

Working on legal rights' protection

in conflict zones & developing countries

1990-2020



Manuscript Patricia van Nispen tot Sevenaer

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Prologue

On my way to Bolivia in March 2020, I got stuck in Spain due to the Corona crisis. Immediately I saw the Corona policies of governments all over the world as a magnified illustration of what has gone wrong in the globalising democratisation of the period 1990-2020. It became clear to me that this way of globalising had now really reached an end point, and that we should start a new way of (international) policy-making. Current governments are imposing paper aspirations on reality, while in order to deal with today's complex challenges it is essential to take reality as it presents itself as the starting point. This means that policies must be made to meet the basic needs of **all** people, not just the 'powerful' and the 'marginalised'. What is needed is a people-centred approach, based on rights to make people self-reliant and responsible. In addition to universal health care and education, universal legal aid must be developed to guarantee legal rights' protection for all. For international cooperation, since the early 2000s a new framework is already in place, adopted by the Security Council of the UN in the 'Responsibility to Protect' doctrine. According to this doctrine the international community has a duty to use all means to protect a civilian population if a government of a country fails to do so.

My book aims to create awareness in order to put into practice this 'rights-based approach', which in theory has already been the guiding principle in the international relations for many years. I do this by means of a journey through time in the globalising world, which is largely based on my diaries. I see in my Corona-confinement in Spain an opportunity to explain my understanding of what is currently going wrong in the international policy making. For this I share my experience working as a lawyer in the globalising world in the past 30 years. The setting for this book is therefore my confinement alone in Spain in the spring of 2020, which provides the framework within which the journey takes place. In the introduction and conclusion to the book, I set out my approach to the new world, while in the chapters I give body to my vision based on my experiences as a lawyer in international relations and development cooperation.

The book begins in the 1990s in two UN missions, in post-genocide Rwanda (Chapter 1) and post-war ex-Yugoslavia (Chapter 2). For those who do not understand the failure of twenty years international interventions in Afghanistan, the 'look behind the scenes' through my diaries written during these UN missions will make that more understandable. These missions lacked any meaningful vision on what we should do while it was clear that doing justice on a micro level and offering legal rights' protection after war/genocide should be priority number one in the reconstruction process. My mission in Iraq in 2003, which is discussed later in this book, provides insight into which mistakes were made from the very start by the American occupation and why it, as well as the American occupation of Afghanistan, was able to cause so much damage.

With my diary of my trip through ex-Yugoslavia (Chapter 3) ten years after the war in 2005, I show how things stand then with the former Yugoslavs, how they experienced the war and how they experience the situation now. This brings the people-centred approach to life. At that moment Microjustice, the organisation I set up, has been providing legal

assistance to the refugees in Serbia for many years, to arrange their documents and rights in their places of origin across the border in Croatia. The last two parts of my book show how the legal rights' protection approach of Microjustice works, in conflict areas (Chapter 4) and in development situations (Chapter 5).

Introduction: a new era in the global village

When, in the spring of 2020 cooped up in my house in Spain, I suddenly see that an era has ended, and I see an opportunity to tell my story of three decades travelling and working as a lawyer in international relations, explaining the legal rights' protection-based approach that I advocate.

Before telling my story, an introduction to my vision.

1) The whole world comes to a standstill

Triana, Vélez-Málaga, 28 March 2020

Stranded!

Stranded! I should have flown to Bolivia a fortnight ago, but now I am alone on a hill in Andalucía. The Corona virus and governmental decision-making has turned the world upside down, and temporarily erected old borders. Public, social and economic life has come to a standstill. Everyone is inside, at home. The weather is helping the authorities, because since the state of emergency was declared there has been rain, cold, hail, snow; very unusual for spring in southern Spain. But always I am blessed: I am alone in the middle of nature, two kilometres from the village of Triana, surrounded by thousands of little birds chirping away, a stream on the hillside babbling through its ever-dry bed, and the frogs suddenly appearing out of nowhere and croaking loudly. In the south, in front of me in the distance the Mediterranean Sea, in the north-east the white top of the Maroma, the protective mountain behind me, and on the hills south and west the famous white Andalusian villages. Since 2002 I have created a refuge here, where I can regain my strength in between all my travelling and work in the legal rights' protection of the disadvantaged.

Start international work in legal rights' protection thirty years ago

It was clear to me early on what I want to do with my life: I want to work in the field of human rights, especially on the human side of international relations. What this means in practice I don't know yet, but the reaction of a job consultant at the American university where I studied international relations in 1989/90 - "Great, all your fellow students want boring jobs at the State Department, the IMF or the World Bank, but what you want, that's what the world needs!" - Encourages me to find out how to give shape to this. "What you should do? Become an attorney-at-law! At one of the big law firms. That is the best basis for an international career", is the advice I get from Emile van Lennep, former Secretary-General of the OECD. He would know, wouldn't he? So, to start with, it would be the legal profession, three years with one of the big law firms in Amsterdam.

No compromise, on the contrary, I will do it for three years. This will give me the experience I need for the international minefield. And indeed, the legal profession turns out to provide an essential legal foundation, which will prove to be fundamental in my further work. I know what the legal profession entails in practice, working in the departments of (international) corporate law/ (European) competition law and insurance law/ liability law/

labour law. I rarely saw a court. It was much more important to give our clients, large and medium-sized companies, legal support: finding out, on the basis of documents, what their legal position is in order to advise the company on what to do. The better agreements are put down on paper, the less hassle when relationships go wrong. I thus have become very aware of the importance of legal rights' protection, not so much in criminal law, which is the focus of international aid, but especially in private and administrative law.

After more than three years as an attorney-at-law, in early 1994 my international life, as I had envisaged it all these years, was about to begin! I could start working as a human rights officer at the UN in Rwanda. Through my work with the UN, I have gradually developed my international mission in legal rights' protection.

Transition

Now in the year 2020, the signs are coming to me that this is going to be a time of 'surrender' for me to enter again a new phase. To make this possible, my present life has to 'die off' to make room for the new: 'le roi est mort, vive le rois'. So surrender ... On a global scale, too, a standstill seems to be taking place on the way to a new era. The time has come to turn inwards, to take stock, and to propose a people-oriented approach based on my experience as a lawyer in international relations over the past three decades.

I am thinking of all those poor people who are now forced to sit inside with their children and partners, here in Spain for a fortnight already and for at least another two weeks. I am thinking of all those poor people in developing countries who are also no longer allowed to walk the streets, who are now unable to earn their daily bread. What will happen to them now? In developing countries, I always see that poor people often do not arrange their basic documents for the sole reason that they cannot spare the time to do so. No income on a day literally means: no food! As a result, they miss out on all kinds of entitlements and they cannot make use of legal rights' protection.

It is really very dramatic all those thousands of people who die because of the complications of the Corona virus. But where is the balance? What happens to the billions whose social and economic lives are violently affected? And all the deaths that occur because they can no longer receive medical care for ailments other than Corona? And what about the impact of the mass inaction at home? Here in Spain, you are not allowed to leave your house other than to buy food, and the fines for unauthorised leaving your house are between minimum € 600 and maximum € 600,000 and/or arrest. So, nobody dares to leave their house! And even in hamlets and fields there are heavy checks.

So, time to take stock now!

2) Taking stock 1990-2020: Globalising democracy

Globalisation

Born in The Hague in 1965, only twenty years after the Second World War, my life has been marked by a notion of constant development and progress. When I return to Yugoslavia twenty-five years after the war, I see that this is not an automatic starting point. There, the newly created small countries continue to muddle along in a morass of economic malaise and nationalism. But in my life experience as a child, the world only moved forward in prosperity, freedoms and democracy, with in the background the Cold War as a vague threat with unknown spots of Eastern Bloc countries where 'scary' people lived. During my postgraduate studies in international relations at Johns Hopkins in Bologna in 1989/90, I witnessed at first-hand how the wall between West and East fell and the world opened up on Western democratic lines. While the only Eastern European, a Pole who in our year was still considered a curiosity, we went on a study trip to Sofia and Krakow with Johns Hopkins in the summer of 1990.

A new era was dawning! Democracy, globalisation, free trade and progress were everywhere. The world was united! In the mid-1990s, when I worked in Africa and Yugoslavia, there was still a clear sense of the superiority of 'us' from the developed world coming to help and 'them' there. Now wealth and self-confidence have increased everywhere. I have Whatsapp conversations with some 'friends' in the slums of Nairobi. And where the Bolivian indigenous people, when I started there in March 2007, still felt inferior, they have grown in self-confidence with guaranteed basic rights and benefits for everyone.

Tension points

A number of friction points in the now globalised system are becoming increasingly clear. Unbridled capitalism, to name but a few, results in: the absurd wealth of the few; our vulnerability as a result of concentrating industrial production in a few (often undemocratic) areas of the world; unprecedented population growth; unlimited consumption; and the total exploitation and sacrifice of nature. Another wringing point is the anti-globalisation movement as a reaction to globalisation.

What I see as a major problem is that our leaders deal with reality as it presents itself in a very one-sided way. The cause of this is that the 'establishment' applies all sorts of principles, almost exclusively taking into account the (expected) public opinion. This leads to a top-down approach based on a certain principle, such as human rights, without looking at the situation and seeing what is needed to protect the rights of all people. Anti-globalisation also stems from this principled approach. An example of this is the current initial management of the Corona virus! The established (non-populist) governments do not want to be held responsible for any death, caused by the fact that the medical system did not have enough capacity. The careful balancing of interests is thus compromised by the premise that there should be no Corona deaths due to lack of hospital beds. Populists like Trump in the US or Bolsonaro in Brazil ignore the enormous complexity of this balancing of interests, in part as a reaction to this 'political correctness' of the non-populists.

If you replace the higher standards and principles with looking at what it takes in a given situation to ensure legal rights' protection for all, you descend to reality, and you can discern the good order of things.

3) Legal rights' protection for all & Law as 'the good order of things'

Triana, Vélez-Málaga, 31 March 2020

Still alone on my hill, endless rain. I now see that there might not be a first flight to the Netherlands again until 7 May. Enforcement is so strict now that I don't want to endanger anyone by visiting them. Neighbours keep an eye on each other in the village. Our most essential civil rights have been taken away from us without the purpose of the confinement being clear. Even people who live on the beach or in the countryside are not allowed to get some fresh air, and going to your country house is out of the question. Drones are used to monitor! The Spanish government seems to have lost sight of 'law' as 'the good order of things'. And all kinds of 'war propaganda' has been brought out of the closet, including on television songs with heroic slogans like: 'Quédete en casa' (stay at home), and 'España es un gran país', and every evening at 8 p.m. the massive applause sessions from the open windows and balconies of the imprisoned Spanish population to keep up the courage! Fortunately, I do not suffer from this on my hill, and I am condemned to an obligatory retreat for an indefinite period of time!

I have spent the past year helping my father write his book. We come from a family of lawyers and administrators, always looking to play a role in society. According to my father's theory, this involves the law as the 'good order of things'. This is the main theme of his book, which finds its basis in his upbringing and particularly the Second World War. He has given shape to this in his life. Law as the 'good order of things' is not an uncritical application of rules but a search to see what is right in every situation. Law is an organising mechanism to make it possible for all participants, both government bodies and citizens and their organisational forms, to live together constructively. In this way, the law is the lubricant of society.

4) Legal rights' protection & the 'Responsibility to Protect'

In 1994, I worked for a short time for the Unrepresented Nations and People's Organisation (UNPO), an organisation that is a hotchpotch of indigenous peoples, minorities and occupied territories, such as Tibet, East Timor, Kosovo, the Czech Republic, the Assyrians and the Batwa, among others. All with their own goals, legitimate or otherwise. The communication process between 'mainstream' and minority groups fascinates me immensely, and I am developing a legal concept to shape this communication process. All parties have an interest in communication, if only to address practical problems. In this way, violent conflicts can be solved or, even better, prevented. Such political conflicts between governments and minorities almost always consist of an interplay of rights that are violated.

Emile van Lennep, my career counsellor from the very beginning, talks to me about the UNPO. In his opinion, minority rights are not necessary. Civil rights, linked to the individual, are guaranteed in the various human rights treaties and in a country's legal system. This, he argues, also offers sufficient protection to groups of individuals. It is a matter of ensuring that basic rights are actually observed and that existing legal structures are effectively implemented. My romantic feelings about oppressed minorities are put to a heavy test by this. Now, many years of work in development and conflict zones later, the importance of these words has dawned on me. Nationalism and actually tribalism in all kinds of groups is now the main cause of conflict and insecurity in our society. Giving hands and feet to basic rights and legal rights' protection for all appears in practice to be the way par excellence to build sustainable relations and peace.

At the same time, I met (via Van Lennep) an Algerian diplomat, Mohamed Sahnoun, a wise man and great mediator in complex conflicts. He will become a great pillar of support for me in the wasp's nest of international relations, especially as his top career has also been beset by much adversity due to his sincere attitude. I also encounter them all the time, and then I feel supported by this hero who has suffered so much and has also been disappointed in humanity so many times. Initially, as a young man, he was captured and tortured by the French only because he made international political connections in order to win support for Algerian¹ independence. Sahnoun is a peaceful man, from a Sufi tradition family, who does not advocate violence. A top diplomat, he was temporarily marooned in 1994 after falling out with then-UN Secretary-General Boutros Boutros Ghali. He led the UN mission in Somalia, where in 1993, contrary to his advice, the American military intervention had taken place. That led to the disastrous outcome - Sahnoun had already resigned by then. He had before fled his own country in 1991. The President of Algeria had not followed his advice to respect the election results, which had been won by the Muslim extremists. Painful as those results were, that was the consequence of democracy. In the 1990s, we saw the bloody battle that the army's suppression of democracy in Algeria led to, with more than 100 000 deaths. Sahnoun is the driving force behind the international community's concept of 'the Responsibility to Protect'² to ensure 'human security' when a country's government is unable or unwilling to provide protection for the entire population on its territory. I see the 'Responsibility to Protect' (RtoP) as a basic instrument for international relations and development cooperation. I am not talking about military interventions by the international community that might take place on the basis of the RtoP in very exceptional situations, but rather in the prevention of conflict and the building of healthy peaceful societies in which the rights of all are protected. The core task of the international community should then be the practical promotion and implementation of legal rights' protection for all.

¹ In 2007, Mohamed Sahnoun published a book about this painful experience entitled 'Mémoire blessée, Algérie, 1957', Presse de la Renaissance. The beauty of this work is that he never speaks with rancour about the French. On the contrary, he shows how French friends smuggle him out of prison and take him by boat to France, where he is allowed to go into hiding as a priest in a monastery. I had an absurd experience when I read his manuscript in a café in Belgrade in the early 2000s; the book explains how loud music by Edith Piaf was played during the torture, and what do I hear in the café: la vie en rose ...

² Unfortunately, this concept has been misused for military intervention in Libya in 2011, and has therefore fallen into disrepute. I will address this concept in Chapter 4, based on my experience in Iraq.

Part I: UN Human Rights Mission in post-genocide Rwanda 1994/95

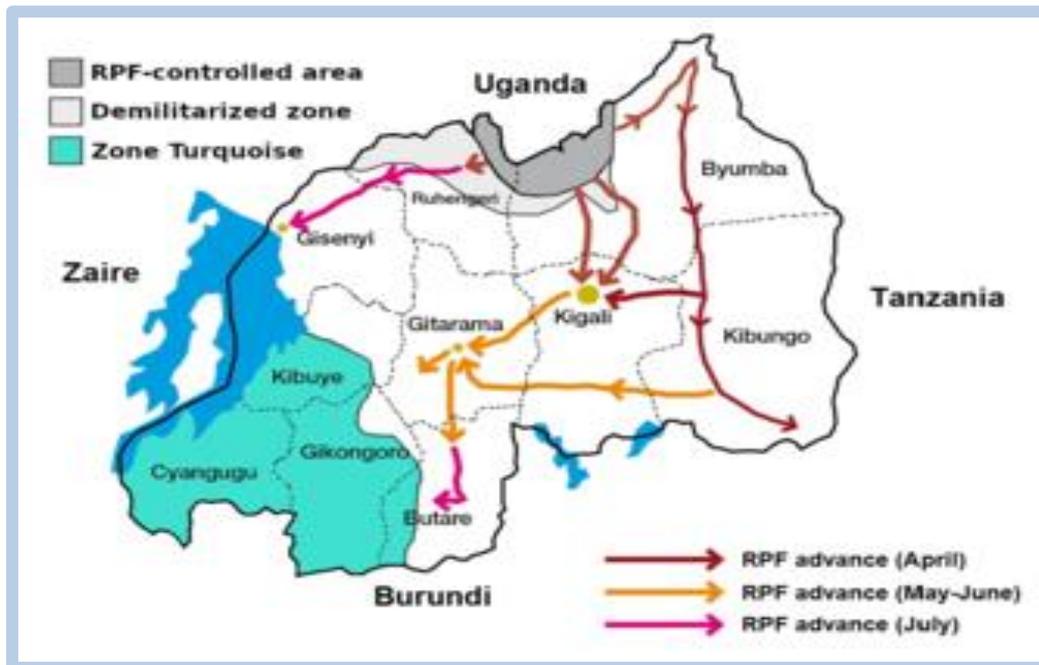
It is October 1994 and after years of being stuck in a law office in Amsterdam, I am eager to work in the field, in conflict areas. I am becoming increasingly restless and decide that this October at the latest I will leave on my international mission. But the first half of October I don't see anything in sight. Then I have to get into action! First to Washington where my former Johns Hopkins colleagues are, actually at the World Bank and State Department, and also my uncle is Ambassador of the Netherlands there. By calling them to prepare my Washington trip, I hear that the UN is desperately looking for people for Rwanda. My coming into action is thus immediately rewarded! I call the UN, send them my CV and a week later I am in Geneva for a check-in, including a medical examination. The next day, I fly to Kigali. The medical examiner looks at my form, congratulates me on my birthday and adds: "29 years ago you were born biologically, today your life begins". I am stunned.

This is how, at the end of October 1994, I begin working as a human rights officer for the United Nations' High Commissioner for Human Rights (UNHCHR). I had never heard of Rwanda until, while getting out of bed in the morning of 7 April 1994, I heard a strange message on BBC radio: 'the President of Rwanda and the President of Burundi, together in a plane, had been shot down the previous day'. Then the first bloody images of the genocide, which will last from 7 April until far into July 1994, come in. Out of a total population of about 7.5 million³, 800,000 to 1 million people were murdered in the bloodiest way possible.

Rwanda was the baptism of fire. The months I spent there were the most intense, painful, shocking moments of my life. In Rwanda and in missions elsewhere working in a UN context, I noticed that something essential was actually missing. It is the human aspects of international relations. I had already missed this when I studied international relations. Who are the people behind the monstrosity 'international community'? And what do all those peace treaties, human rights and democracy mean for the people it concerns? What you see is that most of the funds are spent on the international institutions, including setting up international tribunals, peace talks, conferences, while hardly any attention is paid to concrete reparations for the victims.

What I see is that a bottom-up people-centred rights approach to policy development was lacking and I tried to develop this in the field as a UN staff member as best I could.

³ Population in millions according to Economist Intelligence Unit: 1990 - 7.18; 1991 - 7.27; 1992 - 7.53; 1993 - 7.7; 1994 - 6.8



Map showing the advance of the RPF during the genocide and the location of Zone Turquoise. 23 June - 21 August 1994. Source: Wikipedia Mission Turquoise

1) My first week experiences with the UN and the genocide in Kigali

Kigali, Sunday 6 November 1994

Last week I hurriedly took the plane to Geneva, from there, in possession of a light blue UN-laissez-passer, I fly first class with Sabena via Brussels to Kigali. Upon arrival, I am met by one of my colleagues, who takes me to the Hôtel des Mille Collines. A drive through the green hills of Kigali where there is absolutely no sign of the genocide, but where the war certainly took place. UN, NGO and army vehicles are everywhere, there are hardly any ordinary cars to be seen. I am shoved into a double room with three female colleagues, I can still fit in there. I have to, because the hotel is full and since the genocide this is the only hotel in operation. During breakfast with my roommates by the pool, other colleagues join in one by one. It is Saturday and the weekly meeting of the human rights officials is in the afternoon. Everything looks very normal, but I understand from the stories that this is recent. I am informed about everything. About the Tutsis who hid in this hotel during the genocide and thus escaped death⁴. About our human rights mission here, which appears to be a complete mess, and why. The fact that the UN completely failed during the genocide, whereupon the UN High Commissioner for Human Rights, out of a sense of guilt, hastily organised a mission. Human rights observers have been flown in since October, and there are now about thirty of them here, which will be 150. Nobody knows the answer to the question of what we have come to do. What we need are vehicles and radios - but there are none. In other words, there is nothing we can do. Our boss is a frail, balding Briton with white hair and a ring beard called Bill Clarence. He is approaching retirement. Before

⁴ From the 2004 film adaptation in romanticised form "Hotel Rwanda", I learn more details about the rescue of 1268 Tutsis.

Uganda's independence, Bill worked for the British administration. Not a good choice given the current situation; working for the coloniser in Uganda is certainly not a plus for gaining the trust of the current Tutsi government. They themselves have lived as exiles in Uganda for the past decades. Moreover, he knows nothing about human rights, nor does his deputy, Irishman Jim Scally. Scally is a brutal, more logistics-oriented military man with a small heart. They have more in common, both like whisky to drink away their despair. The situation at the UN human rights mission is becoming clearer to me. I have to deal with bosses who don't know what to do with the growing staff, who have no idea how to get the job done, while we lack logistical support. Early in the afternoon, I walk with a couple of colleagues to the UNHCHR office a few blocks away, located in a nice neighbourhood with asphalt roads, detached villas with gardens and many trees. Also coming to the office today are the colleagues who are already working in the field in all parts of the country. Mainly lawyers, but also anthropologists and historians from all parts of the world. Many Westerners, including a group of recent graduates from Geneva who are constantly sounding out what jobs the UN has to offer. Last week they started in teams of two or three and are now reporting on the situation and security. The teams are spread across all provinces, such as in the north-north-western town of Gisenyi, which borders the Zairean city of Goma to which many refugees have flocked. In Gitarama, in the centre of the country, where the war has left the most devastation. In Kibuye in the west, where Lake Kivu seems to be a true paradise. In Gikongoro in the south, the former Zone Turquoise with its displaced persons camps, where the situation is most tense. That province attracts me in particular, what would I do in a provincial town where nothing special is going on? By the end of the meeting, it is still not clear to me what to do. Monday, perhaps.

Early in the morning, I rush to the office, but even then, nobody can tell me anything. With colleagues who have also arrived this weekend, I am taken to the Head Quarters of the UN Peacekeeping Mission UNAMIR to arrange for a UN identity card and UN driving licence. There we get a security briefing. Security does not seem to be a problem in Rwanda anymore, except in the border region with Zaire and the turquoise zone in Gikongoro, where there are displaced Hutus. Tuesday, the same story, hanging around again. We have no idea what our task is, but thinking about how to fulfil our mandate and taking this up with the authorities in Kigali turns out to be a pragmatic solution that does not fit in with the usual way of working here. So, we soon learn to keep our mouths shut. As the week progresses, we are still sitting idle in Kigali, waiting for God knows what, while we are paid a handsome salary; myself net US\$ 3,400 per month, plus US\$ 100 daily allowance (US\$ 3,000 per month), plus US\$ 1,000 hazard pay!

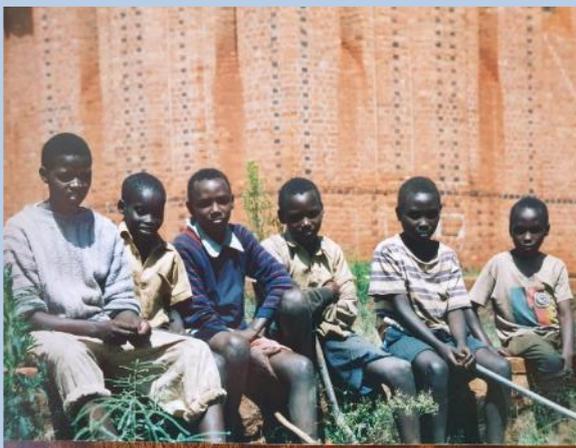
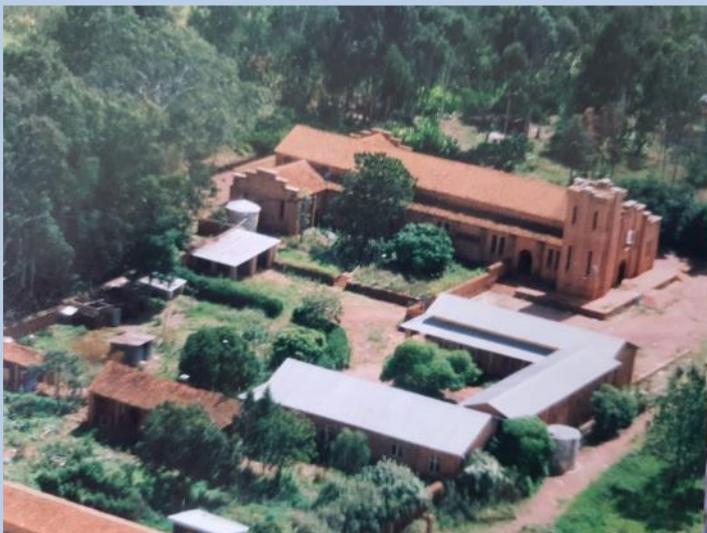
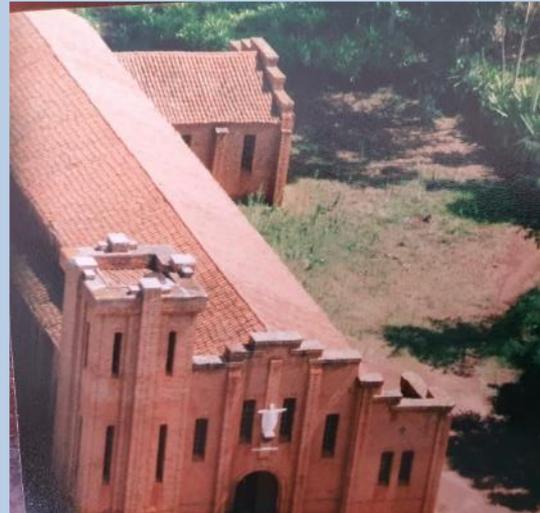
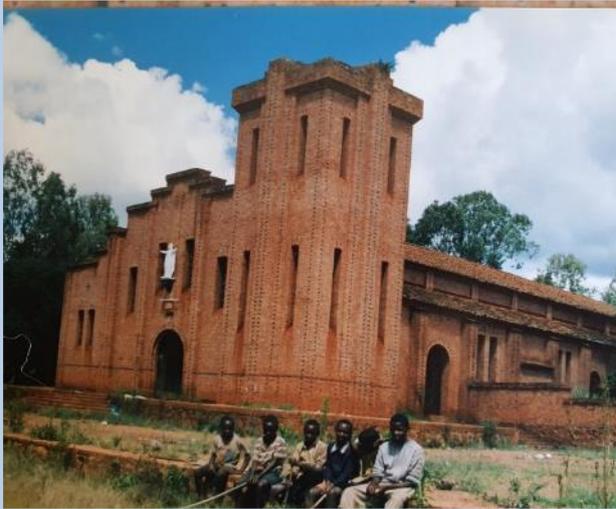
When I am back in the office, hoping to do something, an energetic looking couple comes barging in. I immediately speak to them. The warm-hearted man, blond, mid-thirties, English, originally a barrister in London, is Adam Stapleton. His companion is Nagette Belgacem, a young Algerian Frenchwoman, also a lawyer. They work in Gikongoro and report that they have to leave soon, to avoid 'the hassle' in Kigali. I beg them to take me with them. That is only possible if I bring a car, Adam answers, and of course I don't have one.

My Mexican roommate Roxana is on the road every day. She assists Spanish forensic experts who visit the 'massacre sites' by helicopter. She leaves early in the morning, sturdy

with long trousers and cap boots, and returns in the evening with exciting stories. In Kigali, the genocide remains an abstract fact. I ask Roxana if there is a spare seat in the helicopter. That turns out to be no problem at all.

Easter School Reports

With Roxana and the Spanish forensic team, I set off for Nyarubuye, which is located in the southeast of Rwanda near the Tanzanian border. The site contains a complex with a church, a monastery and a school. During the genocide, thousands of Tutsis fled to this church. Their fate: a terrible massacre! Horrific is the sight of the many dead in and around the church who have still not been buried. By now, they are largely mummified and the sweet, woeful smell of death hangs over them. A smell that still hangs in my nostrils a few days later.



Nyarubuye: Church complex with school next door where the massacre took place, a chapel in the church and boys playing football among the corpses in the churchyard.
The photos were taken by me on All Souls Day on 2 November 1994.



Nyarubuye: Mummified woman with child on her back in church square;
would she have been killed on her flight?
2 November 1994



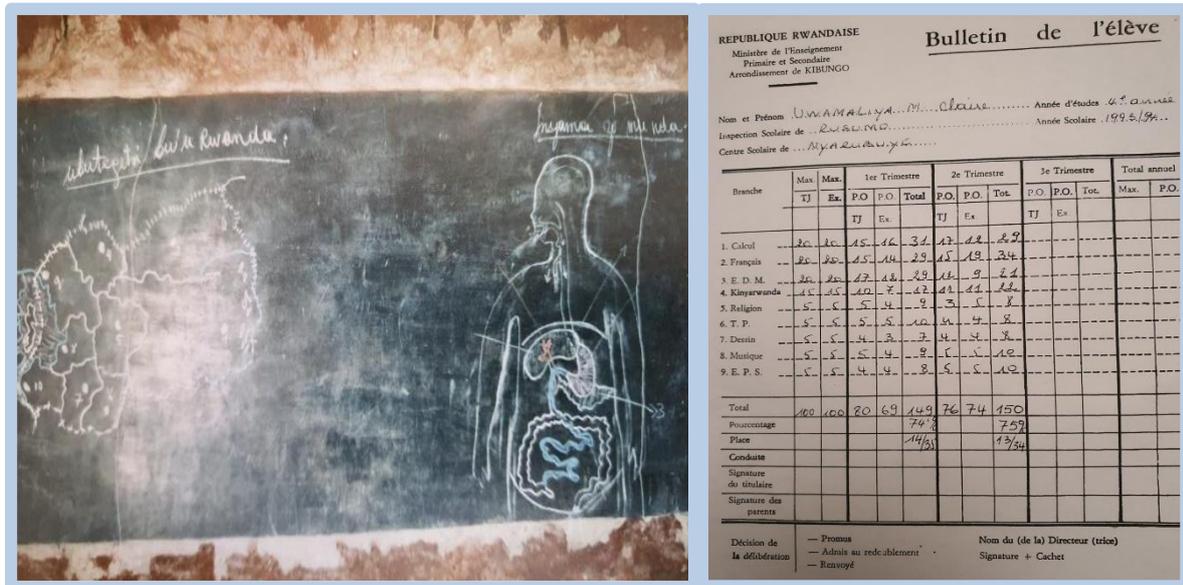
Nyarubuye: In the neighbourhood of the churchyard a group of people who on 2 November 1994 had been lying here for at least 4 months



Nyarubuye: This pregnant woman was killed in the church, and has been lying here all this time
2 November 1994

The contrast with the school next to the church could hardly be greater. Everything is exactly as it was just before Easter 1994, as if it were Pompeii. The Easter school reports of the third semester lie in neat piles on the desk of a teacher. On the blackboard, a map of

Rwanda, next to it a drawing of the human body inside. A geography and biology classroom?



