the Government of the Republic of the Philippines (GRP). Likening the process to travelling in a car, Alanto says that MILF has been studying the “signs” along the “road” to determine if the process is moving in the right direction:

“The ‘road’ is not only bumpy and full of potholes; the ‘milestones’ indicate that we are nowhere near our goal. Instead, the roadside signs tell us that the ‘vehicle’ we are on has veered farther away and is moving into an unknown destination in the twilight zone.”

However, this is not the official position of MILF. MILF remains hopeful that the negotiations will be successful, although it has officially stated that it believes the process will be a challenge to the Aquino administration. While MILF was initially very optimistic about the progress of the peace process, there have been some developments since the onset that show signs of a halt. MILF chairman Al Haj Murad Ebrahim has publicly expressed concern that the process is just an attempt by the GRP and the Aquino administration to “manage the conflict:”

“The greatest challenge to the Peace Process is whether, this time, the President has the political will to surmount all obstacles and opposition… Running parallel is whether the peace process is really a problem solving endeavor or just an exercise to manage the conflict, as what previous presidents, deliberately or otherwise, did.”

On October 30, MILF released a statement to luwaran.com that also questions the Aquino administration’s intentions. Jun Mantawil, head of the MILF Peace Panel Secretariat, told Luwaran that there will be signs as to whether the government is engaged in real problem solving or if they are merely managing.

Positive indicators include: Upholding existing signed documents between the parties, seeking to increase international participation, support of the peace process from the Philippine military establishment, and most importantly, keeping open the option of amending the Constitution to accommodate the Peace Pact.

According to MILF, other signs suggest mere conflict management, including three actions that Alanto argues have already happened. They are:

1. Discouraging the participation of the; International community – The Philippine Department of Foreign Affairs (DFA) issued a guideline requiring all foreign embassies, governments and international organizations to get prior DFA approval before any contact (even humanitarian aid) with MILF.
The Office of the Presidential Advisor on the Peace Process (OPAPP) will localize the peace process in an attempt to domesticate it – Malaysian facilitation of the Peace Talks must be covered by “Terms of Reference” and the initial talks must be held in the Philippines.

GRP takes advantage of the ceasefire to arrest MILF officials – exemplified by the recent arrest of Eduard Guerra – member of MILF Central Committee.

Members of the GRP Peace Panel are working to keep the negotiations on track. In August, Dean Marvic Leonen, Chair of the Panel, publicly stated that “establishment of the state-substate form of governance” would require amending the Constitution and that the Constitution is open to a process of amendment and revision. But Leonen’s statement was met by a wave of political opposition from the media and the Philippine elites.

As of now, the MILF is still optimistic about the prospects of the negotiations, however, lingering doubts will exist until peace talks actually begin. Until then, MILF say that it will continue to wonder whether President Aquino will be able to overcome the political realities of the Filipino state.

Sources: luwaran.com, bulatlat.com

WEST AFRICA

Liberia: Liberian expatriate funds six scholarships for students

Elika Dadsetan, November 2, 2010

Monrovia, Liberia
The Al Jerome A. Chede Educational Fund recently announced the availability of six scholarships for students in Liberia beginning in the 2011 academic year. Al Jerome A. Chede hails from River Gee County and studied mass Communications at the University of Liberia. He fled Liberia in 1997 after a failed attempt on his life by men loyal to former Liberian dictator, Charles Taylor. Chede currently resides in Minneapolis, Minnesota after fleeing to the United States and earning a Masters degree in Education from St. Mary’s University in Minnesota.

Chede is widely known and respected for his outspoken beliefs on issues related to social justice, peace, democracy, freedom of the press and human rights. Now, Chede has established a scholarship fund supporting five ninth graders in the Gbaepo Central High School in Kanweakan and one to the Mass Communications Department at the University of Liberia. Chede was given an award for his humanitarian service by the Wish Center on October 25.

Chede has created the generous fund against the backdrop of tremendous educational need in Liberia. The country ranks 133 out of 189 countries in the United Nation’s Human Development Index literacy rankings. The country continues the process of recovery from a brutal 15-year civil
war. If the country is to develop, education for the young must be a priority. Peace, democracy, and the rule of law have no hope of being sustained if Liberia does not improve on its current educational system. Liberian supporters like Chede who, from halfway around the world, are doing work to see that young people in Liberia are educated should be applauded for their efforts. Improvements must be made. And small efforts, like this scholarship fund, take the country in the direction it must go.


