

Rule of Law Initiative / Global Human Rights Training and Support

The RIGHTS Consortium

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Consortium Members: Freedom House (prime partner), the American Bar Association's Central and East European Law Initiative (ABA/CEELI), and the National Democratic Institute for International Affairs (NDI).

Fourth Interim Narrative Report

Reporting Period: January 1 – March 31, 2000

I. Executive Summary

On March 9, 1999, the U.S. Agency for International Development (USAID) awarded a grant in the amount of \$4,000,000 to Freedom House to provide support for a global program in rule of law. Freedom House acts as the prime recipient for the RIGHTS Consortium, which includes Freedom House, the American Bar Association's Central and East European Law Initiative (ABA/CEELI) and the National Democratic Institute for International Affairs (NDI).

The RIGHTS Consortium supports the transition to and consolidation of democratic regimes throughout the world by supporting and strengthening the rule of law and human rights. Specifically, RIGHTS Consortium activities help USAID achieve the following objectives:

1. Legal protections for human rights and gender equity that conform to international standards;
2. Judicial, legal, and regulatory frameworks that support democratic institutions as well as market-based economies;
3. Effective and fair justice sector institutions, including the judiciary, prosecution, legal defenders, and civilian police;
4. Equitable access to justice and the skills and knowledge necessary to use the justice system effectively;
5. Technical excellence and "state of the art" sustainable activities in the field of rule of law and human rights.

During the five-year grant period, USAID supports the RIGHTS Consortium in two types of programming: (1) core activities which improve technical aspects and the sustainability of rule of law and human rights programs (through the Leader Cooperative Agreement), and (2) longer-term, more comprehensive rule of law and human rights development activities that provide technical assistance and training (through Associate Awards). Initial core funding for the first

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year provides \$500,000 for rapid response initiatives and \$500,000 for technical excellence and "state of the art" sustainable activities. Under the Leader agreement, one rapid response activity, "War Crimes Documentation: the Fort Dix Refugee Interview Project," has been initiated; and the USAID Latin American Bureau agreed to provide "buy-in" support of \$30,000 for a core activity, the Anti-Corruption Educational Campaign in the Americas. Associate Awards in year one currently include a grant in the amount of \$500,000 from USAID-Latvia to support the Latvian Naturalization Project; and continued support for the Continuation of the War Crimes Documentation.

This narrative report reviews the activity carried out during the third interim reporting period of January 1 – March 31, 2000.

II. Program Activities

During the fourth quarter, the RIGHTS Consortium strengthened its ability to respond effectively to USG initiatives by reaching an understanding with USAID regarding the future availability of Economic Support Fund (ESF) appropriations. In consultation with the ESF Committee, the rule of law consortia jointly drafted the procedure by which they can apply for ESF funds. Both consortia will now operate under established guidelines for the allocation of Near East, South and East Asia, and Africa ESF democracy funds. The new procedure also includes guidelines by which the rule of law consortia can submit unsolicited concept papers and proposals. The RIGHTS Consortium also broadened its technical experts database of country and regional specialists, sending out a mailing to scholars who had previously consulted informally on Consortium projects. More than 60 percent of the recipients responded, including experts on Latvia, European Roma, the Mediterranean and North Africa, Thailand, Burma, and Laos.

The RIGHTS Consortium continued its activity for Leader Grant programs. Consortium member ABA/CEELI conducted negotiations with Partners for Democratic Change, an international non-governmental organization (NGO) committed to building sustainable local capacity to advance civil society, to collaborate on the testing of the Consortium's diagnostic tools. In addition, ABA/CEELI is working with the American Bar Association's African Law Initiative to analyze Ghana's Company Law. Consortium member NDI is preparing its report on the African Constitutional Renaissance Conference and has processed the subgrant for Radio Trinidad to produce anti-corruption public service announcements.