Nyarubuye - In a school classroom, a map of Rwanda is displayed on the blackboard, next to it a drawing of the human body inside, and on the desk of the teacher there is a pile of Easter school reports, one of which is pictured here- 2 November 1994

A sinister sight, this so ordinary, daily scene, while a classroom further the dead lie. People with dents and cuts in their heads, caused by sticks and machetes. In the afternoon, the forensic experts and Roxana walk to another massacre site, as the killing fields are called. I cannot see any more dead people that day and stay behind alone for a few hours. A group of children hang around me. We can't talk and to do something with them I take out of a class room some balls made of banana leaves. We play field hockey with the balls and sticks that are lying around everywhere, amidst the dead. When afterwards some women who are walking by start dancing and singing, the place gets something serene. The nature with abandoned huts is actually beautiful, despite the situation. Opposite aspects of life come together. Life and death, joy and sorrow, beauty and the devilish manipulations that have done their work here. I have to shed a tear when the helicopter picks us up and a large crowd wave us off.

At the moment itself, the corpses do not affect me emotionally; the following evenings in bed, the images of the dead pass by with lively expressions on their faces; the mummified woman with her skirt up and legs wide on the church square, in the church a little boy wearing a beige tropical suit, the various women with children on their backs and the masses of corpses on top of each other.

The next day, I make another trip to a number of 'massacre sites' in the south. Now I accompany a special committee that advises on the establishment of an international tribunal. Another surreal experience. Where the helicopter lands, the entire population swarms in from all sides to witness this event. We stay for ten minutes and then we take off again. I discuss with the committee the tribunal that is to be set up. The main difference of opinion between the Rwandan government and the international community is that the

tribunal will not apply the death penalty, whereas the death penalty is part of the national legal system. This creates the absurd situation that the instigators of the genocide will appear before the tribunal, where they can expect, at worst, x number of years in prison. On the other hand, the 'little ones' have to reckon with the death penalty!

In these otherwise idle days, I try to get into conversation with as many Rwandans as possible. The people all have a terrible story about how their families were killed. Yet they do not show any sadness; I never know exactly what is going on inside them. The question that haunts me: how is it possible that people can be so organised, prepared and systematically cruel? I will probably never understand the answer.

When I was reading up on the subject a few days ago by the pool of the Hôtel des Mille Collines, an "insider" UN colleague, the Italian Oriano, sat down with me and warned me in a companionable manner that you should never do that in the UN. "Always pretend you are very busy, sitting by the pool is not the way to make a career in the UN."

Someone from our mission found out that there is also accommodation in a convent, a few hundred metres down the hill. After a week, in order to be able to withdraw a little from the international scene and to have my own room, I also go to this convent "La Procure" next to the church with the nuns. Massacres have taken place here. Alone for the first time, the experience of a week of 'Rwanda' begins to sink in. It has already fundamentally changed my view on people and politics.

I try to understand the situation here: what is the difference between a Hutu and a Tutsi? What is the history of the conflict? How did this genocide come about? I am talking to people about this and reading everything I can find to form an understanding. I will write down what I have understood so far.

The Hutu vs Tutsi conflict in a nutshell

Distinction between Hutu and Tutsi

The distinction between Hutu and Tutsi remains a source of confusion and misunderstanding; both speak the same language, have the same culture and religion, live on the same land, and marry each other. So, what is the basis for the Hutu-Tutsi distinction? The story goes that the original inhabitants of Rwanda are the Twa, also referred to as forest symbiotes. The agricultural Hutus are said to have settled in the 7th to 10th centuries, while the Tutsi pastoralists are said to have come from the north in the 14th to 16th centuries. But the Hutu/Tutsi distinction was also based on class in the past. The Tutsi were the cattle breeders and had political power, the Hutu were the farmers. The existing distinction between Hutu and Tutsi was sharpened, initially by Germany (Rwanda was a German protectorate from 1899 to 1916), but especially by Belgium - which received Rwanda as a mandate area after the First World War - by designating the Tutsi as the ruling class. A Tutsi with less than 10 cows was reclassified as a Hutu and the Hutu had to perform forced labour under the supervision of the Tutsi. These class relations were subsequently 'ethnised' by the Belgians by including ethnicity as such in identity cards and making anthropological, racist descriptions of the Hutu and Tutsi. According to these writings, the Tutsi are the superior race - tall, slender in stature, narrow nose, lighter skin colour and

intelligent (Nilotic). The Hutus are the inferior race - small, pressed in stature, thick nose, dark complexion and stupid (Bantu). The Belgian colonisers used the Tutsi minority to oppress the Hutu majority.

The Conflict

With the decolonisation and democratisation in Europe, starting in the late 1950s, Belgium now supported the Hutu majority. With this support, the first massacres took place in 1959, costing the lives of tens of thousands of Tutsi and making many Tutsi refugees in neighbouring countries. This was the start of cyclical massacres of the Tutsi people. With the declaration of independence of Rwanda 1961, recognised by the international community in 1962, the Hutu majority came to power. More than half a million Tutsi fled, mainly to Uganda. Subsequently, the Hutu dictatorship created a myth that the Tutsi herdsmen came much later and oppressed the Hutu farmers and the original Twa population. This myth gives legitimacy to the Hutu dictatorship and justifies the discrimination against Tutsi. After the second Tutsi massacre in 1972 and General Habyarimana's coup in 1973, Rwanda developed into a corrupt, totalitarian state with a firm grip on the population. Opposition is suppressed with a heavy hand. From 1991, a multi-party system was formally established, but the country was in the midst of a total economic, social and political crisis. The "Tutsi aggressor" who wants to return to the already overcrowded country acts as a scapegoat.

In summary, conflict between the groups has always existed. It is inherent in the struggle between farmers and cattle breeders for scarce land, as is the case in many places in Africa. The cause of this conflict getting totally out of hand is due to the manipulation of relations, first by the coloniser and then by the indigenous political elites. Overpopulation and environmental degradation are also objective sources of conflict over scarce fertile land, which also occur elsewhere in Africa. However, because of the cyclical massacre parties, the characterisation of Hutu and Tutsi is far from objective and to a large extent based on an irrational, collectively suppressed traumatic experience.

Return of the Tutsi from 1990, the genocide April-July 1994 and flight of the Hutu

Hutu President Habyarimana wants to know nothing of the return of the Tutsis. Some of the Tutsi who had fled to Uganda, a second generation of refugees, had helped the Ugandan guerrilla fighter Museveni to power in his resistance against Mobutu. When it becomes clear that the refugees remain second-class citizens in Uganda and Museveni insists on their return to Rwanda, the Tutsi try to bring about their return by force. They are supported in this by the Ugandan army. The Tutsi army, which goes by the name RPA (Rwandan Patriotic Army) invaded Rwanda in October 1990. An area in northern Rwanda became their base. In 1992, a negotiation process started between the government of Rwanda and the Tutsi Rwandan Patriotic Front (RPF). The negotiations resulted in peace in August 1993. The Peace Accords are concluded in the Tanzanian city of Arusha, where later, after the 1994 genocide, the international tribunal will be established. The 'Arusha Accords' agreed to an end to the war, the return of (Tutsi) refugees, democratic power-sharing and the integration of the Tutsi army (RPA) into the Rwandan army (FAR). To monitor compliance with the agreements, UN troops, UNAMIR (United Nations Assistance Mission in Rwanda), were deployed in Rwanda towards the end of 1993.

But from the time of the Tutsi invasion in 1990, a fierce campaign against the Tutsi was already underway in Kigali; 10,000 Tutsis and political opposition were imprisoned, and many were killed. The people were brainwashed, with the radio station "Mille Collines" (RTLM) playing an important role. With the help of France, the government army was strengthened while the peace negotiations in Arusha were in progress. Weapons are smuggled en masse and machetes are manufactured⁵. UNAMIR commander General Dallaire sent reports of this to the UN Secretariat in New York and warned of impending genocide, but his reports were ignored. Habyarimana's presidential guard did not support the peace agreement. On 6 April 1994, on his return from Arusha, the plane in which President Habyarimana was travelling was shot out of the sky. The perpetrators remain unknown to this day. A few hours after this incident, a well prepared and organised genocide campaign started in Kigali. Immediately the moderated Hutu opposition, including many ministers, and Tutsis are massacred. The genocide quickly spread throughout the country. Barricades are erected on all roads and identity cards are checked. If the identity card states that the holder is a Tutsi, he or she is slaughtered. The same fate befell the Hutu opposition, who were tracked down with the help of lists compiled. The entire population is involved in the massacres. The killing takes place every day, for three months, under the encouraging guidance of the radio station Mille Collines, in the intoxication of banana beer. There is close cooperation between local authorities, the army, the gendarmerie and the extremist Hutu militia Interhahamwe. Those who refuse to participate are themselves slaughtered. Hutus denounce their Tutsi neighbours as Hutus on their identity cards, which was common practice in pre-genocide Rwanda. In order to avoid discrimination, many Tutsis identified themselves as Hutu before the genocide. There are also testimonies of children from mixed marriages forcibly killing their Tutsi mothers. The instrument of slaughter is the machete, a large machete used for all daily chores. The churches are the place of choice for the biggest massacres. The hundreds of thousands of people who take refuge in the church are massacred. They are under the fatal assumption that a church offers safety. During the 1959 and 1972 massacres, the church was still a sacred place and safe haven.

Three months after the start of the massacres in April 1994, the Tutsi army (RPA) gets the country under control, having stopped the genocide entering the country from the north. UNAMIR had since April reduced its mission in response to the genocide to a minimal observation mission of 300 men, which will always remain a thorn in the flesh of the Tutsi-dominated government after the genocide. Especially because of the role played by France: before the genocide, France gave advice and weapons to the Rwandan army (dominated by the Hutu dictatorship) in its fight against the RPA. During the genocide, France was quick to offer its troops for a UN peacekeeping force, the so-called 'Mission Turquoise'⁶. Instead

⁵ At the beginning of 1997, I met a Serb in Vukovar who told me that he had run a machetes factory in Rwanda, and that they could not meet the demand for machetes months before the genocide began.

⁶ On 19 June, the French government announced its intention to establish a "safe zone" in the south-west of Rwanda. On the brink of defeat and retreat, news of an intervention by their genocidal allies spread throughout the country, increasing their confidence and continuing their hunt for genocide survivors. The French said that the objectives of Opération Turquoise were: to maintain a presence while waiting for the arrival of the expanded UNAMIR... The objectives assigned to that force would be the same ones assigned to UNAMIR by the Security Council, i.e. contributing to the security and protection of displaced persons, refugees and civilians in danger. Source: https://en.wikipedia.org/wiki/Op%C3%A9ration_Turquoise (June 2020)

of stopping the genocide, the French presence in the southwest of the country has allowed the genocide to rage on for a month longer. The French then offered protection to the perpetrators of the genocide as they fled to Zaire in July 1994, when the Tutsi army (RPA) took control of the country. The French then control the southwest of Rwanda. From this area those responsible for the genocide find refuge in Zaire. In this so-called 'safe zone' displacement camps were set up for Hutus who had fled. In August 1994 the French withdrew and the RPA gained control of the entire country.

Taking stock: two million Hutus fled to neighbouring countries and 600,000 Tutsi refugees from the 1959-1972 genocides returned to Rwanda. Within three months, 800,000 to one million Rwandans (mainly Tutsi) have been killed and a massive displacement of people has taken place. This migration has also brought about a change of language. The Hutu regime of French-speaking Rwanda has moved across the border, while the Tutsi, who grew up in English-speaking Uganda, Kenya and Tanzania, speak English.

2) Fieldwork in Gikongoro, the French 'Zone Turquoise' and the IDP camps

Yippee - finally working in the field!

Butare, Monday 7 November 1994

In the Saturday team meeting, I am told that I will be part of the Gikongoro team. How happy I am, finally to the field, away from Kigali, and to the province and the team that I wanted. On Sunday, we have a preliminary discussion on the terrace of the house that teammates Adam and Nagette have rented, a nice house in the villa district not far from the office and the hotel Mille Collines. The beautiful, charming Algerian-French Nagette is not happy. She has spent the last two weeks driving with Adam in a big blue Landrover through Gikongoro to prepare for the fieldwork. She is convinced that it makes no sense to drive around with more people in one car. She keeps refusing to accept me and the other newcomer, the quiet, friendly and more observant Senegalese Musamba in the team. Adam, who thinks strong women are fantastic, has fun and, with a large dose of humour, is finally able to convince Nagette to accept us. The conversation is largely in French, and for an Englishman, Adam's French is not bad.

The camps in Gikongoro: a thorn in the side of the Rwandan army

Adam then explains the situation in Gikongoro. In this south-eastern province, internally displaced persons (IDP) camps were set up during the genocide and war due to the protective presence of the French military intervention, which bore the name 'mission turquoise'. In November 1994, there are still many displaced persons' camps with a total population of approximately 350,000. These camps of Hutu IDPs pose a security threat in post-genocide Rwanda. The Rwandan army (RPA) wants these camps closed as soon as possible. People in the camps do not dare to return home because they think they will be killed by the army. And if they do, they are threatened with death by the camp leaders. The camp leaders, who have blood on their hands, use the innocent Hutu population as human shields to avoid being arrested themselves. Then there is the international community in

the form of the various UN institutions and NGOs, which either observe or provide the camp population with food, medicine and all possible additional needs. The international community also tries to facilitate the return process.

We are discussing our task in this situation. We decide that it will consist of getting the communication between the different groups going. And we are going to mediate between the different groups in the process of closing the camps. This means building the army's confidence and providing support in setting up detention guidelines. To gain the trust of the people in the camps, we have to operate independently of the army. I totally agree with Adam's views and analysis. Unfortunately, Adam is leaving for London in a few days for the delivery by his wife. Then Nagette, Musamba and I will have to do it together.

Kigali Saturday, 12 November

After an intensive week of fieldwork, we are spending the weekend in Kigali, back in the convent.

Last Monday, we left for the field in the Landrover. Normally, UN cars are white with big black letters UN. However, our car is blue, with white and blue stickers of the UN High Commissioner for Human Rights. This slows down our journey considerably. Everywhere on the road, there are roadblocks manned by soldiers, where we have to identify ourselves and explain what we are doing. The UN vehicles just drive on. An hour's drive south brings us to Gitarama. This is the first place where I see war-damaged buildings. We continue south for another hour on winding roads that take us over green hills. It is striking that the roads are well tarmacked and in very good condition. In the towns and villages there are normal brick buildings, on the land mud houses. There is not a hill that is not farmed. I see banana trees everywhere. Then we arrived in Butare, the university town of Rwanda. In Rwanda, the province or prefecture is named after its capital. Butare is the southern province bordering Burundi.

We first go to a monastery run by Polish priests and nuns. This is where we will sleep for the time being. We drop our things at the monastery and drive half an hour further in western direction to the agricultural provincial town of Gikongoro.

This week is all about getting to know the region. We make many visits to various organisations and institutions, such as the UN military observers, the UNAMIR peacekeeping forces, the NGOs and the local dignitaries. In the field, this all happens easily and informally, usually without an appointment. The telephone does not really work here either. We communicate with each other by radio. We also drive around a lot and visit all the displaced persons' camps. Gikongoro can be divided into a northern and a southern part, with one very large camp in the south, Kibeho.

Life as a UN human rights observer in Gikongoro

We get up every morning between 5.30 and 7.00. The nuns take care of our breakfast and then we drive towards Gikongoro, which is located 30 kilometres west of Butare. We start the day with coffee at the military observers ('milobs'), who sit opposite our future office.

The milobs tell us about the incidents of the past day and night. The office, for which we have just signed a lease, is on top of the hill, in the middle of the village. Everyone runs to us to ask for work. Then we drive around a lot on dirt roads, which turn into muddy tracks or even streams when it rains. We have to get through them in the Land Rover. Again and again, I jump out of the car and talk to everyone and everything. We also open an office in Kibeho hospital. Being stationed in the middle of this camp does not appeal to me at all. The evenings in the monastery, we eat and hang out with the soldiers at the UNAMIR base in Butare, where we exchange experiences. It creates a bond to be with people from all over the world in this absurd situation.

I don't know anything about what is going on in the world. I don't hear anything about Rwanda and even about our task I get only vague information! All I have heard is that the Security Council made a decision this week on the international tribunal. This decision was not accepted by Rwanda because the death penalty will be applied in the national tribunals but cannot be applied by the international tribunal against those most responsible. A national tribunal, based on traditional law including the death penalty in extreme cases and under international supervision could be an interim solution, in my opinion. Or better still, a cooperation between a national and an international tribunal. The international tribunal would then determine whether or not someone was found guilty of genocide, and the national one would determine the corresponding punishment.

The role of France

I remember that last June, on television, the French military intervention ('Mission Turquoise') was portrayed as heroic: the only country prepared to stop a genocide while the UN withdrew. What the television did not tell us is that the French created a buffer zone from which those responsible for the genocide were given safe passage into Zaire, with this area being plundered by the Hutus under French protection.

In Gikongoro, everyone talks about the French, who have only been here for a bit more than a month. The camps were created as a result of the 'Mission Turquoise'. When I start talking about the French, I feel an inner bubbling of dismay and indignation. The same story is confirmed by everyone. France supported (training, supplying weapons etc.) a government and army that was preparing genocide. France supported the interim government during the genocide. The French army gave the Hutu extremists protected escapes through the Zone Turquoise into Zaire. And from more and more sides I hear that in Zaire the Hutu extremist militias (Interahamwe) would receive training and weapons from France. At the same time France is blackening the current government in the world and frustrating adequate decision-making in the EU and UN. With this behaviour another war is in the making; an invasion from Zaire with Zaire support is feared by many, and in my opinion a pre-emptive attack on the camps in Zaire by the Rwandan army is only a matter of time.

The French apparently had an overdose of biscuits in their rations, because everywhere children run up to our car and shout: "biscuits, biscuits". In the camps in the north, everyone is waving and shouting: "kamerade musungu, musungu (musungu = white

man/woman)" and we are welcomed as if we were liberators, especially when we enter the IDPs camps with a UN-convoy.

Visit to a British colonel

We visited a British colonel (paratrooper and medical doctor) at the British base in the east, in the rainforest that leads to the province of Cyangugu. The colonel is a typical Englishman, who clearly puts together the pieces of a puzzle for me. He tells me that three months ago, British medical troops came to Gikongoro to give the displaced people medical assistance so that they would not flee further out of the country to Burundi. They treated 1.000 people per day. Now they are no longer giving medical aid and are leaving so that the IDP camps can be closed as they are threat to internal security

The colonel also tells us that when they took over this camp from the French, the French made no secret of hunting at night for Interahamwe (Hutu militia) who had lost their heads (figuratively I hope).

He goes on to express his annoyance with the NGOs, which generally do not think about the implications of their aid. They only see people with no history who need to be helped, whether they are murderers or not. The British colonel tells that when he came here in mid-August the NGOs did not know what the situation in Rwanda was. That, for example, a new government, the Rwandan Patriotic Front (RPF), was in power. According to him, the NGOs were very much involved in spreading rumours that anyone leaving the camp would be killed by the army. The Colonel then asked them to tell the truth, to which the NGOs had responded that that was not their responsibility. He then urged them to at least stop spreading rumours, to which the NGOs replied 'no, we are free to do as we please'.

I find it very hard to accept the facts that, especially in the camps outside Rwanda, mass murderers are being fed and their authority respected, while the current government does not receive a cent, even though it has fulfilled all its promises so far. People are being arrested without trial. But is that culpable in a situation where there is not even paper and pen to write down the names of detainees? General amnesty after genocide is unacceptable to the world, while the means are lacking to arrest and try suspects according to due process.

IDP camps closed

Operation Homeward' began this week. The government wants the camps to be empty by 1 December. UNAMIR and the UN refugee agency, UNHCR, are being deployed to return people to their places of origin.

The camps not only have social, political and economic negative effects, but also the beautiful green mountain landscape is destroyed because the displaced people cut down the trees to build their huts and make fires. In the biggest camp, Kibeho, where there seems to be a lot of Hutu militia (Interahamwe), I feel uncomfortable with the skittish, suspicious eyes of men who have most likely spilled blood under their hands. It is said that the Hutu

militia set out from the camps at night into Gikongoro to kill with machetes potential witnesses against them.

Nobody tells the truth

It is difficult to establish the truth in this situation. So-called witnesses of recent incidents by the army are brought to me. It is difficult to distinguish rumour from truth, and then there is such a thing as perception. When someone is arrested and then he disappears, in the perception of the people here, who have witnessed so many mass killings, he has been killed.

This week, Nagette, Musamba and I also knocked on the door of the diocese one morning to visit the Catholic bishop of Gikongoro, Augustin Misago. The bishop has a striking face. As is often the case with people in higher positions in Africa, he talks formally and in abstractions, and that about a subject such as the genocide! Nagette and I engage in a long, penetrating conversation with him. Musamba observes. The bishop came up with all kinds of improbable explanations, saying that he had helped the Tutsis to escape death. After our conversation, Nagette and I looked at each other, asking for confirmation: "Is he guilty, what do you think⁷?". This meeting naturally provides food for discussion that evening with the priests in our monastery in Butare. One of them had remained here during the genocide and tells the most incredible stories about the involvement of church officials in the genocide. This priest comes across as a thoroughly good person. He confirms that there are strong suspicions against the bishop.

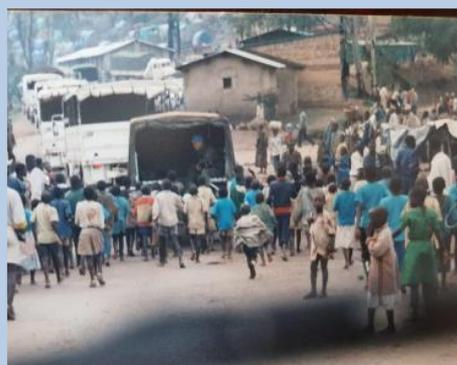
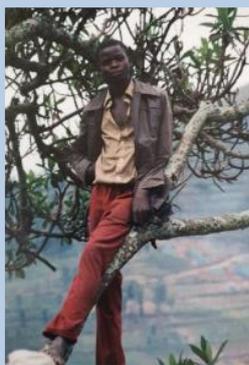
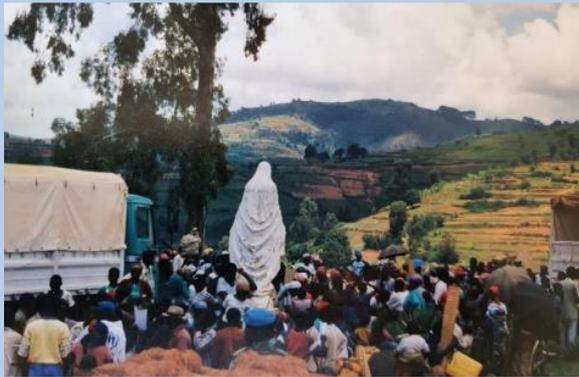


Bishop's house in Gikongoro, 10 November 1994

⁷ In the Economist of 18 September 1999, I see him again with an article about the genocide criminal trial against him in the Kigali court. He was acquitted of complicity in the genocide in 2000.

In the 'Belgium Village' in Kigali, where the UNAMIR cadres are now staying, an ex-pat BBQ is held on Friday evenings. I went there last night. Two British officers tell me that the UN has a 'secret' plan, in which all forces are united to get the people out of the camps without violence. Part of the plan is to get the NGOs out of the camps and move their activities to the places where the camp population comes from.

It is raining, raining, raining. I have just finished our report for the week and we are trying to discuss what we are going to do this week. Meanwhile, it is evening and we cannot leave because the 'safety' in Gikongoro is not considered certain. The army of the neighbouring Gitarama province has burned down Musange camp and killed thirteen displaced people.



Gikongoro: Images from displaced persons camps - November 1994

Kigali, Monday 14 November

Still in Kigali; waiting, waiting!

A day in the field of a human rights observer

Butare, Tuesday 15 November 1994

Today we are finally on our way back to Gikongoro, and with an extra car. A new team member has also arrived, the Austrian Walter who, with his blond hair, glasses and long body, comes across as lumbering. So, we can now work in two teams. What a relief to be able to work in the field, after all the tension at the head office in Kigali. With her big brown eyes, dose of charm and cheerful laughter, Nageette seduces every peacekeeper. Everything Nageette has put in her head, she arranges. For example, she received Canadian rations from UNAMIR, a feast compared to the filthy German rations we get from our mission!

Musamba goes with me in the white UN pick-up, in which we can drive through the roadblocks without being disturbed. To make sure of the security situation, we first visit the Ghanaian UNAMIR battalion, Ghanbat, which operates in the south of Gikongoro. Then, we drive on to the prefect's office. We walk in at random. It turns out that there was a new prefect, with whom we immediately got into an animated conversation. The Prefect is a lawyer and professor. The Prefect who is leaving is still there. He walks into the office and joins our conversation.

After this creative and constructive conversation, we continue to the Zambian battalion in Karama, which protects the north. The Zambian officers give us a briefing on the incidents in the camps. Musange camp was burnt down by the army. In Musabeya camp, the army was surrounded and bombarded with stones and grenades. At first, the army fired in the air, but when the pelting increased, they started shooting at the people. The result: seven dead. Zambat agrees to give us an escort to visit the camps in the north. It is a nice, positive meeting that takes place with an elaborate tea ceremony in which officers walk in and out. The Zambians explain to us the tribal situation in Zambia. There are 73 tribes that have retained their own identity, yet it is a reasonably functioning unitary state. The district counsels have far-reaching powers of their own, so the traditional power of the chiefs is respected without intervention. Why does it work there and not here?



Gikongoro: Musange ontheemdenkamp uitgebrand, 15 november 1994

On our way to our office in Gikongoro, we visit a market. Everyone waves, hands are shaken, hordes of children follow us, all shouting: "musungo, musungo, kamerade, musungo". The goods distributed by the NGOs are traded at the market. In Ginkongoro, we pass by the military observers to have ourselves 'updated'. Then we drive back to Butare, where we attend the UNHCR/UNAMIR-meeting after dinner. There, the transports for the return of the displaced persons are discussed. Due to the tensions, the transports have been suspended this week and instead "tourism trips" (as the military calls it) or "confidentiality building patrols" are organised. The idea is that delegations from the camps are taken past the cities they came from. Back in the camps, they can report that it is safe to go back!

Displaced person meets killer family

Butare, Wednesday 16 November 1994

This morning we go to Rukundo camp in the North. Compared to last week the tension there has risen considerably, among other things because of the arrival of the displaced Hutus from the burnt Musange camp. There is fear that this camp, too, will be burned. There are many rumours, the truth of which is difficult to ascertain. The displaced people will not want to go home. Nobody guarantees their safety. When you realise what these people saw during the April/May genocide, you can imagine that their perception is strongly influenced by such gruesome sightings. The years of propaganda against the Rwandan Patriotic Front (RTF), which now forms the Tutsi-dominated government, also does not help the Hutus' confidence to go home.

The story of one of the displaced people in this camp, Paulin Mntabaduka, touched me deeply. Paulin walks in while we are talking to a group of displaced people. I sit with him in a separate room, because his first words tell me that confidentiality is necessary here. Paulin tells his story. He lived in Rukundo before the genocide took place and the camp was established. He was a school inspector in Rukundo. During the genocide, half his family was massacred before his eyes; he himself received machetes in his head, neck and ankle. He shows me sickening wounds and scars under his hair and clothes. Who does he meet in the camp? The leaders of the militia who killed his family, people who were his acquaintances before that. Their leader, Daniel Karegeya, works for Médecins Sans Frontières in the camp. This man now trains a group of twelve displaced persons. Paulin has already received death threats, but last Friday he heard concrete news about the planned murder of him and the burning of his house. We persuade him to leave his house as soon as possible, and I have arranged with the UNAMIR troops that he will be taken away by them this afternoon. As fears grow about the closure of the camps, the war criminals are panicking. I am therefore concerned for Paulin's life; he must be removed as long as the perpetrators are still at large. What touched me greatly is that Paulin does not seem to have any feelings of revenge at all.

Paul, a Rwandan who works for UNHCR in this camp, is present during this conversation with Paulin. I ask him to see to it that Paulin is indeed brought to safety as soon as possible.

Coordination meeting about the closure of the camps

From Rukondo camp, we drive to the prefect's office where a meeting starts between the new prefect and the new army commander with the NGOs, UN organisations and UNAMIR troops from the various battalions. On the agenda is the cooperation between all, aimed at closing down the camps. The French MSF (Médecins Sans Frontières) furiously shouts at the army: "we don't want armed soldiers in our hospital, we are there for the ill, whether they are criminal or not". The army commander then gives all the reasons why in the case of Kibeho camp, the army does enter the hospital being armed. The hospital is located in the middle of the largest displaced persons camp, the lion's hole. Doctors Without Borders and other NGOs are also very concerned about their own safety after the incidents of the past week. Endlessly the attention is diverted from the topic at stake, the closure of the camps. The prefect responds. Before he explains his plan, he wants us to tell him to what extent we are prepared to cooperate:

- To UNAMIR: why do you protect the criminals in the camps and why do you think the IDPs are afraid?
- To the NGOs: do you think you are working in paradise or in a post-war situation, and do you realise that by employing IDPs you are ensuring that their families also stay in the camps?"

The prefect then asks for a concerted effort to move security and humanitarian aid to the places of return. In principle, everyone agrees but then all sorts of obstacles are raised. Such a decision, some say, should be taken in Kigali. "Don't be put off by practical obstacles straight away", the prefect asks us. "The important thing now is to get an agreement in principle. With this, I can go to Kigali and influence the decision-making process." No one

can refuse to cooperate with the principle laid down by the Prefect. The combination of the exclusively French-speaking prefect and the exclusively English-speaking commander is very funny, both seem to me to be people with their hearts in the right place. People who are genuinely passionate about rebuilding their country. Of course, they have their agenda too. The meeting lasts four hours.