Opinion: Public Education Must be Free

By Elika Dadsetan

Although it is beyond kind when individuals like Al-Jerome Chede sponsor students' educations, there seems to be something wrong with a system where students have to pay to go to public school. Although Liberia supposedly has free primary education, students have many extra expenses, such as uniforms, books, meals, etc. For many, these costs create an excessive financial burden. These extra fees act as a gatekeeper prohibiting some from attending school. Although Chede is sponsoring secondary and a post-secondary students, the Liberian government, like so many other African nations, must realize the true importance of educating their youth. This is a sacred trust. Public education for all, at least through a secondary level, must be free both in word and in practice. Then, generous individuals like Chede can donate their money to funding college educations or other programs within the primary and secondary schools that will impact a larger population overall.

EAST AFRICA

KENYA: Truth team leader resigns

David Martin Aliker, November 3, 2010

Embattled Truth, Justice and Reconciliation Commission (TJRC) chairman Bethuel Kiplagat has stepped aside. Kiplagat said his belief in the rule of law, as well as his commitment to peace and to those in authority guided his decision to resign on November 2 until his name is cleared.

Last week, the Kenyan parliament's Justice and Legal Affairs Committee chairman Ababu Namwamba urged Kiplagat to step down and to allow the commission to proceed with its mandate under a temporary chairperson during the tribunal investigation. On Monday, Chief Justice Evan
Gicheru formally created a tribunal to probe allegations about Kiplagat. Justice Gicheru confirmed the appointment of three former judges, William Shirley Deverell, Benjamin Kubo and Onesmus Mutungi to the tribunal. TJRC vice-chairperson Tecla Namachanja and other commission directors praised the formation of the tribunal saying it would help move the truth process forward.

“We therefore welcome the setting up of the tribunal because we have to sort out credibility challenges facing us,” said Namachanja.

Reversed quit decision

In a dramatic turn of events, one of the foreign commissioners, Ronald Slye reversed his decision to quit the commission, saying his faith in the truth body had been restored following Kiplagat’s move. “The decision of the chairman to step aside has restored some of my faith in the ability of the commission to succeed. It is for this reason that I am withdrawing my intention to resign from the commission,” Slye said at a press conference convened by the rest of the TJRC team to react to Kiplagat’s move.

Welcoming Kiplagat’s announcement, Justice Minister Mutula Kilonzo said he had expected the embattled TJRC boss to step aside. He also asked the Treasury to release 5 million USD to enable the commission to discharge its mandate.

“I asked for [13.5 million USD] and the Treasury only gave [1.1 million USD] which has been exhausted. I now expect the Treasury to give the commission [5 million USD] to enable it to move. Instead of Parliament intimidating Kiplagat and TJRC, it should be playing its oversight role by ensuring that TJRC is properly funded,” he stated.

Kilonzo also asked Chief Justice Evan Gicheru to reduce the period within which the tribunal ought to investigate Kiplagat from six months to three months. “There is nothing much to investigate, just Ouko, the Wagalla massacre and the land issues,” he said. Kilonzo further asked the President to replace former TJRC vice-chair, Betty Murungi, and Slye, apparently unaware that the latter had reversed his decision to quit the body.

The commission also expressed optimism that Kiplagat’s move would enable it to proceed with its mandate at a much faster pace.

“The chairman has acted within the law. I believe this will present us with the opportunity to proceed much faster without having to think about the allegations leveled against us,” said the TJRC chief executive officer, Patricia Nyaundi.

Donors have shunned the TJRC over claims Kiplagat has been associated with injustices including a land grab and civilian massacres during the regime of Daniel Arap Moi. Critics say Kiplagat may hold crucial information on the 1990 assassination of former Foreign Affairs minister Robert Ouko but the chairman has stringently refused to resign or leave temporarily to enable the commission to move ahead.

The tribunal will be chaired by former Appeal Judge William Deverell with a mandate to inquire into claims that Kiplagat’s past conduct “erodes and compromises his legitimacy and credibility” as chair.
of the Truth, Justice and Reconciliation Commission so that he can be cleared and presumably restored to his post.

Nyaundi sought to allay fears that the commission might not be able to meet its time-lines following Kiplagat’s move to step aside to enable the tribunal to investigate his suitability to chair the body.