Most of the Consortium's work in the fourth quarter, however, was to develop or respond to project initiatives. Freedom House continued negotiations with the State Department, USAID, and the U.S. Embassy in Algiers on possible Consortium activities in Algeria, which resulted in the submission of a detailed proposal. Freedom House, in collaboration with the International Center for Journalists (a RIGHTS Consortium Associate Partner), plans to strengthen the institutional capacity of NGOs and the media to report on and advocate for reform and improved human rights protections. By doing so, the Consortium's programmatic assistance aims to accelerate and expand rule of law reform initiatives in Algeria. The Consortium also responded to a rapid response request from the State Department to promote justice and accountability in East Timor. In collaboration with ABA/CEELI and two outside organizations, the Consortium crafted a concept paper to address the human rights/rule of law needs of this UN-administered

territory. The integrated program offered assistance in the following areas: to help investigate and prosecute recent atrocities, monitor ongoing human rights violations, assist local NGOs with human rights monitoring techniques, and strengthen the legal system in East Timor. Finally, the Consortium responded to a similar request from the State Department on Uzbekistan. Freedom House took the lead on this concept paper, proposing to strengthen human rights defenders in this Central Asian country. The Consortium offered to conduct a program that would strengthen the knowledge and skills of indigenous human rights NGOs and provide them with strategies to improve the operating context of human rights defenders.

A. RIGHTS Program Development/Outreach

Throughout the quarter, the Consortium and USAID G/DG, with the input of the State Department, engaged in a series of discussions and meetings about the Economic Support Fund (ESF) allocation process. This dialogue aimed to define more clearly the ways by which each rule of law consortium might seek ESF democracy funds in the Near East, South and East Asia, and Africa. The broadest goals of USAID G/DG in this process were to maximize the development impact of the limited funds available and to avoid competing country-specific democracy-fund activities. In response to USAID's initiative, both rule of law consortia drafted a joint paper that outlined their understanding of their role in the ESF allocation process and how they may best submit concept papers and proposals when seeking ESF funds. These procedures were modified and "fine tuned" after further discussion with USAID G/DG. The result of this activity was the creation of an acknowledged and agreed-upon ESF allocation process, which outlines the procedures that the consortia will employ to prepare both solicited and unsolicited concept papers and proposals. This dialogue between USAID G/DG and the consortia promises to simplify the proposal process when ESF funds are involved.

As it develops programming for rule of law and human rights activities, the Consortium endeavors to consult with leading regional and country-specific scholars whose knowledge can contribute to the crafting of informed and sophisticated proposals. Over the course of its programmatic research on Algeria, Burma, East Timor, Latvia and the Baltic region, and Uzbekistan, the Consortium interviewed and maintained contact with experts and scholars who summarized the current political and social situation, defined the cultural *milieu*, and helped identify the key players on the ground. Experts who provided the most pertinent information were invited to be listed in the Consortium's database of experts, so that they might consult on future projects. Presently, the Consortium can call upon scholars with country-specific and regional expertise on North Africa, Asia, and Eastern Europe.

In addition to designing technical leadership activities for the first annual implementation plan, the RIGHTS Consortium devoted most of its efforts to the development of several projects:

1. Proposed RIGHTS Support in North Africa

Over the course of the quarter, the Consortium developed its concept paper for an assessment of civil society and media organizations in Algeria, including a comparative approach for North Africa, into a detailed proposal. In continued consultation with the U.S. Embassy in Algiers, the State Department, and USAID, the Consortium submitted a proposal designed to improve the

long-term chances for successful rule of law reform initiatives in Algeria. The 15-month project, which aims to strengthen rule of law and human rights protections, features three central activities. It will:

- increase the capacity of civil society organizations to monitor, report on, and advocate for rule of law reform and improved human rights protections;
- strengthen investigative reporting skills of journalists and knowledge of media managers to report on rule of law reform and human rights; and
- promote and strengthen human rights protections and practices that conform to international standards on specific human rights issues, such as freedom to associate, press freedoms, women's rights, access to justice, and procedural due process.

Freedom House will implement the Algeria rule of law program. In addition, Freedom House invited one RIGHTS Consortium associate partner to participate, the International Center for Journalists (ICFJ). The ICFJ will design and carry out in-country training workshops to improve the capacity of Algerian journalists to investigate and objectively report on issues related to human rights and democratic reform. The ICFJ plans to conduct a series of workshops designed to identify issues related to human rights, and demonstrate journalistic techniques and practices for covering these issues.

