Featured Stories

*Latin America* – Colombia: Peace Talks Open with Tense Remarks; Government Feels UN Pressure for Constitutional Reform

*South and Southeast Asia*–Sri Lanka: Australia and Britain Forcibly Deport Sri Lankan Asylum Seekers

*East Africa*–South Sudan: Peace Agreement Ratified Despite Juba Protests
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.*

*The interns during the Fall 2012 term are:*

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COLOMBIA

Peace Talks open with Tense Remarks; Government Feels UN Pressure for Constitutional Reform

The Revolutionary Armed Forces of Colombia (FARC) and the Colombian government began talks October 18 in Oslo, Norway in order to potentially end a half-century of conflict. The talks in Oslo ended after two days of meetings with a long and passionate monologue by FARC commander Luciano Marin, alias Ivan Marquez, who engaged in a fierce critique of the government’s economic policy and the country’s elite, and called for social transformation.

Humberto de la Calle, the government's lead negotiator, quickly responded, “We are not discussing foreign investment or the model of economic development. None of that will be a subject of discussion.” These conversations mark the beginning of the first official peace talks since 2002. It would be of particular interest to the United States if the FARC and government worked together against the drug trade.

While the government is pursuing negotiations under a tight time-frame and hopes to reach peace in months instead of years, Marquez stated that a peace process could not be sought against the clock as an “express peace.” He called foreign mining companies “transnational vampires” and spoke out against Colombian billionaires for sapping the national wealth.

De la Calle, a former vice president experienced in negotiating with the FARC in previous talks, expressed the commitment of the government to stick to the predetermined five-point agenda, and stated that if the FARC wishes to change the economic model then their leadership needs to make peace, enter politics, and win elections. A more substantive round of talks is set for November 15 in Havana, Cuba.

Senior delegates from the United Nations Human Rights Council have called on the Colombian government to reconsider adopting a constitutional amendment that would, according to the UN, undermine justice by handing an undue amount of power to the military. In an open letter, eleven human rights experts argued, “The constitutional reform project would expand the jurisdiction of military or police tribunals.”

They added, “The constitutional reform project would effectively undermine the independent functioning of the judiciary by allowing the military justice to investigate process and judge these crimes.” The human rights experts concluded that the reform, which pertains to articles 116, 152 and 221 of the Colombian constitution, would foster a climate of impunity and imply a retrogression of the state in its efforts to prevent a repetition of human rights violations committed in the past.

Sources: Colombia Reports, October 22; Washington Post, October 18, 2012.

By Andres Bernal. Please send all comments to abernal@sandiego.edu.
GUATEMALA

Soldiers’ Arrests Raise Mixed Opinions about the Current State of the Military:

After soldiers opened fire on unarmed demonstrators in Totonicapán protesting higher electricity costs and teacher reform earlier this month, leaving eight dead and 34 wounded, the country has reacted to an incident widely considered unprecedented in recent history. The broader context is a history marked by genocide, civil war, and military impunity.

The violence was investigated and perpetrators of the shooting were arrested. At least 175 investigators and prosecutors were dispatched to the area where blood samples, shells, and DNA evidence were collected along with various interviews of wounded demonstrators and witnesses in nearby hospitals.

Within a week, eight army privates were detained, and a colonel is now facing criminal charges. Two privates and the colonel could face sentences of up to 500 years in prison for extrajudicial billing, while six privates could face 320 years for attempted murder with intent.

The investigation also released a report that soldiers had ignored police instructions to stay clear of the protest. After a series of government attempts to exculpate the soldiers, the prosecution was largely attributed to Claudia Paz y Paz, the attorney general who enjoys support from the United States and other countries that provide aid to Guatemala, giving her the clout to face down the president and military.

Paz told the Associated Press, "The role of the public ministry is to consolidate justice as a fundamental mechanism for strengthening our democracy.”

A spokesperson for President Otto Pérez Molina stated that his acceptance of the attorney general’s actions was a testament to his commitment to reform against corruption and impunity. Although the president has vowed to no longer use the military to break up protests, he continues to stand by his “mano dura” or iron fist policy for public safety. The Guatemalan government is currently increasing its military spending by nearly a quarter and opening new bases near the Mexican border in order to fight drug trafficking.

Pérez Molina has also been training and deploying more of his Special Forces unit, known as the Kaibiles and infamous for carrying out some of the worst abuses during the country’s civil war, as well as for ex-members’ ties to criminal gangs.