An incursion of Hutu refugees from Zaire is feared in the near future. It is an important reason to close down the camps with war criminals in Rwanda as soon as possible. However, I think that it will be some time before there is an incursion from Zaire, where the camps will also have to be closed, of course, in order to prevent this incursion. I think it is more likely that the Rwandan army will start to dismantle the camps in Zaire by force, if they are not dismantled soon. MSF has actually stopped its aid to one of the major camps in Zaire yesterday because they no longer feel morally justified in supporting war criminals who are preparing an invasion.

Human rights observer?

Butare, Thursday 17 November 1994

Today Musamba and I drove through the north of Gikongoro and visited all the camps there. A Canadian military observer (milob), Le Blanc, accompanied us. I wonder what the actual function of a human rights observer is, and what our added value is over that of a milob. The first two weeks, I thought it was fine to drive around and form a picture, but now I'm at a point where I want to give my function content. Not in purely observing, which military observers are much better equipped to do, but especially in facilitating a peace process. Everywhere there is the rumour that you will be killed if you leave the camp. When I ask "how do you know that?", I get only a vague answer. None of the rumours are backed up by facts.

Kigali, Saturday 19 November 1994

Yesterday at the end of the afternoon I drove through the rain with Musamba to Kigali. When a cyclist suddenly appears in the middle of the road in a bend, my car slips. I manage just in time to avoid an accident. But in Kigali, close to our head office, an army truck approaching at high speed on an intersection coming from the right, and: 'bang'. Quite an uproar. Fortunately, one soldier had only a small scratch, and he felt so sorry for himself. I really dislike all this bureaucratic stuff; endless visits to the army office, who tried to force me to write down that I had been wrong, the car confiscated, and then again an endless process of writing reports to the UNAMIR military police. And then it turned out that it is very bad for your reputation to have an accident, especially in a situation where cars are a scarce commodity. Because on Friday afternoon, everyone from the field came into Kigali, the whole mission was able to follow the ups and downs of my accident on the radio! We now have one car in our team again, which does not make my teammates happy. It was very nice that a minute after the accident, the military observers from Gikongoro happened to arrive. They were a great support to me.

I am confused, tense, looking for a familiar place for myself. After three weeks in Rwanda, the complexity of this country dawns on me. Everyone is afraid, living in the moment so as not to have to look at the past or the future. Then there is a government that represents only a minority of the population. A government that will not easily hand over power to the majority, having first fought hard to be able to return to their country. A Tutsi government will never be accepted. That is why the current government's policy is to deny the Hutu/Tutsi distinction and to form a unity government and army, which includes Hutus. Of course, in practice, denying the Hutu/Tutsi distinction often turns out to be absurd.

How can the chain of murder ever be broken here? What is my role as a human rights observer in a country without a functioning legal system? If nothing happens at the base, there is no point in blaming the current government, as is now being done by our mission.

Musamba reproaches me for thinking too positively of the army. That is not so. I am neutral; all I can see is that the country needs support in building a legal system.

The work here never stops. Everyone is tense, a tension like the calm before the storm. It is difficult to have a vision of my work when everything indicates that there is almost no way out, that there will be more fighting. It is painful to see this. Our role is limited to taking a neutral position among all these complex forces. People say that our presence is of great influence. I am not convinced. In any case, I am learning a lot from it myself.

Yesterday morning, we were back in Rukondo camp at the time of a transport. UNHCR employee Paul proudly informs me that Paulin (who was threatened) has left safe and sound and that his sister-in-law, who is also threatened, can join the transport now.

500 people have signed up for the transport and more want to come! Then a truck loaded with RPA soldiers arrives, I hold my breath. They sing: "we succeeded in Arusha, we danced at the CND (place in Kigali where the RPF leadership and the security battalion had an office after the Arusha Peace Accords)". To my great surprise, everyone reacts excitedly. A five-year-old girl grabs me with both hands, she can't be dislodged. Through my 'friend' in the camp Alphonsine, who speaks French, I can talk to her. The girl says that life in the camp is good, but outside it is dangerous because of the RPF (the current government). When I ask her what she thinks of the soldiers who just drove through the camp, she appears to have no problem with that. And to my question about April, she says that everything was fine in Gitarama, where she comes from. Yet, at the same time, she grabs my leg with both arms, her head pressed down against me, full of tension and sadness. They don't talk about the past, some families have too bad a conscience, others too much pain; subconsciously it keeps gnawing at them and influencing their behaviour.

Tonight, in Kigali, I just met a man who has always lived abroad as a refugee. After the Arusha peace accords at the end of last year, his family returned to Rwanda, only to be massacred during the genocide in April. "No, these people should not be killed, let them remain refugees," he says, speaking from experience. For him, it is great to live in his own country for the first time.

Looking for an army commander

Butare, Monday 21 November 1994

Today we start early. At the military observers' office we drink coffee as usual and we learn that 500 displaced persons have fled to Burundi to receive military training (against the current government). More are expected to follow.

Next, we visit the army commander in his headquarters just outside Gikongoro. At my insistence, we had gone there a few days earlier to make an appointment. After all, we have set ourselves the task of mediating between the army and the camp population. That will be difficult if we have contact with everyone but the army. Our appointment was at 10 a.m., but when we arrived at the army headquarters, the commander turned out to be in Butare.

Then we paid a visit to the prison in Gikongoro. This mission is also without result. It has so far proved impossible to get hold of the man who is supposed to let us in.

At the UN office that coordinates humanitarian aid, the president of Cyanika camp is waiting for us. He wants work, like everyone else. He has no new information about the camp. His story is no different from the story in the other camps. The people in the camp are not leaving because they feel it is not safe.

We are going to furnish our office/house in Gikongoro and order furniture so that we can move in this week. Then we go to Kibeho camp in the south and meet the new Ghanbat troops. We learn that the army has installed itself next to Kibeho camp this week.

The army is doing very little to gain the trust of the camp population. That is where we come in. If only I can get through to them! The army should take measures to develop a sense of security among the displaced persons, if only by putting in the camps lists of prisoners, indicating where they are and on what grounds they are suspected. The army should also be more involved in the camps, although I have learned that the army, in turn, is afraid of the camp population.

Butare Tuesday 22 November

The rainy season seems to be ending. It is a sunny day. This morning, I resolve that there will be no more excuses not to meet the army.

First, we go to Kaduha camp, where there will be a transport of 1,400 displaced persons who have applied to UNHCR for return, of whom 905 can indeed leave. At the time of departure, food distribution is taking place. It is very busy. There are now RPA soldiers in this camp. Three officers are watching and tell me how they are "building trust with the population, acting from an understanding of the feelings of the displaced"! They say they only arrest people for theft if it is reported. They tell me that every Sunday they organise a meeting with the displaced people. They proudly add that they have also compiled a list of 4,500 people who want to leave. Well, what can I say: "You are soldiers and you are not

allowed to make arrests? Your job is not to make lists, UNHCR does that?'. As long as there is no legal system, the army provides the ordering principle of law. In this situation, the 'law' now depends on the individual soldier.



Gikongoro: transport is ready to take the displaced back home, under the watchful eye of UNAMIR soldiers, November 1994

On the way back to Gikongoro, we drive past Muko camp. We had heard that there had been an incident there. On arrival, the camp is quiet. People come up to me and tell me that the army has been in the village and that that was obviously very dangerous. They walk with me to the car, where my colleagues are talking to some soldiers. It was funny to drive away and to see how we had left the group of "enemies" together.

In Gikongoro, we go to the military headquarters again. I finally got to meet the army commander. We have a lot of fun with the soldiers, generally guys who seem to have the best intentions for everyone and do not seem to be corruptible, despite the fact that they have not been paid for ages. They say they understand the problems and the distrust of the people. The commander's absence yesterday turns out to be based on a misunderstanding. Second commander Philbert receives us in his house on the military base and we have a positive, informal conversation. His version of the burning of Muko camp is that the people from that camp had for a long time already been stealing cattle and the like across the prefecture border, in Gitarama. On the day in question, the displaced people were caught by the army of Gitarama prefecture, whereupon they surrounded and threatened the soldiers. That would have been the last straw for these particular soldiers to close Musange down by burning it once and for all.



Gikongoro: Children in a displacement camp, November 1994



Gikongoro: Kibeho IDP camp, large gathering in the pouring rain of army and authorities with camp population, 23 November 1994

Butare, Wednesday 23 November

We have just finished a long day in Kibeho camp, in which the prefects of Gikongoro and Butare, together with the army, held discussions with the camp population!

First thing in the morning, together with a man from UNHCR, I spoke to a crowd of displaced people in the camp. As usual, they claim that the army is going to kill them. When I explain that there is no policy of killing, but only individual incidents due to the lack of a legal system, there is a loud indignant reaction and booing. Oh, oh, mistake, I must not give the impression of being on the government's side. I say I am neutral; I am here to guarantee them a respectable homecoming. There is loud applause and joyful reaction. It is not easy to acknowledge their fears, and not giving them the impression of defending the army and at the same time to make them understand that they are living in one country together with the present government.

Then I walk through the camp on my own, chatting here and there. Among other things, I ask if there are any Twas in the camp. This question causes great hilarity. The Batwa, also called (forest) pygmies, are in fact the third minority group in Rwanda that is strongly discriminated against. I am told that there are three Batwa communities in the camp. Someone immediately points out a Twa, who indeed fits all stereotypes. He is very small. I am told that the Batwa are disadvantaged when it comes to food distribution. There is massive laughter because I am talking to a Twa. He keeps holding my hand, and speaks with his head bent towards the ground.

The camps are organised through the communities (communes) where displaced people come from. Each commune has its representative in the camp. Today, a meeting between the authorities and the representatives of the original communities in the camp is taking place in Kibeho hospital. It will last at least three hours. We, Human Rights, are mentioned several times and asked to explain our role in bringing the people home safely; everyone claps. A thunderstorm rages over the camp as the authorities come out to talk to the crowd. After waiting a while, it is still drizzling and the sky is dark but the authorities venture onto the stage. We are the only outsiders, except for someone from Médecins Sans Frontières (MSF) who accuses us of supporting the authorities who are forcing people to leave the camp. I tell the MSF guy that I understand the people in the camps in their fear-inspired rumour-mongering, but that I cannot understand NGOs, which are after all outsiders, actively participating in this rumour-mongering. The displaced people and the authorities speak in turn. I do not understand a word, but the atmosphere seems good. It is an animated affair in which there is much laughter. Despite the rain, a large crowd of a few hundred to a thousand people has gathered around the authorities. I sit down with some children around a fire to warm myself up. A little boy comes to me with a spoon to eat from the beans on the fire. In order not to have to eat that dirty meal, I start feeding the children, to the great hilarity of the group of displaced persons that has gathered around me. I then run into a French-speaking group of young men, who are very critical and insist that they will be killed. I realise that there is no point in arguing with them. They want information from me, but all the answers I give are fought over. How can I convey anything without defending the government and denying their fears? I ask: What do you want? "La paix". "Okay, what is peace to you?" "We will be killed." "No, I am not asking that, what is peace?" "La paix est que toutes les peuples vivent en commune sur la même colline". There is consensus on this definition. "How can you achieve that?" "God!" I: "Poor god, he has to do everything. You have the power, you are responsible for peace". I have already told them that the government has a great interest in living in peace with them and that it is

also in their interest. After all, they are citizens of the same country. They would have loved that; "If everyone thought like that, it would be a beautiful world". When I ask them how they found the meeting with the army, they respond that it was very good and that they were very happy because the authorities came to talk to them. Then they insist again that the facts speak for themselves that they will be killed. They would like to see me again to discuss further.

It is a good first step that the authorities have started a discussion with the displaced people in the biggest and most dangerous camp. It takes time to change the feeling of fear that has been cultivated for years. At least a first step has been taken. Perhaps there is hope for this country and the history of bloody conflict between the Hutus and Tutsis will be ended once and for all.

Kigali, Saturday 26 November 1994

It's a sluggish day, unknown when we'll leave again, because for some obscure reason we don't seem to have a car. I always look forward to Kigali and hearing news of what else is going on in the world and in Rwanda. I am always disappointed to have little access to information. I also go mad with all the intrigue and tension at our HQ. People in the camps ask for information and I can't give it to them.

Last Thursday, I went with Adam and Nagette to the camps in the North (Rukondo, Musange and Kaduha). It was a relaxing sunny day. It's incredible how even in a crazy country like Rwanda, right after a genocide, an Englishman is able to organise a relaxed picnic on a hilltop, looking out over the beautiful green hills. We visit Kaduha camp, where I begin to know three soldiers quite well: Adolphe, Seref and their commander Charles. They are there again and we get to talk about a lot of things. During the conversation, Charles, a young man in civilian clothes who is hanging halfway out of his motorbike, is constantly laughing. At one point, he can't take it anymore and apologetically explains that he has a terrible headache and has to go to hospital. He shows us where a bullet went through his head during the war! Seref takes us to the prison. It is said to contain only prisoners who have been reported by the people from the camp for recent murders. One boy is said to have killed his father. There are eight prisoners in two dark cubicles. It is a luxury compared to the prison in Kigali, where the prisoners stand side by side without a roof over their heads. The prisoners have no blankets and water bowls, which we immediately collect from MSF in the camp. Quite handy, those NGOs!



Gikongoro: Kaduhakamp with the soldiers who are always there: Seref, Charles, Adolphe, and with yellow shirt my colleague Musamba, November 1994

The battalion that is in Gikongoro now, comes from Kigali. They seem to be the most intelligent, PR-oriented troops. That worries Adam, the army is never nice without reason. I can also see that this is the tactic to empty the camps. They talk too much about their openness and the protection of the people. The soldiers often talk about "my people, I know them, I can pick out the good and the bad". I cannot fault them in that tactic and desire. Although we must remain alert, their current attitude makes our work easier. Like yesterday when we visited the second commander Philbert. The gates of their headquarters opened immediately and Philbert has all the time for us.

In addition to our usual visits, we visited in the hospital in Kigeme people wounded from recent incidents. It concerns two brothers and a sister who were mauled by machetes in a quarrel with their parents and other family members last week. These three are the only survivors. When we visit, they are sleeping peacefully, with many bandages around their heads. There is also a Hutu militia member who was shot at by the army.

As usual, I go to the expat BBQ in the Belgium Village on Friday evening. The Brit from UNAMIR, who is responsible for the organisation of the joint effort in Operation Homeward, explained to me a fortnight ago in confidence the plans that are now being executed. Now he tells me he was impressed by my analysis, in which I came to the same conclusion as the plan. However, I have just been told that we human rights monitors are not allowed to participate in it, but as usual I lack the information. I go to the office to get information, but everyone seems to get defensive when you want to know something.

Despite the beautiful weather, prefer to stay in my room in the convent, the Procure. For the first time at alone. At last, no constant stares at me, no people who come and sit with me (!), no, just writing alone. This peace and quiet is short-lived.

Epilogue Gikongoro

"Operations Homeward" was replaced by "Operations Return". In between these operations, a military operation took place in which the Rwandan army together with

UNAMIR confiscated machetes from the camp population, which were then distributed by the aid organisations, as machetes are an indispensable tool for every Rwandan household. The only result of this cooperation between the Rwandan army and the international community is that the smaller camps have been closed and the population of the main camp, Kibeho, has grown steadily. Shortly after my departure from Rwanda, in early April 1995, this camp would finally be closed down by the army by force, killing thousands of people. A nice result of all the trouble and wrangling! But not really! The army constantly asked the humanitarian organisations to turn off the food tap so that the displaced people would be forced to leave. However, the humanitarian sector's starting point is that food cannot be used as a weapon, so the food tap must remain open. Another of their premises is that people in the camps are adults and must be able to make their own choices on the basis of information. They forget that the camps are inhabited by people who have killed or at least have been brainwashed. These displaced persons have been living in isolation for months, in the protection of the camps. During this time, the political situation in the country has changed completely. The Tutsis who were depicted as cockroaches for decades are now in power. The humanitarian organisations in the camps provide for the basic needs of these Hutu displaced persons, while the world outside the camp is, in their eyes, unknown and hostile. It is obvious that these people will not leave the camps of their own free will.

3) Fieldwork in Cyangugu; at the border with Bukavu/Zaire, looking out over the refugee camps

At the end of November 1994, I am unexpectedly transferred to Cyangugu prefecture, in south-west Rwanda, overlooking Lake Kivu. The town itself is a hamlet where beautiful, now largely destroyed, holiday homes of the well-to-do can be found along the lake. There are no camps in Cyangugu. Looking out over the lake from Cyangugu, you can see on the other side, in Zaire, the city of Bukavu with dozens of refugee camps, where hundreds of thousands of Hutus have found refuge. I am overwhelmed by the question of what on earth I am doing here. The city and the refugee camps next to it are a stone's throw away, but our mandate is limited to Rwanda. Human rights monitoring and a UN mission on the other side of the border make much more sense, but we are not allowed to go there.

Whereas the work in Gikongoro consisted largely of camp visits and visits to everyone associated with the camps, our task in Cyangugu is less obvious. Just driving around the province without a specific purpose does not seem very useful. Investigating the genocide by digging up some corpses, without having the necessary expertise, does not seem very useful to me either. Theoretical human rights training without a link to the practice of the current post-genocide situation is, to me, nice theory that is of little use to anyone. We could also go and visit the prison, but the International Red Cross (ICRC) can do that much better than we can. I never know what to do in such a prison. To look at the crowds of prisoners packed together? The only thing that seems really useful to me is to develop an interim legal system. But the UN human rights mission does nothing in that area.

As an alternative, I am concentrating on building good contacts with the authorities dealing with justice. In a country where genocide has been committed by the entire population and

where there is no functioning legal system, all civil and military authorities are involved in the administration of justice. On the basis of the contacts I have built up, I organise legal working groups to initiate communication between the various actors in the criminal justice process. In this way, the authorities jointly develop alternative arrest and detention guidelines, adapted to the reality of the day with a minimum of guarantees for the suspects. Later, after my departure from Rwanda, I hear that such tri-partite working groups have also been developed nationwide at central and prefectural level.

Our team consists of team leader Jane, a 43-year-old American lawyer, and an expanding and changing team: Austrian Walter, Angele from Cameroon, Italian Oriano, Chadian Isidore, and two more Americans, Nanette and Chris.



View from Cyangugu of (the smoke of) refugee camps just across the border on the other side of Lake Kivu in Bukavu, Zaire, December 1994

Cyangugu, Tuesday 29 November 1994

Sunday, I hear, without any text or explanation, that I have been transferred to Cyangugu. Perhaps interesting to be able to see more of the country, but a waste of time invested in Gikongoro.

My new team leader Jane is a sturdy, short-haired blonde, bespectacled American, a single mother. She strikes me as rather overworked. She is normally friendly, but then suddenly she has to exert absolute control. At other times she breaks out in a hysterical crying fit and expects to be comforted. I understand that the two (male) team members she had have decisively left her team. But I don't know what was the reason for that. She tries hard to do her best.

Angele from Cameroon drags a considerable number of suitcases with fancy outfits to the field. Oriano is a lapidary Italian who doesn't feel at home on the field either. Oriano always talks very kindly and sometimes, out of the blue, speaks very badly of people. Like at the swimming pool of the Hôtel des Mille Collines, when he sat down with me and told very strange stories about Adam, whom he had already met in Malawi. When I mentioned this to Adam cautiously, he laughed out loud and told me about Oriano's reputation in Malawi. Oriano had been hired by the UN to draft the new constitution for a hefty consultancy fee. He had done nothing but drink and visit whores.

I just drove here from Kigali with Oriano. He started being mean to me as well, so I stopped the car and made it very clear to him that what he said was wrong. He then apologised and admitted that he was wrong.

The drive from Kigali to Cyangugu took five to six hours. First the usual route to Gikongoro and then further west, along hills with tea plantations and through the rainforest. White-collared monkeys passed by from all sides. Suddenly, a giant owl sat in the middle of the road. On the other side of the rainforest, we drive through tea plantations again. After half an hour, we arrive in Cyangugu.

The only positive thing here is the view of the beautiful Lake Kivu and of the immense refugee camps in Zaire, which intrigue me enormously.

Last weekend, I had dinner with Bengt van Loosdrecht, who has just arrived in Kigali to set up a Dutch mission for the Ministry of Foreign Affairs (BZ). A nice, non-bureaucratic young man from BZ. When he was here last month as a spokesman for Minister Pronk, Pronk had asked him on the terrace of the Hôtel des Mille Collines to do this job. His understanding of the situation here and the support to be given are fully in line with mine. From Bengt I learn that the international support is slowly starting to come in, that the support in the camps is increasingly being questioned and that even in French politics there is criticism of the French role.

This does me a lot of good. I am proud of the Netherlands, which is playing a pioneering role here⁸. For example, the trust fund for Rwanda, which was set up very recently in New York, was apparently created mainly as a result of Dutch pressure.

In Kigali, there is still discussion about the mandate of our human rights mission.

The mandate of the Human Rights Mission

When I arrived at the end of October, nobody at the UN knew what we were coming to do, which remains a constant source of chaos in our mission. The official mandate is only now becoming clear to me:

- 1) To investigate the genocide;
- 2) Provide technical assistance in building the legal system
- 3) Confidence building among the population and observation of human rights violations by the current government.

But how to translate this mandate into action divides us. Especially in the absence of leadership and work, there is always disagreement about our task. Is the emphasis on passively observing possible human rights violations by the current government? Or does the task lie in helping the current government with its post-genocide reconstruction?

The mission is a reaction to the genocide, but those responsible for the genocide are on the other side of the border in Zaire (now DRC) and Tanzania. The majority of the legal officials have fled or have been killed. The current government is faced with the almost impossible task of rebuilding the country and administering justice, without the necessary resources. Therefore, I am in no doubt about our task. We must help this government to do justice in order to make the best of it under the present circumstances. Instead of criticising the government for the many arrests without due process standards, we must help it to develop a minimum procedural guarantee in the circumstance that it lacks all legal capacity while the need to arrest accomplices to the genocide is enormous. This requires an informal, pragmatic approach to avoid arbitrary arrests.

In the mission, however, it is good practice to criticise the current government. They feel completely abandoned by the international community. First, the UN failed miserably before and during the genocide, then there is a steady stream of criticism from the UN human rights monitors, while the country barely receives a penny for reconstruction, and huge amounts of donor money go to the refugee camps just across the border in Zaire and Tanzania, where the perpetrators of the genocide are in charge.

⁸ How much the Rwandan government appreciated this support in difficult times became clear to me when Bengt told me, years later, that he had returned to Rwanda on a private visit with his wife (who had also worked for BZ on assisting Rwanda) and was stopped somewhere by a soldier, because Paul Kagame (Rwanda's strongman: President, Minister of Defence) had heard that they were in the country and wanted to invite them to tea.

Cyangugu, Thursday 1 December 1994

I already feel at home in my new place, although I am still attached to Gikongoro. Fortunately, Gikongoro is on the same radio channel, so that I can still keep in touch. The lake and the mountains are beautiful. From my room, I look out over the city of Bukavu and the refugee camps on the other side in Zaire. We stay in a convent.

In Cyangugu, Ethiobat is stationed. The army (RPA) is also strongly present due to the presence of the refugees and former army troops (FAR) on the other side of the border in Zaire.

My teammates are real caricatures. Jane walks around all day in her lawyer's suit with tights, in this heat. She apologises in every conversation; says she is the team coordinator and therefore speaks first. She is a driven woman, doing her best. Oriano says in every meeting that we need authorisation or directives from Kigali. He focuses all his energy on finding a house in paradise and always comes to me full of pride to show off his new discovery. Today we signed a contract for our office, a beautiful house on the lake with a big, beautiful garden. The military observers, Tim from Canada and Hans from Austria, are extremely hospitable and friendly. They have already had us for dinner on two evenings.

In the past few days, we have mainly familiarised ourselves with the new area. The programme is much less intensive than in Gikongoro, where we were on the road from early in the morning until seven in the evening, and were usually still busy with meetings or reports in the evening. We make the usual visits to the army, the prefect, Ethiobat, NGOs and so on, where Jane introduces her new team members and where the situation in Cyangugu is discussed.

The work here is less clear-cut than in Gikongoro, where we focused on mediation between the army and the Hutu camp population. It seems to be more about specific incidents of human rights violations, or genocide investigations. Both do not appeal to me. But I do seem to have found some points to occupy myself with for the time being. The prefect, Theobald Rutihunza, is organising a human rights conference next weekend, facilitated by us. To avoid it becoming dry and theoretical, I have been asked to help the prefect better tailor the conference to the practical problems of Rwanda today. I also see my task in developing an interim legal system. I went to the court yesterday and met four judges who I want to help apply justice, as best as possible, in the interim period. There is a court, but there is a lack of everything. We also visited the gendarmerie and the public prosecutor's office and they seem reasonably organised. However, a system to process the charges is still completely missing!

The temptation of the big city

Yesterday we were at the bridge at the border with Zaire. The Deputy Chief of UNHCR is on his way to Bukavu with a few colleagues. I am so jealous. It seems so exciting to me to go to Zaire and to the big city that we always look out on. The Deputy turns out to be a Dutchman. I introduce myself. So does he: 'Wilbert van Hövell'. Then: 'I was a lawyer with Nauta'. Oh, I was with Houthoff'. He too started his international career at one of the big

law firms and we know each other's family. And then his analysis of the situation is the same as mine about the current Rwandan government. Wilbert finds it a miracle how orderly, relatively non-vengeful the army behaves, given the genocide and recent war. He believes that support to the civil government in the most basic simple needs is now an absolute necessity. For the first time I meet someone from UNHCR who has the same approach as me and is not just thinking exclusively of those 'poor refugees' in Zaire!



Cyangugu - Rusizi I border crossing: bridge between Cyangugu - Bukavu / Zaire,
December 1994

Cyangugu, Friday, 2 December 1994

But then I was in Bukavu! An absurd day behind me! This morning I went with Oriano and Angele to check on the situation in the south. Here, a piece of Rwanda sticks out between Burundi and Zaire, and on the Burundian side the border is open while on the border with Zaire there is a river. The situation seems to be very tense for several reasons. 1) Rwandan Hutu militias (Interahamwe) come at night via Burundi from Zaire, 2) there is a lot of crime, 3) Burundian Hutu guerrillas are hiding here, 4) at the end of October, 5,000 Burundian refugees arrived because of guerrilla activities and killings in Burundi. There were also Rwandan Hutu IDP camps until now, but they have almost all been dismantled. We went to check a recent incident. The army had searched for weapons and indeed found bullets and uniforms in a house. When the resident ran away, the army shot him. We visit the UNAMIR military observers in the south to hear more about this. The communication is not working at all. Usually I am good at communicating, but with this authoritarian milob from Guynee, whose French I can't understand, the communication collapses completely. The situation becomes even stranger when Oriano suddenly gets up in the middle of the conversation and goes to take a hot shower (we only have cold water in our convent). He

then says that he wants to eat - which he always does. We decide to go all together to the mayor, who will take us to the place of the incident. En groupe, we go to the army, where a soldier tells us that we cannot go to the place of the incident because the commander is not there, and we give up. I don't feel good, it feels like strange things are about to happen in this area.

For Oriano, the past few days have been torture: in the field, in the middle of nowhere, looking out over the city of Bukavu, which we are not allowed to visit. After visiting the army, Oriano drives back to Cyangugu while sit in the backseat. We see an exit to the border crossing with Zaire, which Oriano spontaneously drives towards, joking that we are going to Bukavu. I know that this is not possible because you need a visa and we don't even have our passports with us. Before we know it, Oriano has crossed the border into Zaire. Exciting, but absolutely irresponsible. One thing is clear to me: we have to be back before dark. Kigali is a provincial town compared to Bukavu. The atmosphere is totally different from Rwanda. The army is terribly corrupt, the architecture is different, the people look completely different and are cheerful. The contrast makes me realise how tense and sad the situation is in Rwanda. There is no laughter there. Oriano must and will check the hotels and discos and goes completely crazy. He always follows instructions well and now he breaks all the rules, refuses to have the radio on and to return to Cyangugu. Of all the people in Bukavu, I happen to get talking to the attorney general, who promises to introduce me to the authorities who are in contact with the camps in. Once it is well and truly dark, my suspicion is confirmed that the border is closed at night. At the border a Rwandan UNICEF driver is also stuck with his truck. He has no way out. We take the driver with us in our car after Oriano hands the soldiers some U.S. \$ notes. We encounter some other barriers of soldiers with yet other functions, whom we have to pay ever larger US\$ notes as we have quickly run out of US\$ 10 notes. And then we are stuck and cannot go any further. The last soldier we bribed is fetched. Someone puts on boxer gloves and the soldier is punched right in the face and beaten up in front of us for several minutes. He stands up and, in a decidedly submissive manner, salutes the soldier who has just beaten him up. The dark night frightens me. We are stuck in the middle of a military encampment, where some women are scurrying between the tents. I decide to keep quiet in the back of the car, visualising that within an hour we will cross the bridge and then the border. Oriano flatters the soldiers, telling them how fantastic they are and how terrible it is that we are bothering them and how inappropriate Angele is. Angele has dared to talk and resist, something a woman, and certainly a black woman, is not allowed to do. Yes, "that Cameroonian girl", as the soldiers call her, is not acceptable for them. Poor Angele, she is angry, sad. She was already indignant about the huge corrupt gang and is ashamed that all the ideas the West has about Africa are confirmed here. Stubborn as she is, she cannot bring herself to apologise. At last, Oriano gets the soldiers to allow us to cross the border, provided our organisation in Rwanda agrees. Although Oriano insists on not involving anyone, I make radio contact with Tim, the milob. It takes a while, because the military observers, Tim and Hans, have difficulty convincing the Rwandan army to let us in. How relieved I am when we cross the river and see Tim, Hans, Jane, Walter and Charles (our interpreter) there. Oriano, on the other hand, is furious about the way we are being treated. He could have sorted it all out himself with the army. He now wants to leave the UNICEF driver on the street in the middle of the night - his truck is still on the Zairian side of the border. Oriano does not want to take responsibility for haven taken him. I have arranged for him to sleep in Oriano's room!

Oriano is really a special case. He recently gave me advice to do something and then said that he could do it himself, but that his laziness is getting in the way of doing something with his intelligence. He said he had never touched a computer in the last four years at the UN, that in Malawi he had left the drafting of the Constitution to his colleague. He said: it does not help me to put on my CV what I did in Malawi: it is 'Constitution'. But I understood 'Prostitution'! His response: "That too, I had a very good bar, through the prostitutes you always learn the most about a country." Yet he is also friendly and engaging, makes accurate psychological analyses. But at the same time, he plays opportunistically with life and shifts responsibility onto others in a bureaucratic way.

As I write these last lines, for the first time I hear heavy gunfire outside. In the evening, military patrols always swarm. I would not like to be in their place; the former Rwandan army and the Hutu militia are in the refugee camps just across the border, supported by the Zairean army. And then there are militias coming across the border from Burundi.