In preparation for an assessment trip, the Consortium continued to contact regional experts and scholars who work exclusively on Algeria. Marnia Lazreg, an expert on developing societies in the Middle East and North Africa, discussed the current social situation in Algeria and made detailed comments on rule of law issues as they pertain to women. Dr. Lazreg, a professor of sociology at Hunter College, City University of New York, also provided the Consortium with a number of political and NGO contacts for the assessment trip, including the former minister of justice, Lelia Aslaoui. The Consortium also discussed security issues and U.S.-Algerian relations with Dr. Ian Lesser, senior analyst at RAND, and the current state of Algerian civil society with Dr. John Entelis, professor of political science and director of the Middle East Studies Program at Fordham University.

The staff of the U.S. Embassy in Algiers has also been responsive to the Consortium's request for contacts. It has promised to facilitate meetings with Mr. Mohand Isaad, the president of the judicial reform commission, Ms. Fatima Zohra Chenaef, a judge and a commission member, and the head of the national judges association, Mr. Tayen Louh.

2. RIGHTS Program Development in East Timor

In early March, the State Department asked the Consortium to provide assistance to the United Nations Transitional Administration in East Timor (UNTAET) in forensic and criminal investigations, and in human rights monitoring and capacity building for indigenous human rights NGOs. The State Department also sought to create an additional component for judicial assistance. In response to these requests, the Consortium designed an integrated and coordinated program to promote justice and accountability in East Timor. It presented a concept paper that drew upon ABA/CEELI's expertise in assisting war crimes investigations and extensive rule of law work, and the experience of Freedom House in human rights NGO capacity building. In

order to address the specific needs of the UN authority, the Consortium discussed collaboration with Physicians for Human Rights and the Coalition for International Justice, two non-profit organizations with extensive experience in forensic and criminal investigations. The goal of the Consortium program was to ensure that investigations and prosecutions would be built on a current body of law meeting international legal standards.

The rapidly changing situation on the ground has demanded great flexibility in creating the appropriate programmatic approach. The Consortium has worked with the State Department to design a program that will best fit the needs of the East Timorese community. Currently, the Consortium is in the process of choosing an international law expert who will advise the UNTAET human rights unit on legal issues. The expert will conduct research on these issues, which will range from law and order and labor law to citizenship issues and prosecution for crimes against humanity, and help formulate policy. In order to strengthen the institutional capacity of local groups to monitor and report on human rights issues, the Consortium has identified the most active NGOs in East Timor for technical assistance. It will also target regional organizations and NGOs, such as the South Asian Human Rights Documentation Centre (India), Task Force Detainees of the Philippines (PI), EarthRights International (Thailand), the Hong Kong Human Rights Monitor, and FORUM-Asia (Thailand), for collaborative efforts.

3. RIGHTS Program Development in Uzbekistan

Also in March, the State Department inquired if the Consortium would provide training to human rights defenders in Uzbekistan. Specifically, the Division of Democracy, Human Rights, and Labor sought to create a program that would strengthen the capacity of local NGOs and train indigenous groups in human rights monitoring. In response, the Consortium submitted a concept paper that took a two-pronged approach to assuaging the human rights crisis in Uzbekistan. The proposal aims to support local human rights groups by strengthening their organizational structures, substantive knowledge, and skills; providing motivation and strategic vision for addressing current obstacles; and mapping out strategies for improving the operating context for human rights defenders and human rights protection through domestic initiatives. At the same time, the program will send three leading human rights defenders to Uzbekistan who have had to struggle for human rights gains in other repressive societies. Ideally, upon their return to their native countries, these human rights defenders will serve as a voice to inform their own governments about the current situation in Uzbekistan, thus increasing the international pressure on the regime of President Islam Karimov.

B. Technical Leadership and Sustainable Activities in Rule of Law and Human Rights

Technical Leadership under the RIGHTS Consortium is designed to improve long-term strategic planning of rule of law and human rights assistance with the aim of creating more effective and sustainable programming. During the fourth quarter, the RIGHTS Consortium continued to develop several technical leadership activities.