While military officials say the Kaibiles are the best force to confront well-armed drug gangs, according to American officials former members of the unit helped form and train the Zetas, one of Mexico’s most notorious criminal gangs. This deployment of military forces to fight crime has worried human rights groups and diplomats who question the appropriateness of soldiers for police work.


By Andres Bernal. Please send all comments to abernal@sandiego.edu.
SOUTH AND SOUTHEAST ASIA

SRI LANKA

Australia and Britain Forcibly Deport Sri Lankan Asylum Seekers

A group of 28 Sri Lankans have been deported from Britain back to the country after failing in their bid to seek asylum.

This comes after a September ruling from Britain’s High Court that in order to avoid deportation, failed asylum seekers must demonstrate one of the following conditions: they must show that during the failed asylum process, they risked allegations against them of a real or perceived Tamil Tiger connection from the Sri Lanka government; or they must provide evidence that they had been previously tortured. This ruling only applied to three Tamil cases; others were decided on an individual basis using this injunction as guidance.

A special charter flight landed at the Colombo international airport October 24 accompanied by UK Border Agency officials. According to officials, the total number was originally over 60 deportees.

British authorities maintain that the failed asylum seekers were sent back because the situation has improved since the end of the Sri Lankan civil war in 2009.

Meanwhile, Australian immigration authorities have issued marching orders to a failed asylum seeker there October 24. Australian immigration officials had their first case to forcibly deport a Sri Lankan man in July.

British and Australian immigration rulings have no bearing on each other. Australia does not return asylum seekers without fully assessing claims, and Britain, as part of the sovereign nation of the UK, has its own system, said an Australian immigration spokesperson.


By Erinn King. Send comments to erinnking@gmail.com.

EASTERN EUROPE

MOLDOVA

Russia to Withdraw Helicopters from Moldova’s Breakaway Region, Transnistria

October 22, progress was made towards Transnistrian conflict resolution. “Russia will begin to withdraw eight helicopters from Moldova’s breakaway region of Transnistria,” Moldovan Deputy
Prime Minister Eugen Carpov announced in the capital city of Chisinau. Moldovan authorities and international organizations have repeatedly asked the Russians to demilitarize the region.

An agreement to withdraw all Russian forces from Transnistria was signed by the Moldovan and Russian prime ministers in 1994. It was never ratified by the Duma, Russia’s legislature, and as a consequence, Transnistria still houses Russian weaponry and troops.

The next round of Transnistrian conflict settlement will follow the “5+2” format. The five are Moldova, Transnistria, Russia, Ukraine, and the Office of Security Cooperation in Europe, who will play an active role in the negotiation while the two are the U.S. and European Union, who will act as observers. It includes representatives from each side, mediators, and observers in the negotiation process.

“We are still convinced that only Chisinau and Tiraspol [the Transnistrian capital] can settle this conflict. The international community, including Russia, will assist and respect this decision,” said Russian Foreign minister Sergei Lavrov.

With hopes for a peace agreement, Moldovan Prime Minister Vlad Filat acknowledged, “Some concrete steps have been made in this process vitally important to our country.”

Sources: Moldova.ORG, October 18; Moldova.ORG, October 22; Global Times, October 23; Business News Europe, October 24, 2012.

By Erinn King. Please send all comments to erinnking@gmail.com.

EAST AFRICA

KENYA

Legislators Take Large Bonus, Meet Protests

More than 100 Kenyans protested October 8 after legislators awarded themselves a $110,000 bonus, payable when they leave office at the end of their five year term. The bonus, added to a Finance Bill that passed quietly October 4 with only about 30 of 222 legislators present, would supplement legislators’ $120,000 annual salary. The bill also includes a 10% tax increase to cover the government’s revenue shortfall.

The Kenyan parliament is earning a reputation for corruption, trying to give themselves perks while the minimum wage in Nairobi sits at about $1,500 a year and nearly half of Kenyans live below the poverty line. Kenya’s public hospitals are suffering, with many doctors having to use the light from their cell phones to conduct operations. In the last month, Kenya’s government told striking teachers and doctors it could not afford to cover pay increases.
Human rights and anti-corruption activists pointed out that Kenya’s 2010 constitution does not allow parliament to set its own pay. Protestors called for President Mwai Kibaki to veto the bill until the bonus was removed, and he obliged October 9. President Kibaki vetoed the bill on the grounds that the bonus was unconstitutional and “untenable in the prevailing economic circumstances in the country.” However, protests continued October 12 due to worries that the MPs would attempt to override the President.