Cyangugu, Saturday, December 3

Today, milobs Tim and Hans told me that the Zairean soldiers had been drinking since 4 p.m., that the Zairians were "trigger-happy", that the tension at this border crossing had increased enormously in recent days, and that last night there had indeed been some back-and-forth shooting between the Rwandan and Zairean armies, at the very spot where we had been detained just before.

Of our border incident, which seems to have been resolved well, team leader Jane made a big fuss after heavy cursing and shouting between Jane, Oriano and Angele about it. Walter and I observed this event with amazement.

I see that it is already 3.30 a.m. and I have to get up early tomorrow. In the distance I hear shooting again. I go to sleep quickly.

Cyangugu, Thursday 8 December 1994

Sunday, after a meeting with the NGOs about the human rights event and after dropping off a bottle of whisky at the milobs, I go by car to Kigali. I hadn't originally wanted to go to Kigali, because I can't stand the tension of hatred, envy and chaos that hangs in our head office. But it's great to be able to reach Adam on the radio on the way to Kigali, and on arrival to tell my story on his terrace with a bottle of wine. His reaction to my report and his own experience with Oriano in Malawi: "my god, this guy is only driven by his appetites; hot shower, food and women".

The Oriano incident brings up again my collision with the army vehicle a few weeks ago. Our administration tells me I am lying when I say I made a report with the military police (MP). When I angrily go to the MP at UNAMIR HQ, I am also accused of having heard that I was drunk at the time of the accident. I make it clear to the Zambian MP that they have lost my report, just as they had lost the car key which I subsequently found back at their office. In the middle of my story, he goes for lunch and says he will write another report.

He adds that, as a woman, I am not allowed to get angry. Me: "As a man, is it allowed? Yes, a man can."

I also hear through my Swiss colleague Alain that the NGOs have been gossiping about me in the sense of "human rights observers take it easy". My name was mentioned as an example because I went on a safari trip on the first day. That was on a Sunday, while I was waiting idly in Kigali and an NGO invited me to join them! Alain says that it is probably jealousy because I move around so independently.

On Tuesday, after several hours of waiting, Angele and I finally get permission to leave, without Oriano. Adam and Ravinder will drive with us to Gikongoro. Ravinder, the Indian guy who had already taken care of me after the accident, tells me that he and his American roommate had woken up that morning with the feeling that it was going to be a bad day. At the end of the day, they had found that nothing had happened. Later, they realised that it had been about me in Zaire. I ask him how I can protect myself from all the negative forces that seem to act upon me here, because every week there is some absurd incident. He gives me instructions on how I can isolate myself in a group in my own energy, as if I were alone in the world, so that I do not have to lower myself by responding to negative energies. In Gikongoro at our office, we have a drink. I'm so homesick for the safe Gikongoro days, where I knew everyone, where our function as human rights monitor was specifically to mediate between the authorities and the camp population, where I had so much fun with Adam and Nageette. So very familiar! I go to the market to buy a goat for the Gikongoro team, but I can't find any. Driving away to Cyangugu, we pass by Ghanbat to borrow their speakers for the human rights event. Then on through the mountainous, winding rainforest to Cyangugu.

A first lobby for a legal system

Yesterday, together with Walter and our translator Charles, I went for a walk in the north of Cyangugu. Walter, stiff and serious, takes everything I say literally and corrects me. For me, everything is possible, for him nothing. Charles understands nothing of his role as interpreter; he starts talking extensively to everyone, refuses to say what he is saying himself and translates the other person's story in half a word. Given his own story as a Tutsi - he was a refugee himself until July - I understand that he does not want to translate certain questions. I feel so frustrated just doing 'research' into incidents. This work is already being done by the military observers, who are much better at it than we are. Moreover, I find it unhelpful to look negatively for something we can beat up the government with. Murders are regularly committed here, usually in connection with theft. It is unclear who the perpetrators are in this border area with Zaire and Burundi. Criminals, the Hutu militia or the army? Common bandits cross the border at night from Zaire, knowing they have a safe haven. The people seem afraid to talk. Slowly, from a faint feeling that all is safe, more and more killings are reported. The situation worsens. Monitoring will not help the country if we do not also facilitate an interim legal system.

In Kigali, I always feel it is my main task to convey this message. An understanding seems to be developing that the government needs 'material' to fulfil its security task. I emphasise that more is needed than 'material'. It is not a question of immediately setting up a

structural legal system, which would take a long time. It is now a matter of developing practical measures that fit in with what is there. The experience in Cyangugu shows that the judiciary is non-operational, but that the gendarmerie, the public prosecutor and the public prosecutor function very systematically. At first, I thought of a kind of 'summary procedure', an interim measure to see whether people were arrested on good grounds or not. But, for that, we need judges. We need to fit in with what we have: 'prosecuting authorities'. So, we need to help them develop a system to prosecute as fairly as possible in exchange for material assistance. These are just initial thoughts, but therein lies the core of the solution. If we do not engage in interim legal assistance, our mission is doomed to be a failure. If a civilian government is not quickly established, another war will be unavoidable within a few years. Today in Kigali I found willing ears with Bengt van Loosdrecht of Foreign Affairs, Todd Howland of our human rights mission and Liol of the special expert committee for the international tribunal, who had suddenly returned. I also raised this issue with the British from UNAMIR, who are responsible for 'Operation Homeward'. I explained to them that the lack of plans for an interim judicial system is a major flaw in their plan. How can you say that it is safe at home, if there is no system that guarantees that safety? Our human rights mission does not yet want to participate in Operation Homeward. It would jeopardise our independence. I find that stupid. Surely, we can make our reservations, observe them and facilitate them independently. It's a dysfunctional approach to our independence.

A day in Kigali

Today I am in my element. I hear from milob Tim that there is a helicopter going to Kigali at 9am. I'm going to see if I can come along, because I have a few things to arrange in Kigali for the human rights conference. It turns out that I know the pilot from another trip and I can come along immediately. When I arrive in Kigali, I quickly pay a visit to the boss of the UNAMIR Air Op(erations), who I also seem to know, Ian. The flight back is at 13.30 for the Ethiobat soldiers who have a meeting, but when Ian notices that it will be a short day for me, he moves the flight to 16.00 for technical reasons!

At the office I want to get some leaflets on human rights. As usual, the 'Francophone African mafia' within our mission - as they are referred to by everyone - is bothering me again. Only one person can lend me simple leaflets and wants me to wait for him for hours. A day of running, arranging, talking and lobbying for a structural approach to our mission. It feels good to find the right balance between fieldwork and networking in Kigali. Nagette also just arrived in Kigali because her contract was not renewed. Nagette is too direct and stubborn; she cannot restrain herself from telling the big boss Bill Clarence what she thinks of him!

On my return to Cyangugu, milob Hans is waiting for me at the airport; he heard on the radio that I would be arriving. It is so nice to know people in Rwanda who care about me.

The big news in Cyangugu today is that one of our military observers died last night. I remember that we spent some time talking to him last week and he said that his throat was hurting because he said he had malaria. He did not seek treatment until yesterday. Milob Tim spent half the day transporting him and loading him onto a helicopter.

Alternative law

Cyangugu, Monday 12 December 1994

Friday morning, we had a meeting with the army commanders. I try to explain to them that it is in their interest not to lie to us about the incidents. We can help them show the outside world that the army does not have a policy of killing, but that there are only a few incidents that are dealt with openly. It is so stupid of them to come up with all kinds of implausible explanations. But Jane's confrontation method does not help neither to change this. I then spoke to the judges and the public prosecutor's office. Setting up an interim judicial system, using the limited resources available, to meet the great need for arrests is urgent. The arrest procedure is more or less the same as in the Netherlands (as Belgian law is the basis of their law system), but obviously cannot be applied under these circumstances. The current arrest practice is as follows. On the basis of three complaints against a person, (s)he is suspected and arrested by the army. The suspect then remains in prison until a legal system is set up! The prisons and detention centres are only getting fuller and fuller. Fear is increasing; if you have a fight with a few people around you, you can be arrested. There is nothing of this procedure on paper. A procedure should be developed with a minimum guarantee of due process. Decrees should also be issued, allowing a judge to administer justice even without two colleagues (the formal requirement is three) and in outside his district. There should also be criteria in the short term as to who can be arrested. Given the fact that a large part of the population has participated in the genocide, it must be made clear who is punishable. In Cyangugu, it is said that probably 80 per cent are guilty. It is not realistic to arrest more than half the population. What is necessary, however, is to reveal the truth for the sake of peacebuilding.

Human rights conference

From Friday afternoon to Sunday the human rights conference will take place, for which our bosses and ministers will be flown in from Kigali. Friday is the opening, on Saturday there are horribly long formal speeches that have nothing to do with Rwanda now. Jane wanted to respect them in their formal approach. I am disappointed; a wonderful opportunity to start up communication about Rwanda's reconstruction between civil and military authorities, judges and teachers has been missed.

From Saturday to Sunday, Linsey, a BBC journalist, slept in my room. Amazing how your life can turn out. Linsey was already here before the war, doing uninteresting work for UNICEF. When the war broke out, she and a Belgian were the only correspondents, so she could do the genocide reporting.

After a day of formalities, I put my hopes on Sunday. A civil society dialogue is actually beginning. In discussion groups, everyone gets to work to get a clear idea of what Rwanda needs now. Participants express their belief in a break with the vicious circle. The human rights of the Tutsi do not have to be at the expense of the Hutu and vice versa. They want a multi-party democracy without distinction between Hutu and Tutsi. According to them, the distinction is primarily a political issue that is also being abused. They realise that there

is a long way to go. Hutus and Tutsis want the moderate side of the former government to return and the Arusha peace accords to be implemented.

What I find a little disturbing is that ethnicity is not allowed to be discussed. It is as if the horrors, which are the result of that distinction, are being suppressed. At the discussion group on armed violence, whether it can be a solution to the conflict in Rwanda, many soldiers are present in civilian. The outcome of the discussion: the conflict was created by political extremism, which must be eliminated. The solution lies in negotiations, confidence-building, security, respect for the law, separation of the three powers, integration of the FAR (former Rwandan army) into the army. The wish is expressed that UNAMIR will separate the criminals from the innocents in the refugee camps.

On Sunday afternoon, after the conference, the first football match since the war is held in the football stadium where thousands of people were killed in April. Cyangugu will play against Butare. But first, the conference declaration is recited by the prefect. It is a relaxed event. The Prefect, who organised all this, is smiling all day. I bumped into the Prefect of Gikongoro, who expressed his disappointment that I had left Gikongoro.



Cyangugu: Bill Clarence at Human Rights Conference, 11 December 1994

Rest at last

It is now Monday, and I am alone for two days while the team is in Kigali. I am enjoying my freedom. It is the first time I am here without people around me. Today, I have moved into our office, which is a true paradise. I am sitting on a terrace amidst palms, bananas, avocado and papaya trees, looking out over the lake with on the other side in Zaire the mountains with refugee camps. It really is a place where you dream of retiring for a few months and

writing a book. It is the only house along the lake that has not been destroyed. We share the complex with the UN humanitarian coordinator (UNREO, forerunner of UNOCHA). A dozen Ethiopian soldiers are staying in the outbuildings.

Cyangugu Tuesday 13 December

I have had another full day. The prefect of Cyangugu is a fantastic driven, competent, pragmatic guy. An international lawyer, he has been mayor for a long time and in recent years has worked in the cement industry. He was also politically active. He is originally from Cyangugu, so he knows the people. At his request, I take the prefect to the field. I thought we were just going to a village to investigate an incident. But the Prefect has planned a day of visits and meetings in various communities, among which I am the only non-Rwandan. First, the security situation is discussed with the elite, then with the people (at least more than a thousand people), with me sitting next to the prefect. The people tell that the incidents are increasing. In the Kagano commune, a few people are killed every day and the men sleep in the fields out of fear. However, the people do not dare to talk about the perpetrators. The army, Hutu militia or criminals? On our way home, after visiting the hospital and an orphanage, army commander George from Kirambe approaches us. He says he wants to talk to the prefect alone. The commander disappears with the prefect into the town hall. When consider it takes too long and have a look in the communal building. The soldiers want to stop me. I think that is nonsense, after all it is not their base. I open a door and there, sitting around the table, is the whole of Cyangugu's army with the prefect.

Military operation to disarm the IDP camps

The military observers take good care of me now that I am here alone. I hear a lot of news from Gikongoro. I would love to follow the developments there closely. Last week Kaduha camp was emptied in one day because the rumour went that the army had ordered it. This week, a (secret) joint UNAMIR/RPA military action is planned to arrest the Hutu militia (interahamwe) in Kibeho and Ndago camps. The plan is for the army to surround the camps and for UNAMIR troops to then enter, heavily armed. There are more than 100,000 displaced people in these two camps combined.

The action is about to begin, I gather from all sorts of inconsistent radio messages between the milobs and my teammates. They pretend they are still in Kigali, but they can be reached on the Gikongoro radio channel! They have of course gone to Gikongoro, I understand talking to Tim. All cars, helicopters and manpower have been sent there to clear Kibeho and Ndago of interhamwe.

I regret that I cannot be in Gikongoro. Even worse is that I have no transport to Kigali to say goodbye to Adam. He is leaving the mission the day after tomorrow. In the end, I manage to arrange a lift with Canadian communications people, who drive over Gikongoro to Kigali.

A week of a human rights observer in Cyangugu

Cyangugu, Saturday 24 December 1994

Much has happened in the past week. The military action to disarm the camps turned out to be a fiasco. The UNAMIR troops merely stripped the displaced people of their machetes. In Kigali, I spent one last evening on the terrace with Adam and Nagette, enjoying the frozen margueritas that Adam made with great care. Adam told me that the second commander in Gikongoro, Philbert, had asked about me at every visit in recent weeks, disappointed that I was no longer there. I took Adam to the airport early on Thursday. Christian, a Swiss man that I had met last summer in Geneva at an UN-minority meeting, arrived in the plane on which Adam was leaving. Before leaving the Netherlands, I had given him the tip to apply for a job. Apparently, he succeeded. The Christmas atmosphere with departing colleagues, parties and outings begins.

I stay in Kigali until Monday morning, but on Friday I have a working day in Cyangugu. Unexpectedly, I go by helicopter with the Spanish forensic specialists to Cyangugu who are on their way to exhume thirteen recently killed people and determine the cause of death. However, upon arrival at the scene, the families refuse to give permission, out of respect for the spirit of the dead. As an alternative, the whole group investigates a recent incident in which five fishermen were killed by the army. When we arrive at the scene, witnesses are heard by the forensic experts. Shots are fired all around us. Everyone ducks under our cars and when there is more shooting, we drive away quickly. A local soldier, dead drunk, had fired at the sight of all those UN personnel. He was later arrested by the army in our presence.

Saturday morning, I made a decadent helicopter safari with the Brit Ian and his mates. Sunday, we set off all day with the same British officers to look for the gorillas in the rainforest in the north, near the volcano. A day a real holiday, great, from five in the morning until evening on the road, climbing a mountain,



North-west Rwanda: repairing the road, 18 December 1994

repaired the road and indeed encountered a large gorilla family. They pretend we are not there, almost insultingly they continue eating undisturbed, throw a child on their back and walk away or let themselves roll down the mountain, wonderfully relaxed. Nature in Rwanda is so beautiful, the people so friendly, unbelievable how a whole population was able to participate in the killing.

Very early on Monday morning, I went back to Cyangugu by helicopter. I go to our office and don't see any of my teammates all day. I have no transport, no food, no electricity and by seven o'clock I have had it with waiting. Especially since I saw team leader Jane arrive two hours ago for a meeting with our neighbour the UN humanitarian coordinator, where I am told I am absolutely not allowed. When I see Jane after the meeting, and make it clear to her that I don't appreciate this, she says she can't take me with her all day. I don't want to go out with her at all. I just want her to share responsibility, I want to talk about our work and just be able to do my work. From that moment on, the cooperation is creatively complementary for the first time. On Tuesday, we first have a meeting and, in the absence of transport, we carry out our activities on foot.

On Wednesday, the Prime Minister, the Minister of Justice and the Minister of the Interior pay us a visit. We have lunch with the ministers. I have one interesting discussion after another and talk a lot with the army commanders, who are very open. I try to mediate between them and Jane, because they say they don't want to have anything to do with Jane - and with us - anymore. Jane went to the army commanders hysterically upset by the shooting incident and screamed to them for a long time! I witnessed this shameful spectacle. The soldiers are not entirely unjustified in reproaching us for saying we will help them, but we do not stop criticising them.

On Thursday, I went south with a new teammate, Isidore from Chad. Isidore is a tall man who knows exactly what he wants in life, goes his own way and is fully committed to his mission of making people aware of their rights. His expertise is human rights education.

On Friday, I am alone in the office, writing our weekly report. Although the mission as it is now set up may not achieve anything, I enjoy this kind of work. I have made up my mind to gain a lot of experience in the coming years and then to start working independently without bureaucratic obstacles. I have a very precise dream; it would be really great if I could make it a reality and I believe I have all the means to do so.

Christmas in Cyangugu

I am starting to feel at home in Cyangugu, so I enjoy celebrating Christmas here with the people and a few expats who stayed behind.

I feel more comfortable spending Christmas Eve alone than going to parties. My Christmas is already made. Just now Bosco came to my room to wish me a good Christmas. Bosco is a boy from Butare, who lost his whole family during the genocide last year and now works in the convent. I grab some knickknacks from bags and rations to give him something of a Christmas present out of limited means. Now he comes in with two bars of soap for me, really terribly cute. The first Christmas without family and he is always as friendly and cheerful as ever. He shows me his ID with a cross by his father's and mother's name. The fate of many here. There is no midnight mass because it is still too unsafe. I have just had a beer with the Prefect on the office terrace. He is not going home for Christmas (Bugarama) because of the rumour that an invasion of Cyangugu is planned from Zaire. We don't believe it, but the prefect stays anyway to reassure the people. I just received a Christmas card from one of the army commanders: "It is great having you with us". We are very lucky with the constructive and personal contact we have established with the authorities; they are intelligent, capable, warm people.

I have been to Kigali many times in the last few weeks to facilitate a constructive view of our work, I have left my message there. However, I cannot expect action and I am now focusing on establishing constructive work on a prefectural basis. What we develop here can be used nationwide if successful. The prefect and I agree on all matters so we can do something and not focus on human rights violations, which are happening all over the world. After all, we are not here because this government is so bad, but because the previous government, which is now on the other side of the lake, committed genocide. The prefect told me this afternoon that he is developing an arrest form. This is to be used by all authorities. The form gives information on the reason for arrest, personal details, time and place of arrest and the name of the person responsible for the arrest. He must also sign the form. The detainee receives a copy of the form. Last Wednesday, the Prefect discussed the form with the visiting ministers and received their support. The Minister of Interior has already discussed the form on the radio. This form could be an example for the rest of the country.

A beautiful Christmas evening behind the computer, in a remote corner of Rwanda where tomorrow the invasion from Zaire is expected. That has its charms!

Butare, Wednesday 28 December 1994

Christmas has been a quiet day with visits to the various organisations in Cyangu. In the evening there is a garden party at an NGO, where the band of the Ethiopian battalion performs. The International Red Cross (ICRC) has actually brought Dutch oysters, which were flown in the same morning. I am lucky that nobody likes oysters and that I can enjoy a surfeit together with the Red Cross man.

What will happen to the legal system?

Cyangu, Sunday 8 January 1995

The BBC reports that at least 16 people have been killed in the camps in southern Rwanda. A conversation between military observers on our own radio shows that 80 people are said to have been killed in Busanze (Gikongoro). That is what you get from such the attitude of the international community I had encountered in Gikongoro. The principled position is taken that 'food should not be used as a weapon'. Poor people in the camps must be helped and their fears must be respected. "We are here for reconciliation", were the words of one of my colleagues when I was discussing this issue. Empty words. What reconciliation means is bringing the people together. Not the division of the people, using empty rhetoric as if food were a weapon. No, under "Operation Return", which replaced "Operation Homeward" last week, "Open Relief Centres" have been set up in the home communities, safe havens with UNAMIR presence, where people can sleep, get food for a fortnight, register, and so on. Please, let there be a pragmatic attitude to turn off the food tap in the IDP camps. Now only the small camps are being started, making the larger ones bigger and thus more dangerous. So, the chances of the army losing its patience are not negligible. Continuing to give food is also not in the best interest of the IDPs, if there is a high chance that they will be violently evicted. Put the money into setting up a legal system! It seems that only the Netherlands has any insight into the actual situation and will perhaps provide financial support for the restoration of the legal system. My hopes are pinned on Tod Howland, who is responsible for technical legal assistance in the Kigali team of our mission. Tod is not distracted by the Francophone African colleagues in Kigali (there is not a single person from an English-speaking African country in our mission). Tod feels supported and asks me to send an urgent letter to the Dutch Ministry of Foreign Affairs.

After my friends leave for Christmas, I spend most of my time in Kigali with the recently arrived Swiss Christian. He is an ethnic conflict prevention expert, and is deeply indignant about the mission and the counterproductive action of the international community. The critics on the current government, which stopped the genocide, without helping this government with the post-genocide reconstruction of the country. This while many millions have been spent on humanitarian aid in the refugee camps, where those responsible for the genocide are in charge. He also thinks that building up the legal system is essential for preventing conflict.

Life in Cyangugu

I am still in the convent. We are looking for a house, but it is not easy here. Cyangugu is next to the camps in Zaire. When the French were in control here until July and did not disturb the criminals in their demolition activities, most houses were looted, including roofs, toilet bowls, pipes, window frames. The only advantage: this does give us the opportunity to swim from the garden of the former Prime Minister's house. The bishop's houses have been spared, against payment to the French, we are told. It starts raining a lot again (fortunately mainly at night) and thundering, with always the uncertainty of whether it is shooting. Here it is never weekend. Today the prefect and the army want to see us, everywhere and always you meet people. Yesterday was the Ethiopian Coptic Christmas, to which all UN organisations (the Canadian force commander came from Kigali), NGOs, authorities and the army were invited. From early afternoon until deep in the night there was plenty of music, dancing, food, wine, etcetera, etcetera.

On Wednesday morning, grenades appear to have been thrown into the orphanage, killing several people and wounding more than ten. The perpetrators are said to be Hutu infiltrators from Zaire. Or, more likely, ex-employees of the NGO *Medicins du Monde* who were fired the previous day at the instigation of the army.

An ordinary week in Cyangugu

Cyangugu, Monday 16 January 1995

Another week has flown by. Today I have spent a day alone in our office, which is not used by anyone else. Just alone again in my divine spot at the lake. Had a busy weekend with a lot of report writing and a visit from our chief of mission. Saturday, I watched a video about the war and genocide with army liaison officer Gerard and his wife. Last night an army officer suddenly stood in my room. He made the urgent request to tell the world what is happening here.

I heard that Major Philbert of Gikongoro had been arrested because of the Busanze incident. Busanze is a commune on the Burundian border where fourteen people were murdered by soldiers, under his responsibility. This massacre does not fit at all with Philbert's PR-oriented thinking. Busanze was already a problem when I was in Gikongoro. At the border with Burundi, at night there is movement of the militia, on their way to military training in the north of Burundi. These militia are engaged in massive arms smuggling.

Today, I visit Cyangugu prison where hundreds of men are crammed together in a large dark room. What on earth should I do with them? I feel like an apparition when the door is opened and the sunlight spreads through the dark room. I quickly shut the door again.

I pay another visit to the south of Cyangugu. At the border with Burundi, Angele and I visit the gendarmerie. Three soldiers beat up a detainee as I walk into the courtyard. When they see me, they run towards me, shocked, angry and making excuses. We also speak to the mayor about all the issues we are concerned with. We then visit Burundian Hutu refugees

who have fled extremist Hutu guerrilla activities in the north of Burundi. There is also a centre for Tutsis who, after living for decades in Zaire, are now returning to Rwanda. They are waiting for transport to Kigali. We end the day with a visit to the military observers and go back via a small beautiful road which, according to Angele, resembles her village. It is wonderful to be on the road all the time.

Legal Workshop

The legal workshop, I organised last Thursday, brought together all the authorities involved in the arrest and detention process, including gendarmerie, IPJ, OPJ, judges, prosecutor, Ministry of Reconstruction, the army and the prefect. I have been told by Bengt of the Dutch Ministry of Foreign Affairs that we will receive \$50,000 for material things needed to set up a legal system. The attendees make a proposal on how to spend this donation. I then discuss the development of a provisional arrest procedure, which would give a minimum of due process guarantees. I ask the gendarmerie how arrests are made at the moment. The gendarme tells that there is no official Public Prosecutor. After investigating a case, arrest follows, without any further procedure. Even if the prisoner is transferred, the file remains with the gendarmerie. The Public Prosecutor, who has his office next to the gendarmerie, speaks up indignantly: "But I am the Public Prosecutor!" In the presence of everyone, the gendarmerie has to admit. They decide to continue the discussion about the arrest procedure together after this meeting. The Prefect tells me that the next day, the gendarmerie handed over 150 files to the Public Prosecutor! We also discuss matters such as the arrest form, which still appears to be a dead letter. We agree to meet again in a fortnight. It feels good to have started a process!

I heard on the BBC that the invasion from Zaire across the lake had begun. In the afternoon I go and have a look in the north of Cyangugu to see what is going on. I also want to say goodbye to Dorethée, the doctor of the NGO German Emergency Doctors. The news doesn't seem to be true. Because of the increasing infiltration and mutiny from Zaire, there is a high level of preparedness. Etiobatt patrols have installed themselves along the lake and high-ranking UNAMIR officers have come from Kigali. Dorethée is lying on her bed after having just received a positive result from the malaria test. She tells me that 70 Tutsi families have returned to their commune, where they are confronted with the murderers of their relatives while their houses are destroyed or occupied.

Alternative justice: African solutions

Returning in the evening, I have a long talk with the prefect, among others, about Gacaca/Mediation, which traditionally is the basis for solving small disputes. The mediator proposes a punishment in the form of compensation that is carried out in a ritual, in the presence of the community. This completes the reconciliation. Mediation is widely used since the war for 3rd category offenders, profiteers from the war, for example in cases of theft. For serious cases like organising or participating in genocide, only criminal law offers a solution. The prefect explains to me that in Rwanda, truth commissions are not an option because justice must be done, using a combination of Gacaca and criminal law.

I work a lot with my African teammates, from whom I learn about the original values and forces in Africa. There are many similarities in Africa. I believe that the solution to many conflicts in Africa is to reduce the importance of the artificial nation state, for which governments do not feel accountable, and to develop an African citizenship. This insight runs parallel to the increasing interdependence, decreasing national sovereignty and increasing regionalisation everywhere in the world. I also find it interesting that we in the West are increasingly interested in alternative modes of dispute resolution, which in Africa is the basis of law. It is important to develop African customs as a tool. Due to colonisation, neither mediation/Gacaca nor the imported formal legal system has been fully developed. This is all very a fascinating subject matter, which we discussed yesterday with all the 'conseils des secteurs', 'bourgemestre', army and gendarmerie of Bugarama. In Bugurama we also pay a visit to the orphanage.

Visit to orphanage

Cyangugu, Wednesday 17 January 1995

The orphanage of Bugarama is a miracle. "La Mama", herself an orphan, founded this orphanage in 1979 after losing her husband and children. Today, it is a large complex, which is undergoing major construction. The atmosphere is paradisiacal. La Mama speaks only Rwandese, but you can nevertheless communicate with her. A big church is being built because she prays a lot, believes in the power of love and people want to pray around her. A wonderful woman, full of life and strength. By some miracle, the complex and everyone there has remained untouched, despite several attempts to attack. La Mama explains how she played with the soldiers' fears. The complex is entirely financed by Rwandans. One of the sisters in my convent tells me that it is said that La Mama is in direct contact with heaven.

Exchange with the army

Cyangugu, 19 January 1995

On a free day I visited Bukavu. The UNICEF protection officer Aous, who works in both Cyangugu and Bukavu, arranged a visa for me and took me along. I attend an NGO/UN meeting. The "attitude of help" of the NGOs reminds me very much of Gikongoro. They all say: "I don't want to judge who participated in the genocide; otherwise, how would I be able to help? A Dutchman, who works for UNHCR, accuses the UN human rights monitors in Rwanda of lacking objectivity, because we do not report all the killings by the army! I ask him how he got the information about the alleged killings. He cites as his source of information the new refugees coming from the IDP camps in Gikongoro via Burundi to Zaire!

The refugees believe that there are five million of them in Zaire, and that not one Rwandan from before the genocide is still alive in Rwanda! In the camps they are excited because the invasion of Rwanda is about to begin. The refugees still think that everything that goes wrong is the fault of the Tutsis, and that all Tutsis still alive should be killed. I wonder how, under these circumstances, you can find an interlocutor among the refugees to negotiate a possible return. As long as the extremist Hutu authorities are in the camps, no sensible

person will open his mouth. Moreover, an information campaign is needed first. This afternoon, I will visit a couple of camps that have been my view from Cyangugu for the last seven weeks. It reminds me of camping in Europe, large tents with a garden around them, by the lake in the hills, free medical care and food. I then paid a visit to the Swiss/Rwandan cooperation 'Rapporteurs sans Frontieres'. A fantastic organisation that aims to provide objective information. The provision of information is an essential part of the solution to the conflict. However, it must be structural and well thought-out. Contradicting what these people have imprinted in their heads - Rwanda is almost empty and the RPA is killing every Hutu - is completely useless and even dangerous, given the interest of many murderers in this disinformation.

I find it terribly difficult to talk to people whose perception of reality is so distorted.

As bad as I felt in Bukavu, as good I feel tonight visiting the new commander in Cyangugu, Major Kazura, and the rest of the army leadership. For a moment in Bukavu, I felt a doubt whether I am completely crazy with my clear understanding of the situation. Tonight, my doubt is completely removed. The energy of these people feels good, while in Bukavu an overwhelming feeling of injustice took hold of me. A special feeling as the only woman in an army stronghold; they hang on my lips to hear my insights. We talk about life, Africa, politics, justice, Rwanda etc. They are open about the problems they have in the transition from guerrilla movement to civilian government. I also discuss the role of the church with them. I don't understand why the church is still full, while mass murders have been committed in those same churches and the church itself doesn't have clean hands either. According to them, this is because of their trust in God. These soldiers seem to be much milder than I am in their assessment of the massacres. In general, people in Rwanda do not talk about the genocide. They seem to live on a thin surface and especially do not focus on what lies underneath the traumatic experiences. It gives hope to discuss with such gifted, sensitive soldiers. We have a toast to Rwanda becoming a success story and example for Africa. This is achievable in a small country with a seemingly well-intentioned smart government, if only Rwanda is supported by the international community. And that support is nowhere to be found.