1. Human Rights Defenders in the International Arena

As part of its mission to the 56th annual meeting of the United Nations Commission on Human Rights, Freedom House sponsored delegates from China and Central and Eastern Europe in an

effort to increase representation of new (or emerging) democracies at the international level. Representatives of three NGOs in CEE region, Zoltan Guba of the Democracy After Communism Foundation in Hungary, Jaroslaw Guzy of the Center for the Defense of Human Rights in Poland, and Mircea Toma of *Academia Catavencu*, participated in a Freedom House panel discussion on Cuba, explaining the work of their own organizations and their respective governments in supporting and engaging pro-democracy activists on the island. The three representatives were also able to engage in their own lobbying efforts, discussing the Cuban human rights record with delegations from throughout Europe. One of the Freedom House CEE delegates, Mircea Toma, also participated as a panel speaker on the US government-sponsored forum on media freedoms.

Freedom House accredited a total of 12 representatives of non-Western NGOs to conduct activities at Geneva. FH also reached beyond the mandate of its first-year workplan by supporting organizations from beyond the CEE region and the New Independent States (NIS). Eight of the 12 representatives have origins in China. These included spokes-persons for the *Falun Gong* and the Chinese democracy movement, who took part in a panel discussion, testifying on recent human right violations in China. These NGOs also worked with Freedom House to lobby delegations on the China issue, and some NGO representatives made themselves available to Commission members as expert witnesses, able to conduct special briefings on current human rights conditions in China. Finally, Freedom House also accredited a representative of a South Korean NGO that conducts activities in North Korea.

2. Diagnostic Tools Development Work

ABA/CEELI engaged in a detailed series of meetings with a collegial NGO, Partners for Democratic Change, concerning potential collaboration in the testing of the proposed diagnostic tools, which are under development in the leader award. Agreement was reached in principle for a collaborative effort in select jurisdictions. Partners for Democratic Change conducts programming through a network of locally chartered NGOs dedicated to policy and advocacy work. ABA/CEELI intends to leverage its substantial data gathering resources in select jurisdictions with joint ventures with local chartered NGOs.

3. Analysis and Comment of Ghanaian Company Law

ABA/CEELI, in conjunction with the ABA's African Law Initiative, is conducting an analysis and comment on the Ghanaian Company Law. This analysis is in response to an official request from a delegation of legal reformers from Ghana who have been engaged in an ongoing dialogue with the ABA. While the ABA will be covering all costs associated with this project, ABA/CEELI anticipates that this project could provide a basis for an expanded legal reform program in Ghana. ABA/CEELI is including this information to apprise USAID of this activity and illustrate ABA/CEELI's independent commitment to developing relevant project work within the context of the RIGHTS Consortium.

4. African Constitutional Renaissance Conference (Southern Africa)

This quarter, the rapporteur for the African Constitutional Renaissance conference continued to draft the conference report, which we will provide to USAID upon its completion. Using audiotapes of conference sessions and the speaker's presentation papers, he worked this quarter to summarize and synthesize lessons learned throughout the Southern Africa region on constitutional reform. The report has taken longer than anticipated due to the rapporteur's other commitments, including an appointment by the government of Guyana as an electoral systems expert.

5. Anti-Corruption Educational Campaign in the Americas

This quarter, NDI processed the subgrant for Radio Trinidad to produce anti-corruption public service announcements. Once Radio Trinidad receives the funds it will start developing the script for the PSAs. Next quarter, NDI will send a Venezuelan consultant to serve as a technical advisor to Radio Trinidad on the adaptation of the original PSAs to the radio-friendly format. In addition, NDI will distribute the tapes to NGOs through its Latin America and Caribbean Civic Network, a clearinghouse linking together more than 60 leading democratic development NGOs in the region.

C. Associate Awards

Associate Award mechanisms allow the RIGHTS Consortium to support longer-term, more comprehensive rule of law and human rights development activities by providing technical expertise and training. During the fourth quarter, the Consortium has continued to work to improve the access to justice for permanent resident non-citizens of Latvia, most of whom are ethnic minorities, by strengthening the institutional capacity of the Latvian Naturalization Board's Information Center. By working to increase the number of people applying for citizenship, the project enhances Latvia's social integration and improves the legal position of the country's ethnic-minority population. In addition, ABA/CEELI continued to expand its War Crimes Documentation Project (WCDP) through the RIGHTS Consortium.