“It's very telling that they can hike their bonus at night quietly and teachers had to strike for three weeks,” said protestor Edward Mburu. “You can see we are dealing with selfish people. People are angry ... I hope it translates into conscious voting.”

Sources: CS Monitor, Newser, October 9; Business Week, October 10; CNN, October 11; All Africa, October 12, 2012.

By Libby Jelinek. Send comments to ejelinek@sandiego.edu.

SOUTH SUDAN

Peace Agreement Ratified Despite Juba Protests

Civil rights activists and residents of South Sudan’s Northern Bahr el Ghazal state staged peaceful protests in Juba October 15. Protestors object to the fact that the fourteen-mile strip along the disputed border, south of the Bahr el-Arab river and west of Abyei, was included in the Safe Demilitarized Buffer Zone (SDBZ) of the Addis Ababa Peace Agreement signed September 27; they claim that to include the strip amounts to selling their land to Sudan. Armed police broke up the protests.

Despite these protests, Sudan’s parliament ratified the Addis Ababa peace agreement. One hundred and eighty-nine Members of Parliament (MPs) voted to ratify the deal in its entirety October 16. Sudanese politicians, including President Salva Kiir, insist protestors are misinterpreting the SDBZ, which is not selling South Sudan’s land but allowing for temporary removal of military forces.

A large incentive for ratifying the pact was its ability to enable the country to restart oil production. South Sudan shut down its oil output and consequently 98 percent of its state revenues in January during a disagreement with Sudan over transit fees. Fifteen MPs approved the deal but still seek removal of the fourteen mile area. Bellario Ahoy Ngong, one of the fifteen MPs, said that given the Juba protests, he is “standing with our people. We are here because of them. We are their representatives.”

The Sudanese Parliament ratified the agreement October 17. Ratification will allow implementation of the agreements to proceed, including resumption of oil production and the opening of the common border. South Sudan issued an order for the oil industry to immediately resume production and exports October 18.
The UN Secretary-General and the African Union congratulated the Parliaments of Sudan and South Sudan for ratifying the cooperation agreements.

Sources: All Africa, Sudan Tribune, October 15; All Africa, October 16; All Africa, All Africa, October 18; NZ Week, October 19, 2012.

By Libby Jelinek. Send comments to ejelinek@sandiego.edu.

**SUDAN**

**Clash in Nuba Mountains Compared to Darfur**

A joint unit of Sudanese security forces known as Abu Tira, The Armed Forces and the Popular Defense Forces militia attacked Gardud al Badry May 18 and bombarded the area with artillery July 29. Sudanese police filmed themselves burning and looting the remote village in the Nuba mountains of South Kordofan. The Satellite Sentinel Project (SSP), a non-profit organization founded by George Clooney and Enough Project Co-founder John Prendergast October 2010, exposed the incident, backing its claims with satellite images, cell phone video, and witness accounts.

Sudanese police forces in South Kordofan are fighting against the rebel Sudan People's Liberation Movement-North, who is trying to overturn Sudanese President Omar al-Bashir. SPLM-N accuses al-Bashir, who is wanted by the international criminal court (ICC) for war crimes committed in Darfur, of marginalizing border areas.

John Prendergast is calling the incident “a repeat of Darfur without the international witnesses” and accusing the Sudanese government of committing crimes against humanity.

SSP said the video was obtained by the Sudanese news organization Nuba Reports. The video shows the destruction of the area, police interrogating a captive believed to be a rebel and an interview with an 18-year-old student who was interrogated and tortured for ten days by Sudanese forces.

The attack came after rebels shelled South Kordofan’s state capital of Kadugli October 8, sparking renewed fighting between Sudan’s army and the rebels. The shelling, the first assault on state capital since 2011, killed at least five people and wounded at least 23.

Human Rights Watch has also accused Sudan’s military of conducting indiscriminate bombings that harmed civilians in the Nuba Mountains.

**Sources:** Chicago Tribune, October 8; Guardian, Reuters, Washington Post, October 16, 2012.

By Libby Jelinek. Send comments ejelinek@sandiego.edu.