“We are within the time-lines we have given ourselves, we are currently in the phase where we are taking statements and I believe we will be able to meet the timelines we have set,” she said.

According to the timelines, TJRC expects to compile its final report detailing historical records and recommendations on reparations, prosecutions, institutional reforms, amnesty and monuments by November 2011.

The mandate of the TJRC is to inquire into human rights violations including those committed by the state, groups or individuals. It includes but is not limited to politically motivated violence; assassinations; community displacement; evictions and resettlements.

SOURCES: The Standard Online Edition; Daily Nation Online Edition
SOUTHERN AFRICA:

South Africa: Mixed Reaction to Cabinet Re-shuffle

Noor Diab, November 3, 2010

On November 1, the South African government re-arranged the Cabinet in effort to address government objectives such as improving the government’s performance in battling unemployment, poverty, and inequality. However, some are skeptical of the Cabinet shake-up. “While the cabinet reshuffle makes an important statement about the Zuma administration’s commitment to improving its performance, it is important that accountability not be used as a guise to implement a political agenda,” Parliamentary leader Athol Trollip warned.

The re-shuffle is hoped to speed up the delivery of basic services. However, United Democratic Movement leader Bantu Holomisa remarked that there was no basis for the argument that it was intended to address service delivery: “the only realistic analysis of the re-shuffle is that it is intended to address African National Congress politics.” African Christian Democratic Party President Rev. Dr. Kenneth Rasalabe Joseph stated that his party could only hope that Cabinet shake-up would improve service delivery.

Nonetheless, others were optimistic. Police Minister Nathi Mthethwa stated that his newly appointed deputy, Makhotso Magdalene Sotyum was “an equally gutsy, committed and hardworking replacement.” The African National Congress Youth League also welcomed the appointment of Malusi Gigaba, the new public enterprises minister. Moreover, Black Management Forum (BMF) President Jimmy Manyi mentioned that the cabinet change was a “clear demonstration that this administration was serious about service delivery and top performance. The BMF strongly believes that the decisive leadership of President Zuma is to be applauded.”

However, feedback from some youth has not been so optimistic. South African Democratic Students’ movement spokesperson Mkhuleko Hlengwa emphasized that “the Cabinet re-shuffle is a direct admission by President Zuma that government has been largely ineffective, inefficient, and grossly incompetent.”

Although reactions have been quite mixed, one can only hope that the Cabinet change will result in positive outcomes. Battling poverty, crime, and improving the delivery of services has become a critical priority on South Africa’s agenda.

Source: Mail&Guardian (www.mg.co.za)

Zimbabwe: Pressure Group Leaders Arrested and Beaten

Noor Diab, November 3, 2010

Arrests and beatings of government opponents continue today in the midst of efforts to save the power-sharing agreement of the unity government and restore civil rights in Zimbabwe. On
November 3 Women of Zimbabwe Arise (WOZA) reported that the 83 members arrested in Harare on September 20 appeared once more in Harare Magistrate’s Court for their last hearing. The 76 women and seven men were arrested after a peaceful demonstration calling for community safety on International Peace Day. The group spent two nights in custody in the Harare Central Police Station before being released on free bail.

In October of 2008, the *Mail&Guardian* reported that WOZA leaders Jenni Williams and Magodonga Mahlangu, had been taken to custody. The pressure group, is known for “ambush protests” outside of government buildings and handing out roses to the targets of their protests. Williams and Mahlangu were arrested after staging a protest in Bulawayo, calling on officials to explain what government was doing to speed up the delivery of food aid. The riot police broke up the protest and arrested its leaders. Williams had been arrested over 30 times in her five years of activism at the time. Nonetheless, both women suffered injuries from police beatings and were kept in poor conditions at the Khami Prison, close to Bulawayo. They were also subjected to insults by guards. WOZA said that the imprisonment of its leaders was “a violation of the power-sharing agreement and further evidence that Zanu-PF has no desire to act in good faith.”

On November 3, 2010, the hearing for the group of 83 protesters resulted in a disappointing conclusion. The group has been charged under the Criminal Law (Codification and Reform) for “criminal nuisance”. Although ironically, the group has been charged for peaceful protest, they claim that the only way to battle corruption within the infamously tainted government of Zimbabwe is to spread awareness through public action.

Sources: Mail&Guardian (www.mg.co.za) and www.wozazimbabwe.org