1. Improving Human Rights and Access to Justice for National Minorities in the Republic of Latvia

On March 15, 1999, USAID-Latvia awarded a grant in the amount of \$500,000 to Freedom House to sponsor the Latvian Naturalization Project. The purpose of the project is to strengthen rule of law and human rights by supporting the implementation of amendments to Latvia's Citizenship Law. The law's recent amendments liberalize the naturalization process as a means of integrating Latvia's 28 percent minority resident population. Through the USAID Latvian Naturalization Project, Freedom House provides technical assistance, training, and support to the Latvian Naturalization Board (LNB) and its new Information Center (IC) to strengthen outreach to non-citizens and motivate them to apply for citizenship. Since the program aims to raise public awareness of legal rights and responsibilities, instill confidence in the naturalization process, and stimulate public demand for equal treatment under the law, its fundamental goal is to increase access to justice for both citizens and non-citizens of Latvia.

During the fourth quarter of implementation, the Latvian Naturalization Project received an extension through September 2000. After a year of service in developing and monitoring the project, the Freedom House resident advisor concluded her in-country technical assistance in May. During this quarter, the project conducted and monitored a subgrant program, awarding \$60,600 in grants to seven NGOs. The activities of these organizations, which were completed during this quarter, reached target audiences throughout Latvia, and featured projects that employed the print media, radio, and television to promote citizenship and naturalization. Freedom House also awarded a grant of \$79,600 to the Latvian Folk School to implement a fast-track language-training program. Ms. Susan Steinbach, an expert in language training, spent five weeks in Latvia designing the project and later returned to evaluate its results. Now at its mid-point, the program has made it possible for more than 300 people to attend free language classes. Of this number, 98 percent passed the language portion of the naturalization test.

[For more information, please review the Freedom House Quarterly Report submitted to USAID for the Latvian Naturalization Project.]

2. ABA/CEELI War Crimes Documentation Project

a) Development of Computer Database Technology for Witness Testimony

The ABA/CEELI War Crimes Documentation Project is currently entering data into a database that operates in Microsoft Access '97 and is primarily used for witness identification purposes by the International Criminal Tribunal for the former Republic of Yugoslavia (ICTY). ABA/CEELI has been in consultations with the Chicago-Kent College of Law and the American Association for the Advancement of Science (AAAS) about the creation of a new database format that would facilitate more sophisticated analysis. The design of this new database is informed and based upon the extensive past experience of personnel at the AAAS.¹

Once the new database is completed, existing data will have to be re-coded to be employed in this new database, and Chicago-Kent College of Law is in an advanced stage of developing an interface to expedite the re-coding process. However, an initial step is to agree upon a "controlled vocabulary" for the various acts of violence that are to be examined and catalogued. Using this controlled vocabulary, each act of violence will be coded in a relational database structure that permits grouping of acts by event. In this way, the database will ensure that for each event all acts of violence may be properly represented. In addition, the database will link all acts with specific information regarding perpetrators, location of the act, and the context.

During the reporting period, ABA/CEELI engaged in a collaborative dialogue with Chicago-Kent, AAAS, ICTY and its local partners concerning the parameters for a controlled vocabulary. Agreement was reached and final development of the next generation was undertaken by the close of the reporting period.

¹ For a concise discussion of these issues, see Patrick Ball, *Who did what to whom?* (1996)

b) Institutional Development of NGO Partners

ABA/CEELI's primary local partner, the Center "Peace Through Justice," was established on June 15, 1999 by the representatives of seven Albanian NGOs that had previously consolidated their resources with two other NGOs to work intensively on the identification/documentation of International Humanitarian and Human Rights Law violations arising out of the Kosova conflict. In cooperation with ABA/CEELI, The Center has been taking a lead in furthering the documentation process it began in March 1999. With a staff of six, The Center has tackled tasks relating to documentation, reporting, and facilitation of ongoing NGO contacts in order to aid the ICTY in its investigation of the Kosova conflict.