Cyangugu, Saturday 28 January 1995

After a week of emotion and consternation I have finally found a moment of peace; in our new lovely house and garden with a view of the Rusizi I border crossing, Bukavu and the lake. A grey day, sitting on the covered terrace - that's really relaxing. Beautiful, elegant little birds in all sorts of colours are perching. I greatly enjoy sitting here alone, a lull before the storm of all sorts of unknown events. What has happened?

Last Friday the 20th - totally unexpected - my teammates Jane and Chris tell me that I have to pack all my luggage the same day and that I have to leave, because my contract would not be renewed. I don't understand the rush, but I have already packed and written a handover note. In the evening, we had dinner at UNHCR and visited other organisations. Saturday morning, we have another team meeting, in which nothing is discussed.

Monday morning, I go to Kigali. It is not clear to me what awaits me. I collect the car from the workshop. I give the key to team member Chris. That is a mistake; at the UN you don't seem to have to be nice, is what Angele tells me later. The next day it turns out that Chris and Jane have both left alone in that car. It then transpires that Jane has had an accident with the other car, which for some inexplicable reason suddenly had a large dent and a broken window. She had not told anyone about this (reported in UN jargon). Jane and Chris have told everywhere in Kigali that I am going to leave the mission, while at the end of the day it appears that my contract has been extended. But now I am stuck in Kigali. I go to deputy chief Abdu Asseid to ask his advice on what to do next. Again, in typical UN jargon, he says "I don't have the necessary information!"

I spend my unexpected time in Kigali well and meet many people, including several times Paul Sallon and Rakiya Omaar.

I am impressed by Paul Sallon, a British psychotherapist who deals with trauma based on the culture here. Paul's observation on the silence in response to the mass killings is that silence is the safest thing in all respects. If you associate language with action, that might explain the relative calm, the non-action. Semantics could be a solution to resolve the gigantic conflict beneath the surface. Instead of speaking in terms like 'conflict' - which has been used on the radio, the main mass communication medium, since 1959 - a language of community should be created.

Rakiya Omaar is a Somali who grew up in England and is the co-director of Africa Rights, an organisation she founded. After the publication of a highly critical report of hers on the US intervention in Somalia, I understand, she had to withdraw from Human Rights Watch, for which she worked before. During the period of the genocide, Rakiya moved into the country behind the army (RPA). In places where the genocide had just been stopped by the RPA, she would take witness statements. The result is our bible⁹, a 700-page book published in September with all the witnesses' stories. It is great to meet a powerful, driven woman like Rakiya. She explains that she was able to write a 700-page book within two months out of sheer anger at what she saw and heard when she went into Rwanda with the army.

Rakiya is convinced that the outside world deliberately misrepresents the current government in order to prove that it is an ethnic conflict. In this way, the world can ease its conscience, because what can the world do about such primitive tribal conflicts! Acknowledging that a genocide has taken place calls for action, and so far, there has been none. The whole world talks about the hollow word 'reconciliation', but how can you reconcile if the genocide is not thoroughly addressed and justice done? Our mission hardly pays any attention to the genocide; until recently it concentrated on criticising the current government down to the smallest detail. As a result of the (lobbying) activities of a few, technical legal assistance is now finally gradually developing.

Stuck in Kigali, I go with the Swiss Christian to a special public meeting where 2,000 soldiers of the former Hutu army (FAR) are integrated into the current army (RPA). It is a simple but appropriate gathering in the stadium, no display of arms and such. Our chiefs are there too,

⁹ Rwanda; dood, wanhoop en opstand door Afrikaanse Rechten, september 1994, Rikiya Omaar en Alex de Waal

along with some people from the Kigali team (the 'Francophone Africans'). They see Christian in the crowd and it is clear that our presence here is not appreciated. I feel bad about this, although this is actually nothing to feel bad about.

That evening, I went to a party at the home of the Africans from the Kigali team, who were so very nice to me, but the next day it turned out that they had told strange stories about me to our deputy Asseid.

I go to Asseid to apologise for yesterday, explaining him that I had understood that it was a public meeting, but that I am of course very sorry that he did not appreciate my presence. He doesn't want to talk to me, says he is deeply disappointed in me. I had acted like a journalist (Christian had brought a camera with him) and then had laid down on the grass to sunbathe! He had heard this from the Africans of the Kigali team. I find this so unjust. All I did was wait at the exit for transport. When I tell him this, Asseid says: "Yes, everyone from the top to the bottom of this mission seems to be lying." Besides, he says, human rights officers are not allowed to be at public meetings. Sigh. No matter what I do, they will think of something that makes my behaviour against the rules.

When Jane's damaged car is ready, we are unexpectedly allowed to take it with us on Friday morning. Early in the morning, I drive back to Cyangugu with Angele. There appears to be no place left with the nuns any more in Cyangugu. Now I am obliged to move into our beautiful new house, while my team still lives in the monastery. At the market I meet team member Chris who tells me that I have big problems! This will be discussed that evening, he says. The meeting in question is held on Sunday, in the house where I am staying. Jane is furious.

I had a nice swim in the lake, I hadn't done that for too long. It makes me a different person. I sit on the terrace again with a glass of wine. The tension in Cyangugu seems to be increasing. In the evening, curfew, just now on the radio, the sitrep (situation report) from the milobs states that Ethiobatt had fired on bandits coming off the island. Yes, the suspense remains.

Cyangugu, Sunday 29 January 1995

I am enjoying an imposed free weekend. I had arranged with the Prefect a series of human rights seminars for all the communities. The first one takes place this weekend, but I am not allowed to attend.

Dilemmas

In our mission, it is a rule that team leaders are incapable. Then again, personal relationships determine our judgment of the authorities. For example: in our mission it is always said that the authorities in Kibungo are very uncooperative. I ask someone from UNHCR if this is true. He says this is just a problem of our team; it is French speaking while the authorities are English speaking. In Cyangugu, the situation is exactly the opposite with only French-speaking authorities and a team dominated by Americans. All the good people are leaving the mission. Maybe that is why I have to stay, but how can I work under such

conditions? Playing Don Quijote, I don't feel like it. That's why I have decided not to help Christian develop a proposal for interim justice, which Christian wants to send to the High Commissioner for Human Rights. My method is to package new ideas in such a way that it is also attractive for conservative thinking people to work on them. However, within the UN hierarchy, you are supposed to follow orders from your immediate superior and report only to him/her. So, within this system, you can change almost nothing because no superior is willing to stick his neck out. The chances are too great that they will be chopped off, as happened to Mohamed Sahnoun, while he was Boutros Ghali's Special Envoy in Somalia. In the UN, work is not important; the most important thing is to lick the ass of your boss. If you don't make decisions, you don't stand in the way, and so you are successful in the UN. If you never take a risk, never make a decision, you will not make mistakes. These 'UN rules' I have heard from more senior UN colleagues to explain to me why things are the way they are.

For the last week I have been in a state of outrage about the injustice in the world, and especially the injustice that the West has done to Africa. And still does. I am ashamed. On Friday evening, a representative of the UNVs (United Nations Volunteers, a separate UN organisation) talks about how terribly difficult the circumstances in which we work are, as if we were heroes. Nothing could be further from the truth. We have a very good life: cars, radios, servants, overpaid, ex-pat parties. Only the mission itself is hell. I feel sick when I am dropped off at such a party with all the Land Cruisers of the UN, ICRC, IRC, MDM in front of the door.

The situation in Cyangugu is bad, with more and more infiltration from Zaire. This week mines were laid in the market of Cyangugu, killing innocent people and causing loss of limbs. The Tutsi children in the orphanage have again been threatened with death. The army responds with a curfew and searches. So far 300 undocumented migrants have been arrested and taken to their home villages to get their papers. People who participated in the genocide leave their commune because there it is known exactly who did what. Yesterday, UNAMIR soldiers from Ethiobbatt shot infiltrators who came ashore on a boat and threw a grenade at them. Today, a major investigation is being launched from Kigali because this is the first time that UNAMIR has killed anyone. I find this reaction disproportionate. There was one survivor, a badly wounded Hutu militia member. A difficult moral question. Should you do everything to save a serious criminal? Abstractly, he has put himself in this situation, but he is also a human being. A nurse from Nyamesheke told me at the ex-pat party that this Hutu militia member, whom she had cared for, had such a beautiful vulnerable face. He was operated on for hours by the Norwegians in Cyangugu. At the party, I hear the Norwegian doctors discussing the operation. They have hope and confidence that he will make it. I have mixed feelings. Fortunately, that evening I meet many people who feel like me, like Eva from UNHCR and Nadya from ICRC, who left UNDP for the same reasons I am leaving the mission.



Idyllic view from our house in Cyangugu over Lake Kivu at the end of January 1995

The house where I am staying is the holiday home of a Rwandan woman living in Zaire, she is married to a Canadian. The location, garden and architecture are reminiscent of the houses on the shores of lakes in the Alps. You don't really feel like you're in Africa. Together with the bishop's houses, this is the only house that has remained intact. The guards are very loyal; during the war they guarded and kept out the criminals. I could hardly imagine that, but when I came home last night after the party, I understood why. I was dropped off and walked up the drive. There they were, menacing me with gigantic knives. How safe I felt. Today was a wonderful day. A quick visit to ICRC and the market, a nice swim and now I am sitting in the garden reading and writing. The team meeting is coming up. I think I decide to leave. I don't feel like working under conditions that make the work impossible for me.

Cyangugu, Monday 30 January 1995

At last, I have had the meeting in which Jane tells me that I am irresponsible in my work and with the cars. According to her, I am a problem in contact with the authorities and she would often talk to me about this (never!). She has reported my behaviour in confidential memos to the chiefs of mission. She has forbidden me to have any contact with anyone, I am only allowed to go to prison. Communication will be through memos! Isidore says he wants to leave the team because he is uncomfortable with Jane's psychological manipulation and exclusion of team members. I remain super calm, ask Jane if I may see the memos, or at least know the content. But Jane kept saying: 'no, you are not allowed to talk', and so I wisely keep my mouth shut. Fortunately, the rest of the team is normal and supportive. What I still wanted to develop; I am now passing on.

A first quiet evening at home. The cook/housekeeper did a great job and filled the house with flowers. We never hired him, suddenly he was just there. In April, he lost his wife in the genocide, leaving behind two children of three and five. He himself had fled alone by boat to Zaire because he assumed that only the Tutsi men would be killed and his wife would therefore be safe. Moreover, he had no money for more boat trips because the price of the crossing had risen due to the genocide. The worst thing is that the cow had gone, now his children have no milk to drink.

It is a peaceful evening. The sound of crickets, the view of the lights of Bukavu. Because of the increased infiltration, the curfew has started. Eric, a psychologist who is in the army (RPA), just came by and told me that they found a lot of weapons during the house searches. At the market, I saw the Public Prosecutor. I hid, how could I explain that I would not be at the legal workshop I had organised tomorrow?

I brought the cook home and visited his family. Poverty in the countryside is much better than in a big city. He lives in a small stone and clay house on a hill, overlooking another hill. So green and peaceful. His family told me that they were afraid of soldiers, bandits and infiltration. The general state of fear means that people don't usually talk about it, but try to live on as if nothing is wrong.

Cyangugu, Wednesday 1 February 1995

Angele was sad because I was leaving the team; we have achieved a lot together. She advised me to be more formal in the future. You shouldn't be open with insecure career hunters like in the UN. It feels good to leave at this point. I have set up the legal workshop, developed human rights education, proposed interim legal instruments that are being adopted and facilitated many other concrete actions. About the legal workshop, that just took place, Angele tells me that even the commanders of the gendarmerie and the army were now also present. They are very happy about a tri- or even 'quartrepartide' commission to build the legal system. The long talks with them have borne fruit! Now it is time to let go and let others take over. But the reason why is unjust. At the market, I meet the secretary to the public prosecutor. He is the first person I say that I am probably leaving. He is indignant. "How can you leave now; we all love you here." He calls me a strong woman who cares about the fate of Rwandans and is pushing through concrete steps to make the situation just. "You can't just leave us." Tears spring to my eyes, saying goodbye hurts so much. I say, "oui, c'est ça la vie, quelque fois on ne contrôle pas les choses."

Jane walks in just now, full of pride about the great success of the legal workshop!

Kigali, Thursday 16 February 1995

When I was in Kigali last week, my bosses in Kigali said I couldn't go back to Cyangugu until further notice. So, I took a holiday, I was completely burnt out emotionally. I went with Sjaak from the Dutch DRA (Disaster Relief Agency) to the refugee camps in Tanzania. Near the Rwandan border, in Benako with its population of 220,000 refugees, I attended a mayors' meeting; the mayors of the places in Rwanda are also responsible for parts of the

camps where their own populations are. All of them looked nervously and distrustfully like I saw also in the camps in Gikongoro and Zaire¹⁰.

Again, it is horrible to see the indoctrination of the people. In an exhibition of children's drawings, peace is depicted as: UNHCR, ICRC. 'War' is the symbol for the current Rwandan army (RPA), which is killing with machetes, rifles and grenades, no less!

An emptiness has come over me. I have done everything to make something and now it is over. No more wasting of emotions on so much negativity. I have learned a lot about the international system, about people, about conflicts and about myself.

And now the end

Cyangugu, Thursday 16 February

Great to experience: this afternoon at 4 p.m. I took the helicopter from Kigali to Cyangugu, and I enter our house: "Hi Jane! She starts screaming at me: "What are you doing here, you are taking your luggage and going back with the first helicopter tomorrow morning. You won't see anyone at all in Cyangugu and certainly no authorities with whom you have ruined all contacts!" I pack my things and go to the convent. The amazing thing is that Major Kazura with Alfred and a few other army officers are just at that moment looking for me in the convent! They were worried and had missed me. Then Rakiya Omaar also turns out to spend the night at the convent and she joins us. It is clear to me that the gigantic conflict with the millions of Hutu refugees just across the border needs to be addressed and that all activities that are not dealing with the core-issues at stake are pointless. Rakiya says that it is very important to denounce the role of NGOs, which mainly target the Hutu displaced population. Rakiya believes that the Rwandan army should do its homework and resolutely launch an investigation into the genocide. She also believes that the army should launch a strategic campaign to demonstrate the negative role played by NGOs and the international community.

Cyangugu, Friday 17 February, 1995

It's great to see everyone again, and it's horrible to say goodbye. But actually, I've been doing that for weeks. Many people have missed me in the past weeks and are expressing their shock at my departure. They have put their trust in me and we have done a lot together. The judges, the prosecutor, milobs, Ethiobatt, army, even without transport I manage to see a lot of people. Tomorrow morning, I have another appointment with the prefect and with the army commander.

I feel liberated now that I am leaving this mission. Collecting data on possible current human rights violations in Rwanda has become the main task. But the violations that are occurring now are due to the genocide and to the lack of a legal system to do justice.

¹⁰ A BBC documentary in April 2004 revealed that one of those heads in Benako was the person responsible for the Nayarabuye massacres; which I had visited in my first days in Rwanda.

Cyangugu, Saturday 18 February,

At 6.30 this morning my teammate Chris woke me up, telling me that he is going to take me to the airfield. I knew nothing about this. He says that he is ordered to pick me up at this time. I ask him, from my bed, what it is like to work for a dictator like Jane. He answers: "The dictator likes me, I'm lucky and I want to keep it that way". And adds that the team is forbidden to give me a lift, and that to keep their job they listen to Jane. Angele is angry and writes me a sweet letter in which she says that she will continue to fight and that she will not be chased away because the others are crazy. So, I stay and this afternoon I have party at MSF, so I can also say goodbye to the NGOs.

Kigali, Saturday 25 February 1995

I have been summoned for a meeting with the bosses of the human rights mission. Bill Clarence and his deputy Essaid are very friendly. They apologise and tell me that Jane has indeed written memos full of idiotic lies about me, which they do not want me to see. They will make sure that these reports do not get into my file at the UN. They ask what I will do now. I tell them that my father is coming to visit me in Nairobi. Clarence says his father also came to visit him in Nairobi 35 years ago when he was in Uganda.

Plane Kigali - Brussels - Amsterdam 5 April 1995

Now I'm really going back to Europe. After many wanderings through Kenya and Uganda I got stuck in a civil war in Burundi, where I was supposed to visit a peace conference, to meet Mohamed Sahnoun.

At a reception in Kigali last night, Clarence was very relaxed and awfully nice to me. I knew that at the same time the BBC would release Rakiya's damning report on the UN human rights mission, in which I am quoted on a number of points.

Part II: UN transitional administration in Vukovar in post-war Yugoslavia 1996

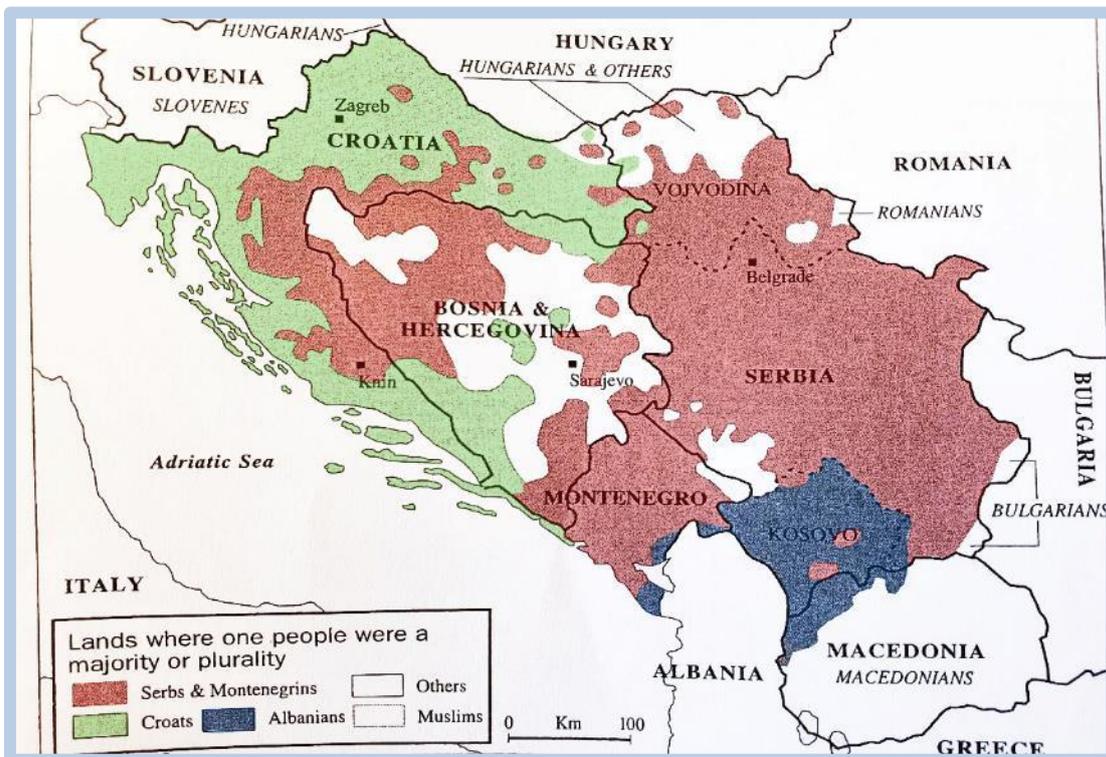
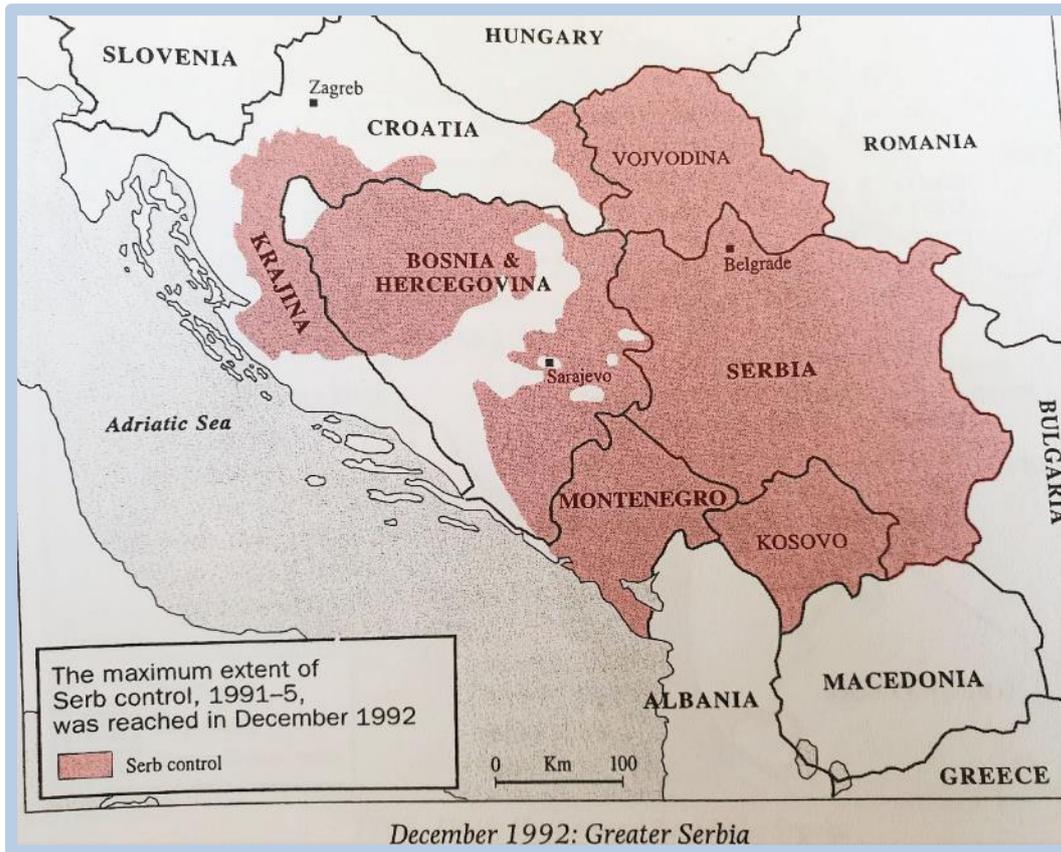
In 1989/90, when I was studying international relations at Johns Hopkins University in Bologna, I had written a paper on Yugoslavia, on cooperation in the Balkans and on federal models. My conclusion was that European integration was the only way to avoid war and to guarantee lasting stability. If the republics of Yugoslavia were part of a larger whole, they would be forced to live together peacefully. Unfortunately, the EU did not follow my advice at the time (just kidding)! Then, in June 1990, I happened to be in Belgrade for one day with a group from my American university, travelling by train to Sofia; we had no idea that the war would come so soon.

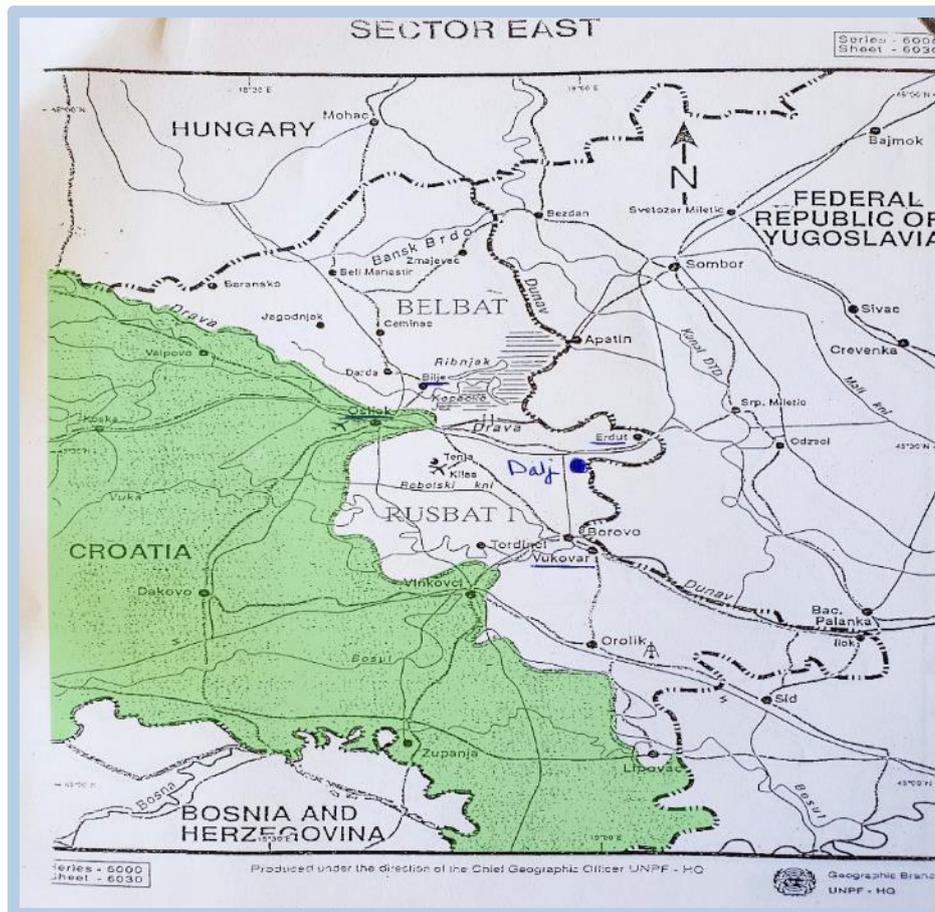
During my life as a lawyer in Amsterdam, the war had passed me by. I have no interest in war reporting in the media, which for me is too superficial a representation of loose fragments with which you are inundated while it is unclear what is really going on.

Listening to the BBC daily from Rwanda, the news from Yugoslavia irritated me immensely. Here in Rwanda, almost one million people had been massacred in the most atrocious manner, which was hardly mentioned at all. Whereas a few deaths a day in Yugoslavia was always reported as shocking news! It was crystal clear to me: I was not going to work in Yugoslavia.

After my first international experiences, it became increasingly clear to me. It is difficult for me to work within the UN, and as an individual you can only achieve something with an organisation that supports you. Since I have not come across an organisation that does what I have in mind, I have no choice but to set up my own organisation in order to give shape to what I believe is necessary in the field of legal rights' protection. But how to start? After doing some projects with Adam (from Rwanda) in Malawi in 1995, the UN offered me a position as 'civil affairs officer' with the United Nations Transitional Administration for Eastern Slavonia (UNTAES) in Vukovar/Croatia.

So, in early July 1996, I left for Vukovar, the most easterly point of Croatia on the border with Serbia. So back to the UN after all, and also to the former Yugoslavia! When I arrive in Vukovar, the province of Eastern Slavonia is administered by a UN Interim Administration (UNTAES) under the authority of the American Jacques Klein, with the mandate to peacefully integrate this area into Croatia, which has been under Serbian local administration since the war began.





Eastern Slavonia - UNTAES Zone in 1996
(Russian troops in Vukovar and Belgian in the Baranja north of Osijek)

1) Working for the United Nations Transitional Administration for Eastern Slavonia

Dalj and Vukovar (Croatia), Monday 22 July 1996

I arrived in Zagreb on 14 July. The next day, first some administrative matters are taken care of at the UN headquarters, then I am driven 300 km east in a van towards Vukovar. The empty motorway crosses a flat, green plain. On terraces in Zagreb, I am warned by Croats about the barbarian Serbs in Vukovar. My first impression of Vukovar is overwhelming; the total destruction of houses and flats, the kind of bizarre chaos and anarchy, with Serbs of whom I don't really understand where they come from and why they are here. In Vukovar, 85% are said to be Serbs, who come from everywhere. Even though it is difficult to communicate (I still have to learn their language), Serbs are extremely warm-hearted and hospitable people who love eating, drinking and smoking. I ask many people to explain the situation, but nobody seems to have a clear idea. What is clear is that these Serbs have never lived in an independent Croatia - and they don't want to. They are no longer supported by Serbia; they are afraid and they deny the Erdut Peace Treaty which stipulates that Eastern Slavonia will be part of Croatia and that the displaced persons can return to their places of origin. They want to be an autonomous province within Croatia. The issue for the UN mission seems to be the return of the displaced persons and the

gradual transfer of administration to Croatia. I have not yet found an NGO, only UN, UN and more UN - everywhere I go.



Borovo: Apartments Borovo Naselj, an industrial village for the workers of the Borovo shoe factory, which lies between Vukovar and Dalj, 1996



Vukovar: Orthodox family tomb, 1996

The first night, together with my colleagues, I am taken to a kind of hotel in the hamlet of Aljmas, where a group of wild-looking drunken Serbs receive us. The group exactly matched the image that the media had painted of Serbs: rough, brutal tipsy men¹¹. The next day, we go to the UN headquarters in Erdut. However, the UN appears to have moved its headquarters to Vukovar, and the administration is in an unused airport called Klisa. These UN offices are formed by rows of containers stacked on top of each other. The UN forces are made up of Russians who are told to be involved in the black-market business, in oil and women. Eastern Slavonia is a tiny area, where you can only enter with a special pass. Although it is only 1500 km from the Netherlands, I would have liked to come by car, but that was not allowed because it is still considered a war zone. There are road blocks everywhere on the border with Croatia. Yesterday, I went to explore the nearest 'normal' town in Croatia, Osijek, a nice provincial town. Within half an hour you travel to normality, after passing through three checkpoints, first the local Serbian one, then the UN one, and then the Croatian one. Sunflowers and storks are everywhere in the fields.

A local UN driver showed me a few houses. My choice fell on a cute old house with a garden in the village of Dalj on the Danube. Every UN employee lives here. I live in the street with all the cafés and terraces. It is very strange to live in this desolate, flat, agricultural area on the Danube with UN people of all nationalities jogging through the village and occupying the terraces. Apart from a single old Jugo, the white UN-terrain cars form the street scene. After more than a week, the feeling of 'welcome back to the UN' arises in me. I see the usual bureaucracy, the administrative chaos and the endless waiting for work, of which nobody yet knows what exactly it will be. I feel like a village at the UN; a number of former colleagues from Rwanda are also present.

I work in the civil administration of UNTAES. The idea is to take a census, but nobody understands why. It does not seem to make much sense to take a census of a population that will soon be leaving in majority. Half of the population is made up of Serbs who have been displaced last year from other parts of Croatia previously under Serb control. According to the UN, these displaced persons should be able to return to their homes, while the Croats who left this area during the 1991 war will be returning here. With the return of the Croatian displaced persons and the transfer of administration to the Croats, it is expected that not only the Serbian displaced persons but also a large proportion of the local Serbian population will leave for Serbia. My boss, an Austrian database expert, has no idea what to do. Like most people I have met here, he is very open about it. It all seems a bit pointless to me. The Civil Affairs unit of the UN sends me on a trip coming weekend to accompany twenty Serbian teeners to an Austrian holiday camp. Being a babysitter is also good!

Dalj, Wednesday 4 August 1996

It's a fantastic windy Sunday and I'm alone in my little house. It is good to get away from the crazy UN life. The mission is fascinating when you keep the necessary distance to

¹¹ These were displaced persons from West Slavonia, I later learn, when I describe my first experience with the Serbs, to the great hilarity of Serb colleagues from here.

observe and see the humour in the amazing behaviour of people and the ineffectiveness of the bureaucracy.

Professionally, however, I am completely frustrated. I have used the last few weeks mainly to get to know everyone and to understand the situation. But now, suddenly, I don't have the patience for that any more. An Austrian and a German, Peter and Regina, think they are my boss. They want to control me and are frustrated that they cannot, which makes them even more annoying. I am now temporarily working for the 'joint committee for human rights', but the so-called bosses constantly disturb me and want me to do other things. On Thursday, a Frenchman from Médecins Sans Frontières, Gilbert, came to my office for a chat. Regina and my human rights colleague Anna are also there. Regina sends me away from my desk because they are discussing things that I am not supposed to hear. I have to wait in the corridor endlessly and feel completely ridiculous. When she comes out, she strokes my shoulder with her hand and says: "You are nothing and must not know anything about what is going on in the UN! And don't answer me, I am your boss". Gilbert then immediately comes to me and urges me to take no notice of such crazy, frustrated people. The next day, I feel very depressed by the whole situation. I tell Peter that I want to go home because I feel sick. He answers, "What's the matter, are you pregnant?" Angry and shocked by his out of the blue intimidating remark, I reply, "No, I am not", to which he dares to say, "Well, you can never be sure about that". Peter thinks I should produce a doctor's certificate. So first I have to go from Vukovar to Klisa to see the Slovakian army doctor, who notes that I have angina and that I am not allowed to work for at least a week! So, in any case, I will stay at home the next day. I was hoping for a quiet day for myself to read up on Yugoslavian history and the like. Unfortunately, this is not granted to me. In the morning, there is already a group of drunken men - war veterans, I am told - in the pub next to me. At first, there is only loud music, but then they start shooting merrily with their Kalashnikovs. My old house, including everything in it, is shaking. I ask the men to make less noise and to stop shooting so terribly. To no avail, of course. I only hear: 'mädchen, mädchen, bist du verrückt'. When I call the UN about this, they tell me that this is normal! I feel very alone. Even the always irritating yapping dogs are nowhere to be seen. So, I take shelter a few streets away with the wife and daughter of Yugoslav. Yugoslav is one of the UN computer experts and helped me a few weeks ago to install my e-mail connection, which proved to be a very difficult undertaking with the old telephone lines here.

Vukovar, Tuesday 20 August 1996

For a week now everything has been fine. I have decided that I am not going to let anything or anyone get me down. My daily life is as follows. At 8 a.m. I take a lift to Head Quarters (HQ) Vukovar, twenty minutes away. Because this time of the day is rush hour for the UN, getting a lift is no problem. Next, I spend the whole day behind a desk in a white UN container. Lunch is provided by the Belgian Army, and is quite reasonable. Depending on the amount of work, I get a lift back to my village between 17.00 and 19.00 hours. In the evening I usually go for a run, and I meet some 'friends'; Maaïke -the American with Dutch parents- and Blaza -the Croatian wife of the Serbian computer expert Yugoslav. The latter teaches me Serbo-Croatian. Then there is my landlady Tea, who comes every week to clean the house. She is a typical Balkan mix, but can be characterised as German (Swaab). The Serbs consider her "not one of us". Her husband, Stevo, is Serbian, and Tea lives with him

in the Serbian village of Trpinja. With the Croats, Tea is seen as "she who lives with them". Tea tells us that she is depressed. She was born in this house and her mother died of cancer last April here in the house. She has rented it out to me to avoid that displaced people will occupy it. According to Tea, the ethnically mixed village of Dalj is not the same anymore: "there are still many people from before the war, but their spirit is not the same anymore". Tea is a hard-working woman with a huge dose of inner civilisation. The communication between us is in broken German.

It is impossible to leave this area. You need permission, and if you get it, you won't get far without a car. So, I spend the weekends in Dalj, in the middle of the world community. Very surreal. Osijek is the only place outside the mission area that can be visited without permission. Saturday morning, I usually go there with some UN colleagues to do some grocery. Last Sunday, With a UN group we went to a spa in Serbia, without permission - lovely!

Last Saturday I had a lunch at Gilbert's of Doctors without Borders (MsF). There was also a Frenchman (François), his Croatian girlfriend and a Croat from Osijek (Damir). They all work for a project of the Council of Europe: Embassy for Local Democracy. The Croat called us racists because we were talking about an ethnic conflict. According to him, this was only about economic-political interests, realpolitik. The Serbs have simply lost the war, there will be no return, and they must accept their fate idly. In the meantime, eleven Dalmatian puppies are born during lunch.

So, my work takes place in a white container that I share with Anna, an Indian, the only other one from the mission who is working on human rights. Or so I was told. Anna has asked me to develop a human rights database for the UN, which she wants to use universally in UN missions. The idea is to develop key words for human rights violations. I don't believe in such a database, and besides, I don't consider myself the most competent person to develop such a thing. Nevertheless, I have started working on it. I am trying to make it a practical, manageable tool, giving key words from practice with explanations for those who have to work with it (such as military and police officers). I also quickly discover that we are not the only ones working on human rights. Roberto Ricci, for example, is here for the UN Human Rights Centre and Legal Affairs of UNTAES also works on human rights issues, more specifically on preparing an Amnesty Law and court and prison monitoring. Anna is not aware of this and does not want to know anything about cooperation. For example, in the area of the 'one-stop shops'¹² that will be set up this week by UNTAES to give the residents of this area Croatian documents, including citizenship certificate, ID card, passport, driving license. The Croatian authorities will enter the mission area every day and hold offices in each village. It is important to monitor this process, but of course this requires manpower. So, in my opinion, we should organise this in coordination.

It is terrible to work in an office all day on a computer. The database is pretty much finished and I don't know what else I can do. On the one hand, the human rights issue is very important here, but on the other hand, I don't think the UN will do much with it in practice.

¹² This is the best initiative I have come across in international cooperation, and our work with Microjustice is also inspired by it. Later on in Serbia, I understand from many refugees from Croatia that they travelled to the Vukovar region in 1996 to get their Croatian papers.

Human rights violations will only become an issue if this area is integrated into Croatia, and if Croatia forms the administration. But by then, the UN will already be gone. In the current situation, a Serbian area under UN authority, human rights are not really a problem, especially since the UN as administrator is liable for any violation!

2) What is actually going on here? The war in Croatia in a nutshell!

After being here for almost two months, I will try to make an overview of the complex situation of the war in Croatia.

The break-up of Yugoslavia into independent republics: Slovenia, Croatia, Bosnia-Herzegovina, Macedonia, began in June 1991. Slovenia and Croatia then declared their independence from the Federal Republic of Yugoslavia. In Slovenia, this led to a brief symbolic war of a few days. In Croatia there is a Serbian minority that did not agree with the independence of Croatia and wanted to remain part of Yugoslavia. Their resistance, supported by Slobodan Milosevic who is at the helm in Serbia at the time, means the start of the war. This war erupted in August 1991 in Vukovar.

In August 1991, tensions mounted and war broke out in Serbian-majority areas of Croatia. Initially, the mixed town of Vukovar is in Croatian hands. The Yugoslav army¹³ decides not to accept the independence of Croatia and starts a three-month attack on Vukovar. The result is sometimes compared to Stalingrad at the end of the Second World War. With the fall of Vukovar on 21 November 1991, a four-year status quo is created, in which the Serbs of Croatia form their own state within Croatia. This area occupies about 30% of Croatian territory and is located like a croissant on the border with Bosnia and Herzegovina. It consists of four parts in which UNPROFOR protection forces have been stationed since early 1992:

- 1) Eastern Slavonia (Croatian Danube zone, in the east of Croatia, bordering Serbia) - with Vukovar as the most important city - UNPROFOR Sector East,
- 2) Western Slavonia with Prkrac and Darvar as the most important cities - UNPROFOR Sector West,
- 3) Kordun (south of Zagreb) with Glina and Petrinje - UNPROFOR Sector North,
- 4) Lika in Dalmatia with Knin as capital of the Serbian pseudo-republic - UNPROFOR Sector South.

During the four years of existence of the 'Republika Sprska Krajina' or 'RSK', anarchy prevailed and there was no reconstruction

After the Vatican and Germany recognised Croatia in December 1991, the country was recognised by the entire international community in early 1992, although without

¹³ At that time, Yugoslavia still exists and the JNA is therefore not an exclusively Serbian army. The motivation for the intervention of the JNA is not unambiguous; Milosevic uses the army, but there are also generals who still believe in the communist Yugoslavia and want to keep it together. At the same time, the Serbs already have the upper hand, and reservists are called up in Serbia. The reservists seem to have done everything to avoid the war.

guarantees for the minority populations. This opened the door to the war in Bosnia-Herzegovina (BiH), which began with the declaration of independence in March 1992. In a referendum, the Muslims (43.7%) together with the Croats (17.3%) voted for independence, while the Serbs (31.4%¹⁴) voted against.

In the period from 1992 to 1995, the Croatian and RSK armies were on constant alert and local fighting took place regularly. Negotiations continued during this period under pressure from the international community. In spring 1995, a proposal for a large degree of autonomy within Croatia (the so-called Plan Z4) is offered to the Serbs of Croatia, but is refused.

In 1995, Croatia then carries out two military actions. In May, the Croatian army expels the Serbs from Western Slavonia in operation 'Flash'. In August, the Serbs were driven out of Sector North and South by the military operation 'Storm'. Some 200,000 to 300,000 Serbs left in long columns through Bosnia, mostly for Serbia. This exodus seems to have Milosevic's approval, since he intends to settle the Croatian Serbs in Kosovo¹⁵. The refugees from Croatia, however, refuse to cooperate with Milosevic's plan and settle in majority in the northern province of Vojvodina. In contrast to central and southern Serbia, which has lived under 500 years of Ottoman rule, Vojvodina, as part of the Hungarian-Croatian dual monarchy, belonged to the Habsburg Empire until World War I. The mentality in this province is more comparable to that in Croatia. That is why this area is preferred by Serbs from Croatia. Only the weakest refugees cannot resist and end up in Kosovo. And about 70,000 Serbian displaced persons go to the only part of Croatia still under Serbian control, Eastern Slavonia/Vukovar. They think that this part of Croatia bordering on Serbia will become part of Serbia after all.

In the context of Dayton, the peace talks for Croatia then follow, culminating on 23 November 1995 in the Erdut Peace Treaty (named after a small town near Vukovar). In Erdut, the parties Serbia, Croatia and the Serbs of Croatia (RSK) agree that this last remaining Krajina zone will also become part of Croatia. A UN transitional administration of one to two years, UNTAES, should pursue peaceful integration. UNYAES is thus responsible for the demilitarisation, civilian administration and peaceful integration of this area and its Croatian Serb population into the independent Croatia, in which they had never lived before.

3) Working with internal displaced persons (IDPs) - Erdut field office

It is driving me crazy to sit in an office in HQ all day, and I am thinking to ask for a transfer to a field office. To the field office in Erdut for example. This is run by an Englishman who immigrated to Canada, submariner Graham Day, and his attitude is people-oriented and

¹⁴ Percentages given in the 1991 census, which counted a population of 4.36 million in Bosnia and Herzegovina.

¹⁵ According to the majority of former Yugoslavs, this clearly shows that Milosevic was not concerned about the Serbs of Croatia, whom he had caused the greatest possible misery. Milosevic did not want to accept the Z4 plan for fear that such a plan would also be offered for Kosovo. All this points to the much-discussed agreements between Milosevic and Tudjman even before the war in 1991 to divide Bosnia and create a Greater Serbia and a Greater Croatia.

operational. He told me: "despite the situation, despite the UN and King Klein (who thinks he is the king, but he is not) you have to get things done." Graham's focus is on human rights and not the economy (Klein's focus), because the latter you cannot control and will be taken over by the Croats anyway. Graham's priority is 'return', more precisely returning the Serbs to their places in Croatia, where they were massively thrown out last year. This is an important part of the Erdut Peace Treaty. Return will never happen once the UN is gone. Therefore, the short time left must be used. Graham has set up a return project for this himself. Joining his team, I can at least do something for people, even if they are only a few, and that is all better than doing nothing in an office. I simply need to be among people to realise what I am doing here. Becoming a cynical UN employee is not an option for me.

Vukovar, Wednesday 22 August 1996

Today I went straight to action. I share with Anna my opinion on the human rights work in this region. She shares my frustration and agrees with me that there is no meaningful work for me now that the database is finished. As it happens, I bump into Graham in the corridor immediately afterwards, and ask him if I can come and work with him on the return project. He says I can join him in Erdut from tomorrow! That same afternoon, I meet the new deputy chief of Civil Affairs, Kemal Saiki, an Algerian. I spend the rest of the afternoon chatting with him. It is good to be able to speak openly with a nice person. We discuss the mission, what is working and what is not. Kemal agrees with me that our economic focus is not important for peaceful integration. But Kemal advises me to let go of bigger visions and ideas in order not to get frustrated: "try to get small things done on a daily basis, despite the UN". It all remains a matter of politics and interests, but above all it is people's work.

Dalj, Saturday 24 August 1996

The population in this region and the role of the UN mission?

Nobody knows exactly how many people are here and where they come from. Rough estimates suggest that there are 70,000 local Serbs and 70,000 displaced Serbs from other parts of Croatia. The displaced people came in two stages, in 1991 at the outbreak of the war from Western Slavonia and Osijek, and last year from the "Krajina" where they were expelled during the military operations Flash and Storm. In addition, there are various minority groups: Gypsies, Hungarians, Ruthenians, Slovaks and some local Croats who have not left. They are just people, who have become victims of political power games.

UNTAES started in January 1996 and is supported by 5,000 troops. After the demobilisation of this area is completed this spring, they have no task left except to guarantee security through their presence. If the UN force were to intervene, it is not expected to be very efficient. Everyone talks about the fact that the Russians are mainly involved in illegal trafficking of women (there are many brothels in the region), stolen cars, petrol etc. The Belgian troops stationed in the Baranja north of Osijek enjoy more confidence. The force commander is a Belgian, Major-General Joseph Schoups, a very amiable man with a good reputation.

The mission's mandate is fascinating: the peaceful integration of Eastern Slavonia into Croatia. After the demilitarisation of the Serbs has ended at the end of June, the UN mission is to hand over the civil administration to the Croatian authorities in such a way that the Serbs can remain in Croatia as Croatian citizens without any discrimination. Returning refugees and displaced persons to their homes presents an equally great challenge. Public services must also be restored and an interim police force built up.

The UN has determined in advance that this mission will be a success, as the UN needs a success after its failures in Rwanda and Srebrenica. Joint Implementation Committees (JIC) consisting of Croatian and Serbian delegations are facilitated by the UN to work out the integration in several areas: police, civilian administration, reconstruction of public services, education and culture, return of refugees and displaced persons, human rights, elections, records. These JICs deal with issues ranging from combating rats and mosquitoes, making the oil fields and power plants work, legal integration, to setting up an interim police force and one-stop shops for documents.

All this is complex. Now there is peace here, but the Serbs say they are prepared for the worst. After the telephone network has been reintegrated, many receive telephone threats from Croats in the middle of the night. They say they will be killed if they do not leave. I too regularly receive such phone calls which, even without being able to understand them, wake me up from a deep sleep with a frightened feeling. Most Serbs say they will leave if UNTAES leaves and the Croats come. They are simple peasants, so warm and welcoming, who carry on their lives as normally as possible, knowing that everything is temporary. They drink to forget the horrors of the past and the worries of what is to come.

Human rights is not yet a particularly important issue, but it will become so. The Serbs will only stay if they are given guarantees of a normal life within Croatia. Matters such as implementation of the amnesty law must be monitored so that men who fought in the Krajina army are not arbitrarily arrested. Before UNTAES leaves, a human rights monitoring structure for the post-UNTAES reintegration must be built. In the last weeks NGOs are entering the region: Civil Rights Project, Oxfam, MsF. This all fits in with the UNTAES approach to human rights: when UNTAES leaves, the important European NGOs and institutions have to start observing.

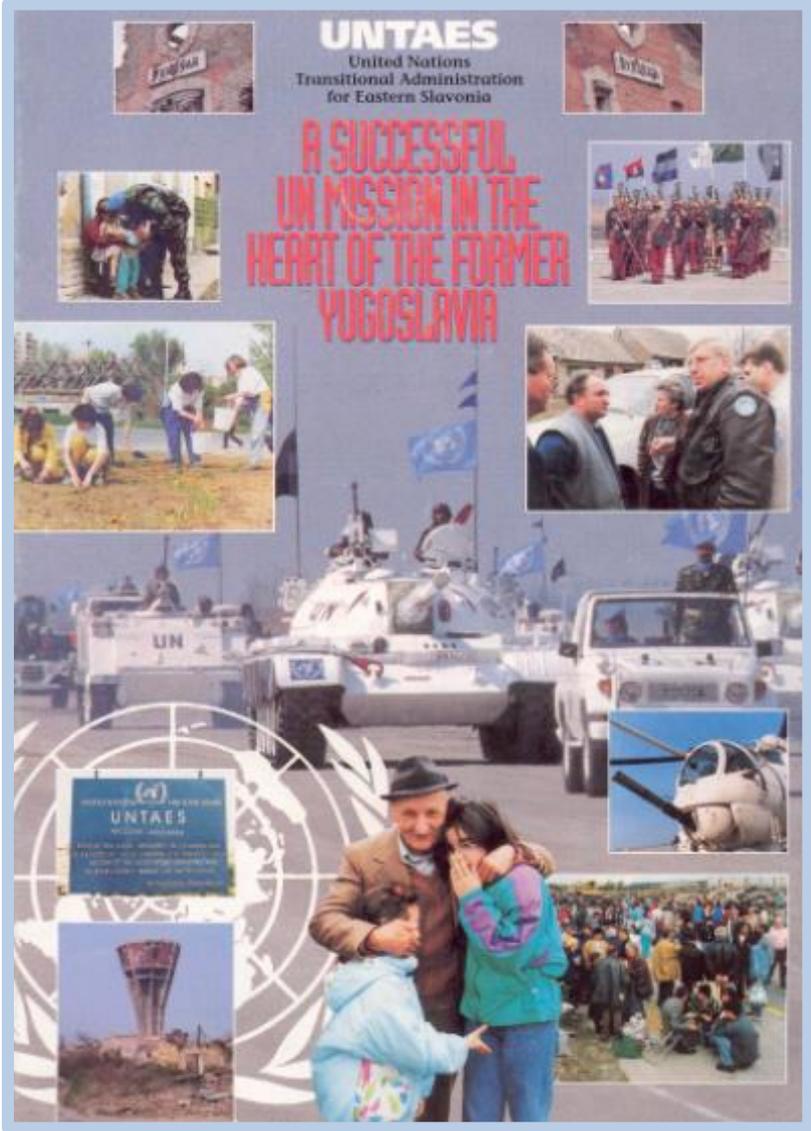
Erdut, Monday 16 September 1996

Emotional scenes

The past weeks I have been working on Saturdays as well, so I could not find a quiet moment to write. Therefore, I will give a bird's eye view of the past month's fieldwork in Erdut. Graham has his heart in the right place, has a lot of experience and is good at his job. As a soldier, he is pragmatic in his operations, but lacks the necessary human rights background and is not always very perceptive, but he has a sense of humour. This small, red-haired, bearded Briton, who always wears a bow tie, says he emigrated from 'fascist' Thatcher England to Canada when he was 27.

Each working day starts with a briefing. The first morning, Graham tells me that I am going to process human rights violations in the computer. Emotionally, I exclaim that this is absolutely not the case; after all, it wasn't for nothing that I traded HQ for a field office. Graham is subsequently unapproachable for me and continues to ignore me completely. Again, I am waiting for work, but my main task is now to act as a glorified taxi driver. Every day I take Serbian women and children from here to the Croatian town of Osijek for family visits. These are always very emotional encounters: seeing relatives again after five years, grandparents who have never seen their grandchild, etc. Men never go on such visits. Because there is no good amnesty law yet, they are afraid to be arrested for their participation (as conscripts) in the Krajina Serbian army.

Since a few weeks, similar meetings have also been organised on a larger scale. With a view to economic integration, UNTAES organises a market between the checkpoints on Saturday mornings. The funny thing is that you can hardly find any market activity, but the market is very popular and people from all over Croatia and Serbia visit the 'market' massively to see their family and friends again after five years of separation.



UNTAES Mission 1996 brochure, with the head of mission Jacques Klein in the middle right

Survey: "UNTAES or the Danube!"

Then Graham has assigned me to a survey in Bilje as part of Graham's pilot return project. The goal is to have the Croats return to this village as soon as possible (still under UNTAES authority). So, first a solution must be found for the 90% Serbian displaced population. Bilje is a village just north of Osijek. It is quite an undertaking to get there, because we have to drive through Osijek. This means that we first have to go through the checkpoints to Osijek and then out of Osijek again through the Croatian, UN and Serbian checkpoints. I have to ask the Serbian IDPs here where they are from, if they want to go back and, if not (this is almost 100%), why not and if they have an alternative solution. The answer is almost unanimous: "UNTAES or the Danube". By this they mean that UNTAES must stay in this area forever and that otherwise they will jump into the Danube. The reality will be at least somewhat less dramatic and means that they will still cross the Danube into Serbia. They feel that they cannot return because their houses have been burnt (and otherwise there are Croats living in them), it is unsafe and they cannot get a job as a Serb. If they want to go back, they want to go back collectively. Only then do they think they will be safe, not be discriminated against and be able to lead a social life. But mass return is not an option. Bilje will soon be under Croatian control, so what will happen to these poor people then?

Day in, day out, I get to talk to these displaced people. The aim of this project is to use the collected data to lobby with the Croats to develop a solution these people who will be kicked out on the street again when the Croats IDPs return to their houses.

How real is post-war return?

I do not believe in this project. As international community, we have to face reality. These people do not want to go back and the Croats do not want them. All the people we have talked to express that they want compensation for their property back home, and to use that money to build a life elsewhere. I cannot blame them. They see no real chance of returning home. Then give them, by compensating their property and through giving them their documents concerning their identity and rights, a chance to build their lives elsewhere, which will most likely be Serbia. The UN does not support them in other solutions than actual return. But the UN can do nothing for them in their places of return, for the UNTAES mandate covers only Eastern Slavonia. Here 5,000 UN troops are bored to death, while it is precisely in the places of return that security must be ensured and houses rebuilt. It would be great if the UN troops could deal with all this, but unfortunately this is not the case. There is no mechanism for legal redress/compensation. So, after being driven out exactly one year ago with 100,000 in long columns without anyone trying to stop the exodus, they are still left to their own devices and will have to leave again as soon as UNTAES leaves this area and the Croat displaced people return to their homes in Bilje.

For me personally, it is a great opportunity to talk individually with people in one village who come from all over Croatia. Each one gives me his/her story about the war and their expulsion. It is impressive to listen to them and to see what effects war and politics have on ordinary people. At least I will have gained experience that I can use to find more structural solutions later on. And talking to people and seeing what is going on is very much

my thing. Working with an interpreter is fantastic, it gives you the time to observe the situation and bring out the right words. It is almost like therapy, and this is sometimes difficult for the translator. I work mainly with a refugee from Sarajevo, Dragana, a very nice girl, we have a lot of fun despite all the misery we encounter.

If I had not already lost faith in politics in recent years, it would still happen in this area. These people have been abused constantly. The local political leaders, according to the understanding of many in the mission, are still under the authority of Milosovic. But I doubt this; Milosovic no longer has any interest in this area and has therefore recently recognised Croatia. Serbian local political leaders continue to boycott any solution. Before the military operation Storm last year there were good proposals for autonomy on the table (Z4 Plan), but nothing happened with them. There are still people who want to create a kind of Gaza strip of this Vukovar area in order to maintain their own political power. These politicians have called on the population not to cooperate with us. Therefore, the survey aims to get rid of the politically influenced mass decisions and to find out - through house-to-house visits - the wishes and ideas of the individual families.

Compared to my teammates, I work slowly, only up to ten families a day. But neither the displaced people nor I are machines; we don't talk about the weather, but about their traumas, about their hopeless future. Then sometimes I confront them with reality in such a way that I destroy their last dream. These are people who have lost faith in life. Fortunately, every now and then I also come across a few people who, in spite of everything, live life with love and confidence. And always there is the enormous hospitality, coffee, rakija (the local brandy) and food. I realise that the problems are much less poignant than in Rwanda, but being able to work individually with the people here also touches me deeply.

Arranging documents: domovnica - a lobbying success!

For me, the most important aspect of the UNTAES mission is the one-stop shops at the Croatian Civil Registry and other administrative documents. Essential is the application for the certificate of Croatian citizenship, the so-called domovnica. One of the research questions in Bilje is whether the displaced persons will apply for this document. If they answer 'no' to this question, I try to convince them in every possible way that the Domovnica is the only way to access entitlements, to make claims and to enjoy legal rights' protection, in Croatia and also for a future elsewhere this is fundamental!

Before the war, everyone was a citizen of Yugoslavia and of the constituent Republic of Croatia. The Serbs in this area now have an ID of the non-recognised Republika Sprska Krajina (RSK), but this has no value whatsoever. So, they are in a Kafkaesque situation. All rights are attached to having a certificate of Croatian citizenship: the so-called 'Domovnica', which the Serbs from the RSK do not have. The Domovnica is important for voting rights, pension rights (even if you have built up pension rights, you will only get them if you have Domovnica), buying and selling real estate, return and reconstruction service, applying for passports etc. Most displaced persons do not want to apply for this essential document at the 'one-stop-shops' recently set up by the UN. Many do not trust the Croats and want to leave anyway. Our argument against this is always: even if you leave, at least you must have

arranged your citizenship. I was intuitively worried about the legal basis and the conditions for issuing the Domovnica. All the more so because no one in the UN could explain it to me and everyone told me that we should leave this to the Croats. There was nothing left to do but to collect and analyse the relevant regulations myself.

Last weekend I finally had a car at my disposal. I use it to go to Vukovar to look at the Dalmatian puppies of the Frenchman from MsF. When I enter, Gilbert and his wife from Belgrade are just sitting there, discussing the same domovnica problem. The previous day, the Domovnica had been the subject of the human rights meeting. On the application form, which I am now looking at for the first time, the applicant must indicate 'being a member of the Croatian people' and 'accepting Croatian citizenship'. Not one Serb will sign that (s)he is 'member of the Croatian nation', and to sign such a declaration at all is to renounce his Serbian nationality¹⁶.

During the human rights meeting, Gilbert said there was an emotional outcry that such a declaration is really not possible. I have now gathered all the legal arguments to support this. The application form, in fact, refers to outdated legislation, an article intended for ethnic Croats and is completely at odds with the Erdut Peace Treaty. On Sunday, we immediately convened a meeting with several representatives of human rights organisations, each of whom would take the necessary action. I also prepared a draft letter, which Gilbert sent to the transitional administrator, Jacques Klein, on behalf of Médecins Sans Frontières. Klein immediately responded and informed the Croatian government that the sentence referring to the membership of the Croatian people was unacceptable and should be deleted.

It is always satisfying to see that your activities in the background, which nobody knows about, lead to concrete results!

Screaming piglet

In addition to this work, I do all kinds of small jobs that come my way. In Bilje, for example, together with translator Dragana, I take sick gypsy children, whom we meet in their houses during the survey visits, to the doctors of the Pakistani Battalion (Pakbat) for treatment. The gypsies neglect themselves terribly, their houses are smelly mess. In one of the gypsy families, the little boy fled when the grandmother screamed hysterically that he would be killed by the doctor. She was furious when we finally took him in the car like a screaming pig. Pakbat is just north of Bilje, stationed in a castle in Darda. Dragana and I often go there for lunch - delicious Pakistani food! It makes me think I am in Pakistan. Five times a day, there is the call to prayer, guns are beautifully polished by men in long robes.

I am increasingly convinced that nobody can change the world. But if everyone were to respond to the little things that happen to come on their way without cynicism ("this is the world we live in"), the world could be a completely different place.

¹⁶ The concept of nationality is a source of confusion between the Westerner and the Balkan man. In the West, citizenship and nationality are used interchangeably. Here, they are completely separate concepts. Nationality equals ethnicity and citizenship is a purely administrative concept.

Last week, one of our translators, a music student from Novi Sad, Serbia, asked if we could go to the former flat of a friend of his in Osijek, the Croatian town we pass every day on our way to Darda, to pick up some photos. His friend fled Osijek to Novi Sad in 1991 when the war started. When we go to his flat, it turns out that a Croatian displaced policeman now lives in the apartment with his wife and baby. And, indeed, the photos had been still there, but they are now with his mother. The policeman wants to return the photos on the condition that we go to his house in the village of Servaes, where he was expelled in 1991, to look for his photos. Servaes is just across the checkpoint in our (UNTAES) area and we quickly go there. The policeman's house is totally looted and largely destroyed. But miraculously, between the rubble, we still find photos and documents. So, we return to Osijek, with photos of the officer as a baby on his father's arm. He looks exactly like the father and his baby looks exactly like him as a baby. Then we quickly go to the house of his mother. The woman says in tears: "they don't deserve it", but gives the photos nevertheless. The translator is very happy and cannot wait for the reaction of his friend, of whom I later learn that he was totally emotional.

Well, most people here have only a single object from their past. Like my translator Dragana, who left Sarajevo and drags her dirty old small backpack everywhere, as if it were a treasure.

My father's stories from the Second World War become now very tangible. In the war, he too lost photographs and all other material memories of the past. In 1940, his house burned down when the Netherlands resisted the Germans exactly where he lived (the Battle of Peel Raamstelling). At the end of the war, his newly built parental home was first looted by the Germans and then, within a few months, completely decrepit by American and Canadian liberators. From August 1944, the house had stood empty because his parents had gone into hiding and my father, 8-year-old, had then to find his way by bicycle and train to an aunt in Breda. At that moment my father decided he was an adult. His younger brother had been sent to family in Arnhem, where he and his 88-year-old grandfather - in a wheelchair - had to flee the battle of Arnhem. His grandfather did not survive the exodus. Until now, such stories were abstract to me; after the endless exodus stories of these displaced persons in Bilje, my father's stories come alive for me.

What is my life like outside my work? Until a few weeks ago, I could not sleep because the little dog that belongs to my house used to bark terribly all night. I took him to a BBQ at my landlady Tea's in Trpinja and left him there. So, peace has returned. There is only one little dog that, when I leave, has the habit of crawling under the gate and following me everywhere. He waits in front of the door where I am, runs around me and looks at me with displeasure when I get into a car. Apart from that, I have a number of "friends" that I meet in the evening, and at the end of the evening, I usually go to a terrace of a pub in my street.

From day to day, I keep my head above the water. Between frustration and fascination, despite all the idiocy within the UN and outside it, in the middle of nowhere in crappy weather, still contributing in my own way, I accept life as it is at the moment.