In addition to interview collection and entry, The Center staff has been working extensively on public education on human rights and international humanitarian law. In March, The Center developed and uploaded a website that provides information on The Center's activities, general information on war crimes, and links to other human rights organizations. The address for the site is www.thecenter-ptj.org. Currently the site is available in both Albanian and English. In April, ABA/CEELI-WCDP Albania will assist The Center in finding a Serbian translation for the web page.

As previously reported, The Center has also been drafting a report on the Kosovo crisis, including historical overview and statement of facts sections. The statement of facts section has been compiled through an analysis of The Center's own data and is accompanied by a section on the legal analysis of the violations committed in Kosovo from 1998 through late spring 1999. A first draft of the three major sections (historical overview, statement of facts, and legal analysis) has been completed. A second draft and structural revision is currently underway. It is envisioned that this document will be available to the public in late summer.

c) Ongoing Witness Interviews and Data Entry

ABA/CEELI Tirana and The Center completed the interviewing process last quarter. Since that time they have focused on entering the data into the ICTY-approved Microsoft Access database. In March, The Center finished entering the nearly 2000 interviews that had been collected. These new entries have been sent to Washington, DC, and aggregated into a third release of the database. At the request of the ICTY, ABA/CEELI Tirana and The Center began data entry, at the end of March, of additional interview forms in the Tribunal's possession.

In March, ABA/CEELI Prishtinë conducted a pilot Serb interviewing project. Given the security concerns surrounding entry into Serbian enclaves, this project has maintained a relatively small scope. Also during the past quarter, ABA/CEELI Prishtinë entered into discussions with a Kosovar human rights NGO, the Council for Defense of Human Rights and Freedoms, regarding an upcoming interviewing project in Kosovo.

d) Coordinating Framework

ABA/CEELI continues in its efforts to coordinate interviewing, training, and improvement of the database with a number of groups. Recently, ABA/CEELI has discussed collaboration with Civic House, Transcultural Psychosocial Organization, and Physicians for Human Rights.

III. Summary

During the fourth quarter, the RIGHTS Consortium came to an agreement with USAID on the availability of Economic Support Fund allocations and the procedure by which the Consortium can apply for ESF funds. The Consortium also broadened its technical experts database by adding a number of scholars who had consulted for the Consortium on previous (or current) projects. Work on Leader Grant programs continued, as ABA/CEELI took up negotiations with Partners for Democratic Change to collaborate on the testing of the Consortium's diagnostic tools. NDI is readying its report on the African Constitutional Renaissance Conference and has approved Radio Trinidad's subgrant to produce anti-corruption PSAs. The Consortium also made great strides in programmatic development. Freedom House, representing the Consortium and acting in collaboration with the International Center for Journalists (a RIGHTS Consortium Associate Partner), engaged in detailed discussions with USAID, the State Department, and the U.S. Embassy in Algiers on programmatic activities in Algeria. An Algerian project will focus on NGOs and the media, bolstering the capacity of these civil society actors to advocate for human rights reform and improved human rights protections. During this quarter, the Consortium also responded to a rapid response request from the State Department to promote justice and accountability in East Timor. Freedom House took the lead in organizing a coalition of NGOs that would provide expertise in forensic and criminal investigations, the monitoring of human rights violations, and training indigenous NGOs in human rights monitoring techniques. The Consortium also responded to a similar State Department request on Uzbekistan, designing a program to strengthen the knowledge and skills of local human rights organizations. Progress on the Consortium's associate awards also continued apace. The database for ABA/CEELI's War Crimes Documentation Project has grown and a local partner, the Center "Peace Through Justice," is working to identify and document the human rights violations that occurred during the Kosovo crisis. Freedom House supported government-NGO partnerships to promote citizenship for Latvia's 28% non-citizen population by providing grants and technical assistance in project implementation. The naturalization rate continues to grow since the amendment of the citizenship law in late 1998. All of these activities demonstrate the growing global reach of the RIGHTS Consortium and reaffirms its capacity to engage in activities that strengthen rule of law and promote human rights around the world.