Dalj, Wednesday 2 October 1996

Last Sunday, with two Russians from political and legal affairs of the UN I went to Novi Sad in Serbia through the Fruska Gora, a beautiful mountainous forest.

I would love to go out of this claustrophobic area. Today, the survey of Bilje has been completed. The next step, identifying projects and negotiating with the Croats, is more difficult. The displaced persons must return, but at the same time, they are prevented from doing so. I really do not know what we should do. The reality is that the ethnic cleansing of the Serbs in Croatia will be crowned whereas they will not receive any land anywhere else. In all its public meetings, the UN says it does not want to hear about history; in order to solve the conflict, only the future is important. Of course, but the history in people's minds and hearts is an important factor of reality; the most important. If that history had not taken place, there would be no problem here.

Meanwhile, I enjoy my primitive little house. I try to burn the stove, but I have to buy fire wood. It is so rural here; everyone is preparing for winter. Everyone is doing the same thing at the same time. A month ago, everyone was making tomato juice, now it is time to cut the wood. My landlady Tea is a treasure and takes good care of me during her weekly visits.

Return to Glina: Go-and-see, and escape!

Dalj, Wednesday 27 November 1996

As a follow-up to the Bilje IDP survey, Graham had thought that we should organise a go-and-see visit to the town where most IDPs are from and want to return to: Glina, south of Zagreb. On 10 October, a bus is filled with people who had been expelled out of Glina last year. With my Chinese colleague Chang, I am their escort. On arrival in Glina, a rather large, aggressive-looking crowd of Croats is waiting for us. They are old fellow villagers of the Serbian displaced persons in the bus. UNHCR is also present and starts talking to two men 100 metres away, who, according to the IDPs in the bus, are the prefect and the chief of police. Chang walks to the police station to discuss the 'security', as it was not yet 'guaranteed'. I stay with the translator with our 'displaced tourists', and try to reassure them. But I'm not really convinced myself when the group of Croats shout increasingly aggressively and pull at the bus. I run into the police station to tell Chang that we are leaving. He tells me we have to wait, because he has almost got security assured. I run back to the bus, which at that moment is being rocked by the Croats. The Russian driver is nowhere to be seen. I bet that he is in the café and run into it, pull the Russian off the barstool and drag him with me. Just before the bus falls over, we jump in and whizz away. The prefect and the chief of police try to climb in through the window that I have open and I manage to push them away, just in time, and close it. Fortunately, we got out of Glina in one piece! But then I get a message from Chang on the radio. He proudly reports that the police has now ensured the security, and insists that we have to return so that the IDPs can see their homes. The IDPs are dead silent, looking frightened and gesticulating that they want to return to Bilje as soon as possible. After this adventure, Graham was told by Klein that his pilot project was cancelled. This means an end to UNTAES activities to return the displaced persons and refugees in safety, as stipulated in the Erdut Peace Treaty!

Gilbert from Doctors Without Borders came to see me a few weeks ago with his Dalmatian dogs and asked me what I want to do with my life. I told him that I want to be independently involved in peace building and human rights work in conflict areas. I want to set up an organisation for that purpose. I have often talked about this with Mohamed Sahnoun.

Now that autumn has begun, with lots of rain and cold, hitchhiking to work is no longer a pleasant experience. Besides, a normal car is now allowed to enter this region. So tomorrow, I go to the Netherlands to get my car. When I tell this to Gilbert, he thinks that I should also go to the notary to set up a foundation!

On 3 December 1996, I set up a foundation with the name International Alliances, which is now called Microjustice.

Part III: How are the people in the former Yugoslavia doing, 10 years after the end of the war? - Summer 2005

Post-war restoration of rights of refugees

Since 1997, we have set up a programme with Microjustice aimed at restoring the rights of displaced people and refugees in the places where they came from. Until 2005, we worked on a large scale getting legal papers for refugees across borders.

The key problem in Serbia with the refugees from Croatia was that these refugees could only get their houses back and resume their lives, as agreed in the peace treaties, if they could exercise the rights they had on paper. In practice, this was not so easy, as these refugees did not have any official document from Croatia and could not cross the border without ID or a passport. They had to get their papers 'at home' from the Croatian authorities, but without papers they could not cross the border. In order to meet their legal needs, we offered legal aid across the border in the places in Croatia where the refugees came from.

Our involvement in the post-war restoration of rights has lasted much longer than I had intended. Restoration of rights is the phase following the survival-oriented humanitarian assistance during and immediately after the war. It is the final element of reconstruction, a precondition for sustainable peace and development. It is therefore a long-term process and you cannot leave the victims half-way. Moreover, it is never boring in the former Yugoslavia. There is always something happening that makes you feel tied up again. Through trial and error, we are building up the organisation of Microjustice.

What is especially important in Microjustice is to understand the situation of the people in the area. In 2005, I look at how these people in Yugoslavia are doing ten years after the war ended, what is their situation now. What do the former Yugoslavs have to say about the war and their lives now?

Bloody Serb

Vukovar, Tuesday 7 June 2005

Yesterday I flew back to the former Yugoslavia on a JAT (Jugoslav Air Transport) flight. In Brussels, the national handball team enters the plane. The Yugoslavs are among the world leaders in this sport. One of them wants to sit next to me, but I tell him that I burned my back on ice and that I would prefer to have the whole row to myself. Normally, you get an aggressive reaction to such a request, but this handball player understands completely and tells me that there is a doctor and a therapist with the team. As soon as the drinks are served, the glasses filled with ice and the bottles of whisky go round the handball team. In the Netherlands, such a gathering would be noisy, but here the atmosphere is friendly and relaxed. I ask my neighbour (who is now sitting further away) in amazement whether all that alcohol is good for a top sportsman, and he replies that it is an integral part of the game. He introduces himself as Zikica Milosavljevic, and asks me what I do. "Helping refugees to regain their rights" is my answer, to which he jumps backwards, startled, and

exclaims: "I am sorry, I am a bloody Serb! His reaction is typical of the guilt complex that Serbs have developed over the past fifteen years. They feel totally misunderstood. I explain to him that I help precisely the Serbian refugees because this is the group that still needs help. I add that the Western European who has never been to the former Yugoslavia indeed sees the Serb as the culprit in all conflicts. However, most who come to Serbia turn around in no time and develop a warm feeling for the Serbs. I tell him that I find Belgrade one of the nicest cities in the world. He thinks the Netherlands is great. Milosavljevic has had surgery on his knee in the Red Cross hospital in The Hague and his sister lives in Utrecht. I say that I don't feel at home in the Netherlands because it is so small and crowded, and therefore too ordered. According to Milosavljevic, we love Belgrade because there are no rules there!

The refugees are not going back: Rajo's story

At Belgrade airport, my colleague field officer Radmilo, or Rajo, is waiting for me. He is impressed by the fact that - as I now learn - the here famous Zikica is saying goodbye to me. After a visit to the Dutch embassy in Belgrade (to discuss possible funding with a newly arrived diplomat), we continue our way to Novi Sad, the capital of the northern province of Vojvodina, which borders on Croatia and Hungary. Since 2000 we have an office in Novi Sad to help the refugees from Croatia regain their rights. This includes nationality papers, identity, birth certificates, claiming property and everything that is needed to become a normal person again. Rajo himself is a refugee from Glina, a place south of Zagreb. In one way or another, refugees from Glina have been coming on my way for the past nine years. Ten years ago, in 1995, Rajo was expelled with his wife, two daughters, mother and dog. They left in their old blue Zastava in long columns of refugees, from Croatia through Bosnia to Serbia. During that time, a total of two to three hundred thousand people left for Serbia in this way. Rajo tells me that he has finally arranged his Serbian papers and thus has a passport with which he can come to our office in Vukovar, Croatia. He adds, however, that because of Croatia's arbitrary war-criminal prosecution policy, not one Serbian Croat who served in the army dares to return to Croatia. In contrast to the International Criminal Tribunal for the former Yugoslavia (ICTY), Croatia still refuses to publish a list of names of those suspected of war crimes. And since mostly innocent people have been arrested (to be released after some months or years), most Serbian men do not dare to set foot on Croatian territory. Rajo is a big support for many refugees here. Through his own experience and the many years, he has worked with us, he has a lot of practical legal expertise. In Novi Sad his wife serves a very nice lunch. According to good Yugoslav custom, the television is on. They quickly change the channel when there is South Serbian music. I just liked this more Arabic-like music. Rajo sighs, "that's normal, what else do you want with 500 years of Turkish rule". Then he explains to me - not for the first time - the difference between a 'Srbin' and a Srbijanac; the former is a Serb from Croatia and Vojvodina, who defended Europe against the Turks in the Habsburg army in 1685 and afterwards, and the latter is a Serb from central and southern Serbia, which has been occupied by the Turks for 500 years and has therefore also adopted Muslim customs. So, the Serb from Croatia, stranded in motherland Serbia, actually looks down on what (s)he sees as the primitive Serb from Serbia, while the latter Serb feels threatened by the large numbers of refugees who have come from Croatia and Bosnia, to this already very poor country.

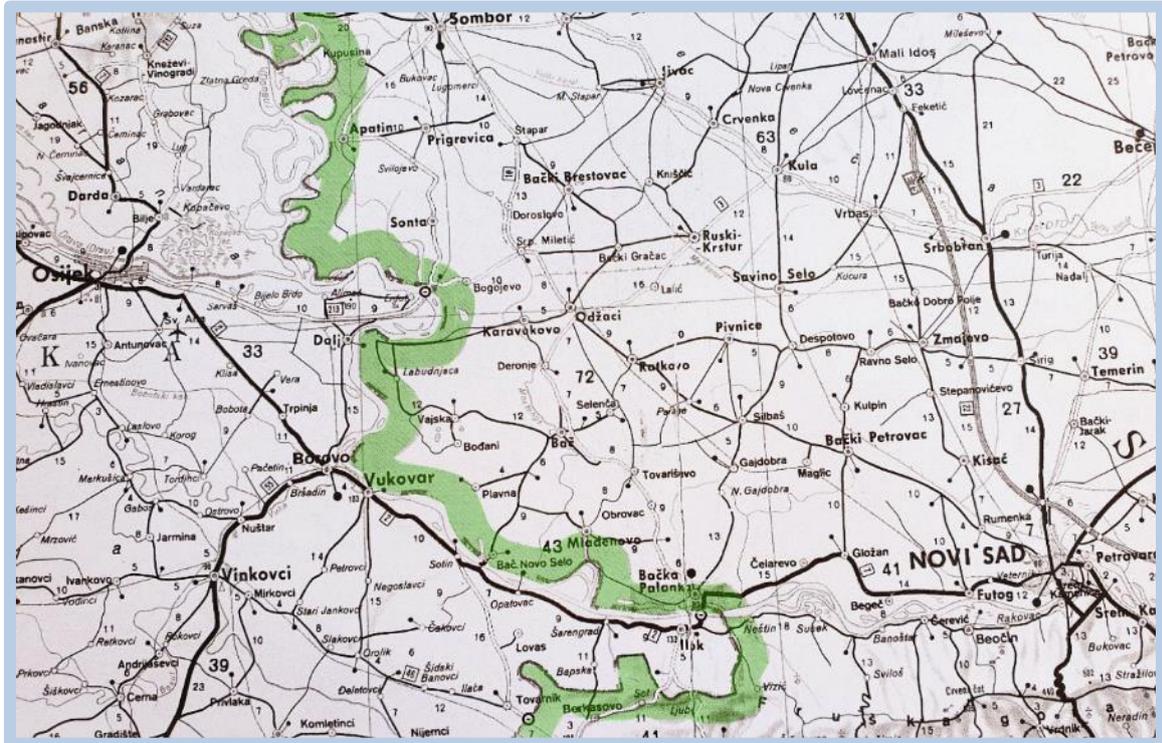
The next morning starts early at our attorneys' partner organisation HCIT. We are having coffee with a bunch of lawyers and staff who are smoking away. They jokingly ask me what I think of their co-director Radovan's beautiful new classic brogues. They laughingly add that he got them through humanitarian aid. Then, the conversation turns to the loss of parents, due to the recent death of the father of one of the lawyers. An additional problem of the war is that people are dying prematurely from heart attacks and cancer. There is simply too much stress for these super-sensitive people. There are also practical problems with all these new state borders and small countries. The deceased in question lived in Bihac (Bosnia). His wife stays there alone while family members live abroad (in Novi Sad/Serbia), which belonged to the same country fifteen years ago. And this takes us back to pre-war Yugoslavia, where the members of our partner organisation were top lawyers, judges and politicians in Croatia. In that Yugoslavia, everyone was communist, "but not the way you think in the West". There was diversity within communism.

Refugees are helping refugees to regain their rights Ratko Bubalo

After a cup of coffee and nearly choking on cigarette smoke, we continue our conversation with HCIT's director Ratko Bubalo. Ratko is a lawyer, who, as a legal adviser to the last president of Yugoslavia (Stipe Mesic) before the war, knows well the political elites in the new countries of the former Yugoslavia. But above all Ratko is a humanist. He left Croatia in 1994. The main reason for Ratko's departure from Croatia was that his daughter, with her Orthodox background, was no longer welcome among her Catholic classmates. Ratko wanted to give his daughter Gordana a normal childhood. After leaving his home in Zagreb in October of that year, he left for Novi Sad. At that time negotiations were still going on about the status of the Serbs within Croatia. Ratko still expected a solution, but with the military operations in 1995, during which the Serbs were driven massively out of Croatia, it became clear that return would no longer be an option. During the exodus, Ratko housed dozens of relatives and friends in his flat in Novi Sad, which quickly drained his savings. After working for a local NGO, Ratko founded the Humanitarian Centre for Integration and Tolerance (HCIT) in 1997 with the aim of helping refugees from Croatia find a place in Serbian society. During the NATO bombardment of Serbia in 1999, HCIT was the only organisation providing legal assistance to the refugees. The international NGOs had all evacuated. From then on, HCIT becomes a permanent partner of UNHCR in providing legal services to the refugees in the northern part of Serbia, Vojvodina. The problem, however, is that the solution to the refugees' legal and administrative problems is not in Serbia, but in their places of origin in Croatia. So, the refugees became even more frustrated. Our cooperation in the cross-border legal programme has changed that.

Our discussion today is about the prevailing panic among the refugees. Fieldworker Rajo wants to be there to explain it, because he has to deal with it every day. Since the beginning of this year, a re-registration process of refugees has been taking place. On 28 February 2005, the official number of refugees according to the UNHCR was still 274,000. However, in one third of the cases, the Serbian Refugee Commission decided not to renew the refugee status. This means that the refugees lose their refugee passports, and if they have no other nationality papers, they cannot prove who they are. If these refugees have not obtained Serbian nationality, they are here illegally and must apply for a residence permit.

I know from my own experience that this is a difficult and expensive procedure, which has not changed since the fall of Milisovic. So, the refugees who want to stay in Serbia will have to apply for Serbian citizenship. For this they need their Croatian papers, but without these they cannot cross the border to obtain them.



Cross-border legal programme: in Novi Sad/Serbia we receive the requests of the refugees from Croatia. From our office in Vukovar/Croatia we arrange the legal papers for these refugees all over Croatia.

Years and days between the ruins in Vukovar

With my colleague Pedrag, also called Pedja, I drive to our office in Vukovar, 80 km away, across the border in Croatia. Pedja came that morning from Vukovar to Novi Sad with 400 administrative-legal documents for refugees that we arranged over last week. He is taking another thick packet with powers-of-attorney for the request of documents back to Vukovar. On the way he tells me that in the last few weeks bombs have exploded in Vukovar, in the office of Rade Leskovac and in the Serbian villages next to Vukovar, Borovo and Trpinja. Several offices have been largely destroyed. Rade Leskovac was targeted because, as the leader of a Serb splinter party in Croatia (the party of the 'Danubian Serbs'), he has a Serb flag hanging next to the Croatian flag in front of his office. Laconically, Pedja adds that "the police have no idea of the perpetrators of the attacks". The remaining Serbian community in Croatia has not paid any attention either, as they have no choice but to remain silent and survive.

The event reminds me of the suspenseful period in 1999 in Vukovar, which I experienced in the midst of the NATO 'bombing campaign', as the NATO bombing of Serbia is called here. At that time, we were threatened by the same Rade Leskovac. Leskovac was the head of the Serbian Radical Party for Eastern Slavonia during the war. The man who led Vojislav Seselj's extremist nationalist Serbian Party in Serbian Croatia, now meekly joins the Croats.

I had dealings with him at the beginning of 1999 when he was our landlord, and he wanted to evict us without notice. After we had fled, taking our furniture with us, we were threatened by telephone at night; special knuckle-draggers would come and get us. We then called in the OSCE and the Croatian police, and peace returned. An additional effect of our complaint was that the farmers from the Serbian villages Trpinja and Bobota were suddenly paid by Leskovac. Previously he had bought and collected their harvest, but had refused to pay for it. This, of course, had been the main focus of our complaint.

A colleague with whom I discuss Leskovac's role during the war concludes, "if you think that he dared to threaten you like that, you can imagine what he did during the war to the Croats who still lived in Vukovar!"

Now our office in Vukovar is in a street that bore the typical communist Yugoslav name 'Omladinskih Akcija': the 'Youth Action'. Our house and all the furniture are pierced with bullet holes. We now have to start a procedure to change the address of our foundation in Zagreb, because the street has been renamed the "Hraskog Sokola", the "Croatian Eagle". There is sleeping accommodation in the office. So, when I am here, I live in the office.

Vukovar, Thursday 8 June 2005

Early this morning I am woken up by my colleague Tea and my Dalmatian dog Atina, who enthusiastically jumps on my bed. As always, Atina wants to go running with me along the Danube. But it is raining cats and dogs, so the ritual has to be postponed.

Tea has been working with us since December 1996. She was my landlady in Dalj when I worked for the UN, and has worked with us since the beginning. That same year I received Atina as a Christmas present, and could not refuse the puppy. Fortunately, Atina has found a good, second boss in Tea.

Bookkeeper Slobodan and programme manager Tanja try to explain to me the ins and outs of our Croatian financial administration. I fall from one surprise into another. As an NGO in Croatia, you are not primarily accountable to your donor, but to the government. They meticulously issue all possible rules to fill in your ledger: a separate form for in and out, etc. Nobody is allowed to be paid in cash and as a foreign consultant you have to open an account here in the local currency, the 'Kuna', and 35% of your consultancy fee is taken away for pension rights and health insurance. This is apart from the fact whether you are not tax-resident in Croatia. As a representative of an NGO, you have to open a special bank account, which is much more expensive than for a private person.

Vukovar ten years after the war

Vukovar, Friday 10 June 2005

It has been raining non-stop since I arrived and it is so cold. I have a meeting at the OSCE office in Vukovar. It turns out that they do not know what to do with a large number of gypsies and displaced persons, who urgently need documents. They are begging us to help them as we are the only ones who can give this kind of concrete help.

Yesterday, my morning is taken up with the police and all kinds of related administrative matters. The police first call with the instruction to show our registration immediately at the police station. The reason for this is that they had to check whether we were still entitled to have Croatian number plates on one of our cars. Then colleague Pedja comes back from the police irritated; I have to go with him immediately to show a many other papers, otherwise a search will follow. At the police station, the Balkan atmosphere is once again friendly.

Ljubomir drops by in the afternoon when he hears that I am in town. Ljubo is a young lawyer who, with his mother, runs the Vukovar Peace Centre. Last year, he developed lobbying activities for us. Ljubo's mother Ankica, a small forceful woman, was a judge in Osijek before the war.



Vukovar: Croatian flag planted on the ruins of the house of a displaced Croat, who will return and rebuild his/her house, 1998 after UNTAES departure.

Ljubo thinks that now, ten years after the end of the war, it is a good moment to look back. The rehabilitation of Serbian refugees from Croatia is still a challenge. We ask ourselves

what the meaning of our work is. On the one hand, by starting court cases, taking legal action and related networking and lobbying activities, we keep constant pressure on the legal system of Croatia, which tends to be used for post-war ethnic cleansing. On the other hand, we help tens of thousands of refugees find much-needed concrete solutions. However, major short-term changes in the development of the rule of law cannot be expected. What is needed is long-term involvement in all the legal matters that need to be settled in order to restore - where possible - the pre-war legal status of the refugees. This work is essential to prevent these refugees from wandering and falling prey to extremist politicians who use the suffering of this group for their own political ends. If these refugees have no papers, they are excluded from the democratic processes. Our work is therefore indispensable for individual sustainable solutions and the development of lasting peace and democracy. But we need a very long breath!

Thursday was the Orthodox Ascension and also Kirbaj of the Serbian village of Trpinja. The Kirbaj is a village festival with strict rules. Every family has plenty of food and drink for the whole day. However, as a fellow villager, you are not allowed to visit each other. So only friends from outside the village come to visit. But these friends must come on their own initiative, for it is strictly forbidden to invite people. Tea, for instance, reluctantly said to me, 'so I'll see you at my place later'. Everyone participates in this tradition, except families where someone has died that year. Besides the Kirbaj, every family has its 'Slava', its Saint's Day. Many have St. George (6 May) or St. Nicholas as their Saint's Day. Then, all day, half the village comes to eat with you after the 'Pop', an orthodox priest, has blessed the house and the family in the morning. For me, it is a reunion with the family members and the 'Kumovi' that I know since 1996. The 'Kum' is the most important person in your life, more important than your husband, he is the witness at your wedding or godfather/mother at your baptism.

The conflict between Serbs and Croats - a bit of history

For the past nine years, living and working here, I have been trying to find out more about this deep-rooted conflict between Serbs and Croats. How the war was able to come about is always a topic of conversation with people in the former Yugoslavia and I have read many books about it. I still hear new things. This rainy day in Vukovar gives me the opportunity to sum up what I have understood so far.

The fact that the Croatian Serbs¹⁷ did not want to be part of an independent Croatia can be traced back to a long history. Croatia was part of the Habsburg Empire (Austria) until the First World War (WWI) and Serbia was part of the Ottoman Empire (Turkey) until well into the 19th century. The border between the West (Habsburg) and the East (Ottoman) was located exactly here, in the border area of Croatia with Bosnia and Serbia, and therefore

¹⁷ The designation of Croatian Serbs is a delicate one, and this is the only neutral term. Internationally, they are called Serbian Croats, but no one in Croatia agrees with that, because it is not citizenship, but nationality in the sense of ethnicity, that is paramount, so these people are locally referred to as Croatian Serbs. On CVs that we receive from people over the years, they put 'nationality' as their ethnicity, and not their citizenship, which is always rather confusing.

bears the name 'Krajina' (border or the 'end')¹⁸ in Serbo-Croatian¹⁹. This border area was inhabited by Serbs, who served in a special army (the Krajina Army) to defend the Habsburg Empire against the Turks. These 'Krajina Serbs' had a separate status in Croatia, directly under the authority of Vienna. They had special rights while the Croats were serfs for a long time. The Krajina was largely poor mountainous area, running from the Dalmatian coast, along the ridge at Croatia's southern border with Bosnia, to the east.

After the collapse of the Habsburg and Ottoman Empires in 1918, the first Yugoslavia was founded, initially as the "Empire of Serbs, Croats and Slovenes" under the authority of the Serbian King Alexander Karadjordjevic. Since, from the 19th century onwards, there were nationalistic feelings and a desire for independence in the Habsburg and Turkish empires, the Croats were not happy with the first Serb-dominated Yugoslavia. During the Second World War, the Croats did get their own state for the first time, albeit under German occupation (NDH). Besides the genocide of Jews and Gypsies, this independent Croatia wanted to get rid of the Serbs. At that time, only 50% of its inhabitants were Croatian and 30% Serbian. The Serbian population became victim: a large part was killed by mass murders in places like Glina, Knin, Pakrac, and in concentration camps like Jasenovac. Another part of the Serbs was driven away. Another part of the Serbian villages were forced to convert from Orthodox to Catholic.

In 1945 the Partisans, led by Tito, expelled the Germans. Croatia became part of the second, communist Yugoslavia. On the one hand, nationalism is taboo in Tito's Yugoslavia, but on the other hand, national identity remains important in the Constitution. The Constitution establishes the various minorities with related rights such as education in their own language. Thus, Yugoslavia has six republics with national majorities and within them a complex range of minorities. The republics can leave the federation, but no procedure has been established for this²⁰.

Many former Yugoslavs now see²¹ Tito's Yugoslavia as a paradise in which the Yugoslav was the friend of the whole world, welcome in both the West and the East and part of the Club of Non-Aligned States. There was a special form of communism, in which the workers collectively owned the factories and their facilities, such as flats and holiday homes. A job and a holiday at the seaside are considered basic rights for all. This is the so-called 'Yugo-nostalgia'.

¹⁸ Kraj means 'end' and 'part' in the sense of region. Historically, it was referred to as Vojna Krajina, the military border region, but from the early 1990s, it was referred to by the Serbs as Serbian Krajina, Serbian Republic Krajina, which was in the recent war their designation for their self-proclaimed mini-state within Croatia.

¹⁹ It is now impossible to indicate the language without falling into terms such as 'BCS', the term used by the ICTY. BCS stands for Bosnian, Croatian, Serbian in alphabetical order so as not to offend anyone. In Banja Luka, the capital of Bosnia's Republika Srpska, I hear people speak the 'local language'. Before the war, the language spoken in Yugoslavia was called Serbo-Croatian internationally. Now Croats claim that Croatian is a completely different language, and judges sometimes ask for a sworn translation when a court case involves legal documents from Serbia.

²⁰ The assumption by the West in 1991 that a majority within a republic could determine this was disastrous in a situation where national minorities in Croatia and Bosnia and Herzegovina played an important role and it was not legally clear what the procedure for withdrawal was. In this situation, it would have been necessary to obtain guarantees for the minorities before proceeding with recognition.

²¹ Only after the war people start talking about "Yugo-nostalgia" but that was different in the 1980s.

Tito died in 1980. Around that time, Yugoslavia had to repay the accumulated financial debts to the West, partly due to the second oil crisis. In the following years it becomes clear that the Yugoslav economic model of social ownership has led to inertia and corruption. The country fell into economic decline. In the search for necessary political renewal, power-hungry politicians saw an opportunity to exploit the nationalism fuelled by economic decline and the unresolved history of war for their own ends. In 1991, Slobodan Milosevic and Franjo Tudjman were the main protagonists. After the collapse of the Communist Party in early 1990, free elections were held for the first time in May of that year. Milosevic and Tudjman were elected president of Serbia and Croatia respectively. When Croatia declared independence on 25 June 1991, while still part of Yugoslavia, the symbols of Nazi Croatia revived. The fears of the Serbs in Croatia (12.7% according to the 1991 census) are exploited by Milosevic and other politicians. A number of incidents follow, such as in May 1991 in Borovo Selo, a Serbian village next to the ethnically mixed Vukovar, where a group of Croatian policemen in buses go to replace the Yugoslav and Serbian flag with Croatian flags. The Serbs from this village do not accept this, and commit a massacre. The dynamics of war is then unstoppable.

Vukovar, Saturday 11 June 2005

Finally, it is a sunny day again. As usual, I go running along the Danube with Atina. At my breakfast on our terrace, I read the national morning paper - Jutarni List. It strikes me that little has changed in ten years. It is still mainly about the war, nationalism, the Serbs. International news is very briefly and poorly presented on page 20. And then there are several acquaintances from the nineties, when I lived here. Jaques Klein, who is visiting Croatia to receive a medal for his work as chief of Eastern Slavonia from 15 January 1996 to 15 January 1998. Also in the picture is the leader of the Serbian minority, Milorad Pupovac. He says that the HDZ (Tudjman's party) is the natural partner for the Serbs because the HDZ wants to be part of Europe and to be democratic, which means that there will be a place for the Serbs in Croatia. Milorad is a very funny and charming man, originally a linguistics professor, who has been leading the Serbian Party of Croatia for many years. In our conversations in the past, he has always complained about a large number of legal problems that the Serbs face, related to war crimes prosecution, getting their houses back and all kinds of discrimination. I also see Zlatko Krameric, the mayor of Osijek - a democrat and professor of Macedonian language and culture - in the newspaper. Krameric, too, has aged considerably over the years. At the end of 1997, we held a press conference together to announce the launch of our first programme.

There were local elections a few weeks ago and it looks like Krameric will lose his place as mayor to the extremists Djapic and Glavash. Glavash has been ruling political and socio-economic life in Osijek since the beginning of the war. Glavash is now quarrelling with the Croatian nationalist ruling party HDZ and has run for election independently in coalition with Djapic, the simple extremist nationalist of the HSP (Croatian Party for Rights ²²). Glavash is a Croatian hardliner, held responsible for war crimes by many here. But they

²² The name of this party has its origins in the name of the first nationalist Croatian party founded in the second half of the 19th century, which stood up for the rights of Croats within the Habsburg Empire.

add: 'he is clever, because he leaves no traces'. Under pressure of the UN mission UNTAES, Glavash had to resign as Zupan (prefect) of Osijek, but he still holds all the reins.

At the time, we had our hands full with the dirty tricks of Glavash. On 1 January 1998, UNTAES left and Vukovar/East Slavonia was again fully integrated with Croatia. At that time Glavash was the Managing Director of Slavenska Banka. On this day of the transfer of government, thousands of Serbs received a bank statement from this bank with a negative balance of an amount that was prohibitively high for them. Before the war they had an account in that bank, but because of the war they were cut off from Osijek, where the bank was located, from 1991 onwards. Small debts, often caused by a last salary not being paid out or because of bank charges and increased by penal interest, were mounting up fast. Now, the Serbs in this area did not have enough money to make up this negative balance. So, the bank started legal proceedings to seize their houses. This would have forced not only the displaced people to leave, but also the Serbs who had always lived in this area. But we - in close cooperation with OSCE - put a halt to this. We wrote a legal opinion on the applicability of force majeure in this situation. This report was sent to the relevant ministers via the head of OSCE in Zagreb. We had several meetings with the bank's management and the European Bank for Reconstruction and Development (EBRD), which had become a 49% shareholder of Slavenska Banka. In addition, we hired lawyers to represent victims in court in a few individual cases. As a result, this practice of ethnic cleansing through abuse of the legal system has been stopped.

The Jutarni List also reports on the video footage of Srebrenica. The journalist reports that he recognises one of the Scorpions as a classmate, it was always a quiet dumb boy.

Tea's 'Sudbina

I discuss the newspaper with Tea and she helps me read Croatian, a different dialect (Ijekavski) than that in Serbia (Ekavski). For example: Mleko=mlijeko=milk, vesti=vijesti=news. In addition, a number of words differ, such as: vosh=vlak=train or hleb=kruh=bread. In addition, many new words have been developed in Croatia since its independence. However, the language remains the same, and in Croatia people often ask me where I learned Croatian. When I tell them that I learned Croatian in Belgrade, this usually leads to some hilarity. The language is very phonetic: you pronounce everything as it is written. With names, this often leads to strange creations. The other day, I saw a dish on a menu that I had never seen before: 'hemendeks'. When I read this out loud and asked what it was, the other person said: well just "ham and eggs".

I ask Tea how it can be that people here talk about nothing but the war. In the Netherlands in 1955, ten years after the Second World War, I always understood that there was a spirit of reconstruction in the air. Tea explains me that this is because there has not yet been any positive, forward-looking development. Things are bad in Croatia, the economy is stagnant, so people fall back on something to hold on to, and that's nationalism and war.



Tea at Orthodox church in Aljmas (region of Vukovar) June 2005

In various personal and professional matters, I ask Tea for advice. Her answers are always very wise, intelligent and logical. Our Algerian colleague Nabila said the other day that it is a pity that Tea could not study. "Because otherwise she would definitely have made a top career." When I tell this to Tea, she responds laconically: "That is my 'sudbina', fate, in this life". Well, Tea undergoes her fate with great, stubborn determination. Sudbina occupies an important place in this part of the world, where suffering and joy go hand in hand and the clairvoyants looking in coffee grain are abundant. And Tea's fate is not easy. Tea's mother is one of the few Swabians (German minority) who did not leave the country after the Second World War. In 1943, as a little girl, her mother was bombed by the British on the train to Zagreb. They fled from the train and ended up in a minefield. Tea's grandmother, then 40 years old, had white hair within ten minutes. Furthermore, after the war, Tea's family refused to be members of the Communist Party. Needless to say, this did not go down well. Tea always starts laughing when the all-pervasive nostalgia for Tito's Yugoslavia is mentioned. "Oh yes," she says cynically, "how happy we were to be pioneers (the Tito youth), performing endless dances at folk festivals."

Tea undergoes her fate of complete outsider wherever she goes and stands with great pride. Tea is married to Stevo, a good looking, sociable Serb from the Serbian village Tripinja. The war was difficult for Tea. In May 1991 she had fled with her little son to Germany, where her aunt worked. In mid-August 1991 Stevo indicated that the coast was clear, and she returned to Vukovar. Only to find herself there in the middle of the war, which erupted in full force at the end of August. During that time in her village, people stopped talking when Tea, one of the few non-Serbs, walks by. The women and children had already left the village for Serbia in June, on buses arranged by the municipality. At that time, Tea is more or less the only woman in the village with her little son. To visit her mother a village away, she has to take all kinds of shortcuts, because the front line lies between their villages. Her brother, who at the beginning of 1991 completed his military service in the Yugoslav army in Sibenik (Dalmatia), is a conscript, fighting on the Croatian

side and her husband on the Serbian side. She did not see her brother again until five years later.

Tea and I have known each other for nine years. In the beginning she always told me that I am her "window to the world". She is the rock of our office. Even in a difficult period in 1999 when we were here during the NATO bombing and had no funding for months, Tea kept coming to work every day. This kept me 100% confident that all would end well. And although she always says she is the most unimportant person in our organisation, I know for sure that we would not be here if it were not for Tea. She always encourages me when I don't see the results of our work. She tells me: "Nobody knows, and nobody shows their gratitude, but you have helped tens of thousands of people and that is what counts. Tea teaches me to accept my fate or *sudbina*, which I myself often do not have enough patience for.

Dismissal of Serbian nurse Zorica

In the evening I visit Zorica, who is a pedicurist among other things. I have been visiting her since 1998 and have heard all about the ups and downs as a Serbian in Croatia. Zorica is 53 years old now and has worked as a nurse in the hospital in Vukovar since she was 19. She only left Vukovar briefly in 1991 when there was serious fighting. She returned immediately after the truce in December 1991. She tells me how it was an apocalypse and how strange she felt with the key of her house in her hand while not a single wall was left standing. Zorica has seen a lot and is of the same opinion as Tea, that no one is the same after the war and that such a situation causes one to lose faith in the goodness of mankind. In war, the worst elements of society rise to the surface and the worst get a chance. In a peaceful society, this badness remains hidden. A confrontation with this reality has broken something essential in those who have experienced the war. And at the same time, I feel an enormous strength and wisdom in these people.

After the reintegration and departure of UNTAES in 1998, Zorica was still the head nurse at the hospital in Vukovar. In 2002, after 32 years of service, she was dismissed with immediate effect without any given reason. Her place was taken over by a Croat who had been brought from Zagreb for this purpose and lives in Vinkovci, a place 25 minutes away. Zorica should have worked for five more years to be entitled to a pension. We helped her to get a good lawyer who is handling her case together with the cases of some other Serbs who were fired at the same time. Zorica is still waiting for the first hearing. She explains to me that the court in Vukovar is politically oriented. In the Osijek court, she would have received a ruling long ago. Zorica says that she has nothing against Croats, and that they are among her best friends, pointing to a Croat who is watching television in her living room at that moment. According to her, the problems are due to the political system, which is nationalistic. Zorica loves taking care of people and is a complete workaholic. After my appointment, she has to go to a private elderly people's home, where she works from 7 p.m. to 7 a.m. to look after 17 elderly people all by herself. She has this job to secure her pension rights, as she does not believe she will win her case in the current Croatian legal system. She adds: "The laws are fine, but they are simply not applied equally to all in Croatia."

'War profiteers': Bert and Tanja

Vukovar, Sunday 12 June 2005

Bert van der Linde came to this region in 1992 with the University of Wageningen. Since then, he has done peace projects for some Dutch organisations. He met his Croatian wife Tanja during this work, and therefore they call themselves 'war profiteers', because without the war they would never have met. Like Tea, Tanja is a non-communist, non-nationalist, strong Balkan woman.

I have known Bert since 1996. Last year, he was program manager in Vukovar for us, which task has now been taken over by Tanja. Since they have been running our organisation, everything has gone smoothly.

The three of us are sitting in Vukovar on the Danube on the terrace of a restaurant, where we often sat during the Serbian UNTAES period, where music was played by gypsies who have since fled to Serbia. We reminisce about the war and the UNTAES period. Tanja tells about the beginning of the war in Osijek. The Croats were preparing for war while the country is still part of Yugoslavia. Thousands of criminals were released from prison and transformed into paramilitary forces. Weapons were smuggled into the country. As a non-nationalistic Croat, Tanja loses her job in 1991. Her dismissal is a long story, but the core is that Glavash, who held and holds all the strings in Osijek, was behind it. Osijek was under siege for months in 1991 and the inhabitants were evacuated. Tanja was the first Croatian to set foot in Vukovar in 1996, then still under Serbian control. Bert looks back on the peace activism with nostalgia.

Vukovar, Tuesday 14 June 2005

Still in Vukovar. Slobodan, who does our bookkeeping, has come by every day so far. All those rules and controls have given me an anxious, depressed feeling this week. At the same time, I realise that as an international organisation, that is precisely why we are here. Our paralegals all over Croatia sometimes have problems with the police and one of them was shot a while ago. In such situations of discrimination, it is good to be an outsider and to offer protection in that capacity. For example, we sometimes find out, by getting a document, that there is a warrant waiting for our client to be arrested for so-called war crimes. We are actually a practical legal document office. So, it is one big paper mill here, involving the necessary administration. It also appears that all this does not happen automatically. The phone rings non-stop with questions from paralegals across the country for further information or support.

During our team meeting we discuss whether Rajo in Serbia, who now has his Serbian and Croatian passport, should not come to Croatia after all to attend the team meetings. We ask ourselves how real his fear to be arrested is. The chance seems nil, but Pedja explains that he is afraid because of his background. As a professor of motorbike engineering, he was often strict, and he fears charges against him from students who didn't like him.

Vukovar, Wednesday 15 June 2005

The staff of our office are in shock after hearing the news that Djapic has indeed become mayor of Osijek. As said, Djapic is the leader of the far-right nationalist HSP (Croatian Party for Rights), a simplistic extremist who forms a coalition with the independent Branimir Glavas.

Everyone comes from Glina, including French refugee Marguerite

Novi Sad, Wednesday 15 June 2005

Our partner Ratko Bubalo has invited me to have dinner with his wife Zaga, HCIT deputy director Radovan and our field officer Rajo. We go to Balkan Express, a restaurant on the campus of the University of Novi Sad. It is one of those evenings when all the stories from back then are told.

Radovan was in Glina a neighbour of Rajo and they know each other from childhood. We quickly end up talking about Glina and all the people I know from Glina. Even some of my friends also turn out to be from Glina. Strange how such a small place keeps coming back in my life. The expulsion of the Serbs from Glina started at 4 or 5 a.m. on Friday (petak=the fifth day in Serbo-Croatian), August 5, 1995. I say: "Oh, so that was 'Veliki Petak'" (Big Friday=Good Friday), to which the answer is: "no, it was Black Friday". Radovan says that something was expected, because he had been mobilised and was firing back with mortar fire while he and his mates did not know that their own army command had long left for Serbia! While his family had already left, Radovan left the Monday after, half an hour before the border was closed²³. The whole column of hundreds of thousands of refugees from Croatia could only leave on one road through Bosnia. This made it easy for a family to wait for their husband; they could simply sit and wait on that road in Bosnia. Radovan's family waited for him in Banja Luka. Rajo, also mobilised, found his family in Prijedor. Radovan says that until spring 1995 he was 100% sure that he would spend his whole life in Glina, that there would be a solution for the Serbs within Croatia. His father had a clearer view of the future and had already built a house in 1992 in Banovci, a small town near Belgrade, where Radovan's family lives now. Radovan himself has been sleeping on a stretcher in the HCIT office since I got to know him (spring 2000) and only goes home for the weekends.

Talking about Glina, my thoughts turn to the French Marguerite, who was a very special 'beneficiary' of ours in Vukovar in 1998-2000. Marguerite is also from Glina, and we found her in 1998 in a dark, damp room in Darda with her Serbian husband Zlavko. I called her a few months ago in Sombor, but I was told that Marguerite had passed away in June 2004. Despite all her suffering, Marguerite had an unprecedented optimism and loving spirit. I see her extraordinary life as a monument to all the suffering of the 20th century in Europe.

²³ In 1998, a very old woman gave us her testimony about what happened to the people who were not lucky enough to cross the border in time. She ended up in a massacre. A beautiful, blonde Croatian soldier, she said, "so baba (grandmother) I will help you" and had shot her in the chest. But miraculously, she survived, and was taken by UNPROFOR troops to Zagreb, where she was operated on. The local hospital nearby had refused her.

Marguerite was born in Til-sur-Arreau (near Dijon) in 1923. Her father fought in the Maginot Line in the First World War and fell ill from the biological weapons used by the Germans. He eventually died of it in 1928. After the death of her father, Marguerite and her mother moved to Autin (Macon) where her mother worked as a cook for a notary. In 1938, Marguerite's mother died from a blood transfusion. Marguerite then moved to an aunt in Charbona (Soane et Loire) and started working as a governess for a family in Paray-le-Monial. Marguerite's aunt, who had many children of her own, does not want to look after Marguerite, but does want to receive the pension that Marguerite receives on behalf of her father. Her aunt therefore registered Marguerite to work in Germany as a translator as she spoke German. In July 1942, Marguerite was picked up by the SS and put on a train with thousands of others to Nuremberg. She became a forced labourer at Siemens, living in unheated barracks. At one point, she weighed 45 kg. In 1943, the prisoners from Belgrade arrived, including her future husband Jovo Cuckovic, a Serbian from Glina. Marguerite did the 'intake interview' with Jovo, with whom she would always speak in German. Jovo was the love of her life. In 1945 Marguerite and Jovo went first to France for a few months and then to Glina. From 1946 to 1964 they both worked in Vukovar and lived in a flat next to the Hotel Dunav. In 1964 they returned to Glina. Jovo died of cancer in 1977, and a few years later Marguerite remarried Zlavko. With the war and the arrival of UNPROFOR, she had her first contact with France again through the French soldiers who regularly visited her in Glina. In 1994 Marguerite became blind. And like all the others, Marguerite and Zlavko left Glina on 5 August 1995. At first by car, which broke down in the middle of Bosnia. The journey continues by bus to Belgrade, from where they arrive via Sombor in Darda in Croatia (near Osijek). There they live in a damp little house. Marguerite has diabetes and, in the meantime, has also become paralysed. During the UNTAES period, French-speaking Belgian soldiers came to see her regularly. In 1999, through the French Embassy, we arranged for Marguerite to receive a disability pension of FF 1500 per month and Dm 10,000 compensation from Siemens. In February 2000, they moved to a nice small nice house in Sombor to spend the last days of their lives in dignity. When I last saw her in Sombor in June 2000, she told me: "My life is a novel. My life was not bad with my husband, with whom I lived many good years. I'm now fed with it, with all the pain. I want to die, but what can I do? You have to accept life as it comes."

In this company, too, the shock is expressed that Djapic has become mayor of Osijek today. Last year Novi Sad also elected an extreme nationalist mayor of the Serbian Radical Party. Concern is expressed about the growth of extremist political forces in the countries of the former Yugoslavia.

Poverty syndrome and mafia in Serbia

Belgrade, Thursday 16 June 2005

A warm afternoon in Belgrade - Serbia at its best. The streets are filled with full terraces. I am completely in my element. In Serbia people are so open and friendly, as if you are all family or friends. Everywhere you go on the street, everyone will have funny, frank conversations with you, with a typically Serbian, very self-critical humour. Many a foreign journalist takes the nationalistic jokes about Kosovo, Milosevic and 'Hag' (The Hague) literally. But they are usually told with a large dose of self-mockery, responding to how they

think the world sees Serbia. As if it were a game. The problem is, politicians who play this game take risks for granted.

In the evening I go to my regular café, a boat on the banks of the Danube. I see my Serbian teacher Zoran, of whom I had Serbian lessons in the first half of 2000. The vocabulary I learned then was typical of the latter days of the Milosevic regime: murder, manslaughter, arrest, police interrogation, remand, and so on. We have a heated discussion about the mafia system here.

The large masses in Serbia have difficulty keeping their heads above water economically. Due to mafia and corruption practices, there are some very rich people. Socio-economic life is based on the grey/black circuit. People are okay, but the political-economic system, which is very much intertwined, is not. Gradually I found out that everywhere in the former Yugoslavia (except Slovenia) there are alternative ways, based on the 'častiti'. It is only normal to give a doctor a nice present if you want good treatment, they explain to me. Anyone who does something for you should be given a present. The size of the 'gift' depends on the service he gives you. For me, these ways are a complete mystery. If I tried, I would be arrested immediately, I think. Yet I cannot escape it, it seems. When I look at our financial records, I see that we have 'treated' quite a few civil servants to flowers and chocolates, Parker pens. Registering second-hand cars is virtually impossible. Cars may only be three years old at the most. The quality standards are so high that only a new car can meet them. Yet you see imported second-hand cars from Western Europe driving around everywhere. Through an intermediary, after the necessary 'treats', you can still register a car. Banking is also a big problem. Serbian citizens are not allowed to transfer money abroad, unless it is for a family matter such as children's studies. We, as a foreign foundation, still cannot be registered in Serbia. Officially, therefore, we cannot conclude contracts, because for that you need an official stamp of your organisation. But we now have a paper showing that we are tolerated, so we can open a non-resident account at a bank.

Nothing can be done in a normal, transparent way. Everything has to be arranged, which of course is completely uncontrollable. Hence the close relationship between the economy and politics. Many powerful people have an interest in this system. Unfortunately, Zoran Djindjic, who fought the mafia, has been murdered.

We continue discussing the current mentality in Serbia, which could be defined as the 'poverty syndrome'. Everyone talks about the price of something and how much they earn. If someone earns more than a few hundred euros, he is a mafioso, a thief or has big financial interests. Even people like Ratko Bubalo, all politicians including the murdered Djindjic, the crown pretendent Alexander Karadjordjevic, and myself, get this criticism. Zoran remarks that he seems to be missing a gene, that he doesn't understand at all the mentality of 'I'm a friend of your neighbour, so can you do this and that for me'. He doesn't like the social life based on corrupt relationship networks.

And Serbia is indeed very poor. A recent survey shows that the income per household member of those questioned in Serbia is less than EUR 40 for 23% and that only 7% have an income of more than EUR 250. Young people, well into their thirties, do often not work

and still live at home, while mum and dad have to work their asses off to pay for their children's visits to a terrace and the sports club. The former Yugoslav looks back with nostalgically to Tito's Yugoslavia in which you went to work (without necessarily being productive) and were well looked after.

Visit to refugee centre

Early this morning I went with Rajo to a refugee centre in Pancevo, the industrial town north of Belgrade. It was an important target during the NATO bombardment of Serbia²⁴. I give Rajo a stack of information booklets that I got from UNHCR and OSCE in Croatia to hand out to the refugees in the field. Rajo says that information is only given for those who want to/can return to Croatia, and that these are only exceptional cases. Most of them need documents in Croatia to be able to integrate here in Serbia, and we are the only organisation that helps them in this.

The refugee centre is located in an old military academy. Rajo receives our clients in the hall of this building. We sit on a worn-out old brown couch. The coordinator of the centre, Biljana, brings us coffee and quickly exchanges information about the state of affairs. Biljana tells me that this centre was opened at the beginning of the war in 1991 for the refugees from Western Slavonia, who were then expelled by the Croats from dozens of villages around Pakrac. Our clients are not only the refugees who live here, but also the refugees from all around Pancevo. The first client is a woman from Knin, in Croatia near Split. After we arranged a certificate of Croatian citizenship and a one-time temporary travel document for her, she has been back to Knin several times to arrange documents for her family. Now she comes to get a diploma for her son, who works in a bank, that needs to be 'nostrified' (formally recognised). To be officially registered as an employee, he has to show his diploma and other papers. Rajo asks the woman how old her son is. Then she looks up, embarrassed: "not quite a baby anymore, he's thirty". Then Rajo says: "your son is big enough to take care of himself". I have to laugh with the bystanders, another typical Yugoslavian mother.

A number of people come to collect their certificate of Croatian citizenship (Domovnica) and birth certificates, which we arranged for them. With these they can now apply for Serbian citizenship, which allows them to integrate into Serbian society. Many also come for diplomas and workbooks, which they need to be able to work officially or to receive a pension. For one refugee from Gospic, Branko Korica, we were unfortunately unable to arrange his diploma from the technical college in Split. Our paralegal went there, but because Branko has no idea when he got his diploma, they could not find it. Branko has been living in this refugee centre since 1991 when he was repeatedly threatened with death at home at the beginning of the war. What the future holds for these humanitarian cases remains to be seen. Most of the refugee centres have been closed down in recent years, and the weakest of the weak have been transferred to the remaining centres. If Rajo does not know something, he calls one of the HCIT lawyers to ask.

²⁴ The Serbs, by the way, are convinced that a sharp increase in cancer statistics since 1999 is due to this bombing, which allegedly released a lot of cancer-causing material.

A tall, thin, heavily smoking refugee, Ljiljijane, is in trouble. Her whole family has domovnica, but they cannot find her citizenship papers in the same municipality as her family. Ljiljijane is stuck but makes jokes about the Dalmatian coast, where she can't go without papers. She says with black humour that her ambition is to marry a foreigner. I am told that Serbia wants to abolish refugee status within two years. And what will happen to cases like Ljiljijane's, who will then be in the world illegally? For her, however, there is still hope for a solution through the central register in Zagreb. To do this, Ljiljijane herself has to go to the Croatian consulate in Subotica, which can initiate a procedure to search for her nationality card in the central register. However, Subotica is far away; in the very north of Serbia on the Hungarian border. The consulate in Belgrade is close by, but not competent for the refugees registered in Vojvodina.

A number of displaced people from Prizren in Kosovo are also coming. They tell me how beautiful Prizren is, adding that there is no place in the world as beautiful and important as your birthplace. These displaced persons also have a lot of problems with arranging their papers. It is true that after the loss of Kosovo in 1999, Serbia moved the population registers of Kosovo to a few cities in the south of Serbia, but many documents are missing. If you go to the population registers in exile, and your registration is untraceable, a request is made in Kosovo to UNMIK. If that document turns up at all, it has an UNMIK stamp on it and is therefore worthless in Serbia.

Every time, I am amazed at the number of documents required for survival. I actually I tell Rajo that we should lobby for a less formalistic and bureaucratic system here. According to him, however, that is impossible, because bureaucracy is woven into the mentality and culture. Both the Ottoman and Habsburg Empires had an important bureaucracy, which has been replaced by the communist bureaucracy. The only difference, according to Rajo, is that the Turkish bureaucracy in Serbia never functioned properly, unlike the Austrian bureaucracy in Croatia. Without an official document with a stamp, you are nothing here. The refugees confirm this by looking at me like I'm crazy when I ask them what they think of our cross-border legal document service: "the most important thing; documents are essential in life".

Travelling to South Serbia

*Stara Planina ("old mountain" on the border with Bulgaria),
Saturday 18 June 2005*

With sweatpants at breakfast, I feel like a real Yugoslav. I am on the road with friend Emica for the weekend. In the south of Serbia, Emica is building a traditional house of wood and mud. Travelling together, the cultural differences come to the surface. Emica finds the injustice done to the normal Serbs - that the whole world is against Serbia - unbearable. I tell her that in the Netherlands we don't walk around in our tracksuits and we don't wear slippers all day. Emica finds that impractical. After all, you have clothes for work, clothes for the street and clothes for at home. And indeed, wherever I enter the house, panic-stricken people always immediately bring me papuce (house shoes). Another cause of panic in the former Yugoslavia is draught (promaja). That is bad for everything. Windows stay closed, no matter how much people smoke.

I have brought a pile of newspapers and magazines from Belgrade, and see that the situation here is not very different from that in Croatia. Here too, all attention is still focused on the war. Some of the reports:

- Hunt for Mladic: at least two groups of 'hunters' search for the Serbian general in the border area between Serbia/Montenegro/Bosnia-Herzegovina;
- Srebrenica and the Scorpions;
- The Democrats accuse Kostunica of controlling the summonses to The Hague;
- Ante Gotovina (Croatian war criminal) kissing the Pope's hand;
- Karadjic's double.

It seems as if, since Tito's death in 1980, there has been only a decline in the communist social, political, economic and bureaucratic structures of Yugoslavia. This decay has been accelerated by the wars, and is still percolating steadily today. Nothing new has emerged to fight for. Whereas a few years ago the standard answer to questions on how things are going was "bice bolje" (things will get better), now people say "nema vise nada" (there is no more hope). People are hopeless and desperate. There are still the same authoritarian state structures of before, but now in a badly crumbled state. The concepts of citizenship and the rule of law are unknown. Everyone is busy surviving, and trying to figure out how to keep their heads above water. And without any prospect of entering the EU, the situation becomes truly hopeless. In order to solve the war-related problems of the former Yugoslavia, the rule of law must be built from the bottom up. On the one hand, this is essential for EU accession. On the other hand, this requires the restoration of rights of refugees, who otherwise wander around without status and rights, totally dependent on those who are willing to tolerate and feed them on Serbian territory. In this context, it is important at the micro level for the refugees to recover their rights and return or be integrated, and at the macro level for real efforts to be made towards access to Europe. The path to the EU and the restoration of rights for the refugees must be mutually reinforcing in order to achieve the rule of law.

As we walk across the plateau near the wooden frame of Emica's house, neighbour Bosko comes galloping up on a horse. He is a sturdy man in his late sixties and with his big rain cape he reminds me of a Chetnik, at least a traditional Serb. Bosko immediately says: "Come with me, so that Baba (grandmother/his wife) can see you". I go for a ride on his young horse, the son of the horse he rides, while my friend is already enjoying the home-distilled rakija, cheese from his own cow's milk, home-baked brown bread, etc. The most important value of being Serbian for these people is their unlimited hospitality and warmth. Bosko tells me at one point that the police came to him in January and interrogated him about my visit in September of the previous year. Because I am a lawyer from The Hague, the police had suspected me of looking for Ratko Mladic!

In the evening, the television showed pictures of 'chetniks' in 1991 in Western Slavonia in Croatia. Never again will I compare someone like Bosko to these monsters with long dirty hair and beards. Bosko is not a Chetnik, but more a traditional Serb.

War: Pedja's story

On a Sunday like this in Vukovar, I can't avoid an extensive lunch. Today I was with Pedja's family, the only Serbs living in the middle of a Croatian neighbourhood. Just after the war, in 1992, every house here was razed to the ground. Pedja's parents then filled the garden with flowers and fruit trees, and this has borne fruit. Yes - strangely enough, I have always felt that despite all the war, misery and poverty, flowers are the most important thing here. From the beginning, my suitcase has always been filled with bulbs in autumn from Holland, because everyone asks for them. Dad, Zivojin, is a Serbian folk music singer. Zivojin tells me that in 1991/1992 he was totally traumatised and did not sleep more than five hours a week. His wife Slavica was very tough on him at the time, telling him not to think about the past and to focus on the future. And he is optimistic about the distant future; that future lies in a common Europe - that is the only hope and way out for Yugoslavia, which is now divided into many mini-states with endless impractical and annoying borders.

I think the Dutch 'no' to the European Convention at the beginning of June shows that people do not realise that we owe our prosperity and peace to Europe. A beautiful Europe, the only place in the world where democracy, human rights and peace are the norm, a Europe for which we have to fight to preserve it. A Europe that the Balkans must join in order to maintain stability in Europe.

When I ask about the background of the war, Pedja - like everyone here - replies that he cannot give an objective answer because he can only tell what he experienced in Vukovar. It all started in early 1991 with more and more incidents, such as the blowing up of the Serbian fast-food café Sarajka. Croatian paramilitary groups shot at Serbian houses to show that they had weapons in their possession. And the Serbs, through an illegal network, also had weapons. The most significant incident took place on 2 May in the Serbian village of Borovo Selo, where the Serbian flag was flying next to the Yugoslav flag. The Croatian police came to remove both flags and hang the Croatian flag. When two buses full of Croatian police then arrived, the Serbs, mainly consisting of paramilitary forces from Serbia, carried out a massacre. In Vukovar, Serbs were shouted at in the night to leave.

In this atmosphere, Pedja goes for the summer holidays to his grandparents who live in a village a little further away in Serbia. Everyone still believes in a peaceful solution. Pedja went to school in Novi Sad after the school holidays. He believes, like most people I have spoken to, that the war was a deal between Milosevic and Tudjman to divide Bosnia between them. In that context, the Yugoslav People's Army's (JNA) idiotic attack on Vukovar and Dubrovnik in 1991 was a deal to give Croatia an excuse to fight for its independence. The JNA could easily have retaken all of Croatia, but it had to retreat. From a military perspective, it would have been very easy to control Vukovar; 60% of the population was Serb and it was surrounded by Serb villages. The complete destruction was idiotic from a military perspective. In May 1992, Pedja returned to school in Vukovar. He then lives with his family in a house, of which the Croatian residents have meanwhile fled. That house has to be completely refurbished while they also start rebuilding their own house, which has been razed to the ground. Pedja's family is the only one in town who has

already started rebuilding. Others expect their houses to be rebuilt by the state! Pedja adds that his family was one of the few that was not communist and did not have the mentality that the State took care of you. I realise that this is something common to our staff in Vukovar. Besides being Croatian, Tanja is also ethnically Croatian, Tea ethnically German and Pedja ethnically Serbian, all without deriving their identity from belonging to the group. After completing his secondary education, Pedja was forced to enlist in the RSK army at the end of July 1995, when the war was over. During the reintegration in 1998 - when the Croats gradually returned - his family was threatened several times.

Pedja says that what he found most shocking of all was that from one day to the next he was considered an enemy by his Croatian friends before the war. In his street and at his school, only 5% were Serbs before the war in 1991. Pedja, whom I have always seen communicate honestly and openly with everyone, would then ask his friends: "I am from here, I am the same as you, what is going on here?" To which they answered him, "you have a different name, a different church, your football club are the 'Partisans' of Belgrade." These are bad memories. Pedja says the war has completely changed his life: "I used to have dreams - now I am happy with a roof over my head, to be able to go fishing in my free time and to become a father in a few weeks."

A journey through Bosnia with Bodan Denic

Supetar - Brac, Thursday 30 June 2005

Branka Sesto is an old friend of mine from the UNTAES time (1996), a Serbian Croat from Zagreb, originally from Glina. Before the war she was a television journalist, responsible for the culture programmes of the national TV. In 1991 she was fired, because she refused to sell lies. She then works as a depilist and is occasionally recognised by her clients from her TV time. Until her mother advises her to apply for a job with the new neighbour, the UN. So, she came to Vukovar in 1996 to set up the UNTAES mission. Branka is a strong, warm-hearted woman. She has been talking for ages about her legendary friend, Bogdan Denic, with whom she spends her summers in Supetar on the island of Brac, situated before Split. In the summer of 1999, I come to visit Branka at Bogdan's.

Bogdan is indeed special; a Serbian, who as a boy in the Second World War goes with his father, a diplomat, to Cairo for the government of the Kingdom of Yugoslavia in exile. At the age of 16, he runs away and registers in the Yugoslav army, thus joining the liberation of Yugoslavia. After the war, Bogdan studies social political science in New York, becomes a trade union leader and socialist political activist in America. From the 1960s onwards, Bogdan spends a lot of time in Yugoslavia doing social research on political elites in Eastern Europe and builds a house in Supetar. In 1994, Bogdan organises a summer school for democracy on the island Brac, where former Yugoslavs meet. At the last moment, it turns out that none of the hotels are willing to host this meeting. The happening therefore takes place in Bogdan's house, where there are people in every nook and cranny and a Franciscan monk from Sarajevo, Father Marco Orelic, who is one of the key speakers.

From Bogdan I learn a lot about the former Yugoslavia and through him I get to know the interesting, influential figures here. In September 1999, I attend a summer school in Sipovo

(Bosnia), organised by him. Bogdan introduces me to Ratko Bubalo, who he thinks will be a suitable working partner for me. I do not speak Serbian-Croatian yet, so we only exchange cards. When, at the beginning of 2000, I am installed in Belgrade to set up a programme for the refugees in Serbia, I visit Ratko. I share with him my analysis that legal and administrative solutions must be developed for the refugees in Serbia across the border in Croatia. Ratko is immediately enthusiastic. That is exactly what they have been waiting for. At the same conference, I also get to know Biljana Kovacevic, who, during my first weeks in Belgrade in January 2000, brings me into contact with a circle of friends of political activists, lawyers and journalists who see each other a lot during the last months of the Milosevic era.

Also, together with Bogdan's organisation ToD (Transition to Democracy), we ran a legal programme in Croatia (2000-2004). For Croatia itself, we developed a programme in which we started court proceedings related to the discrimination and problems of the refugees, combined with exchange meetings between the lawyers working on these cases and lobbying activities.

Now I am back with Bogdan in Supetar/Brac. He has driven with me from Belgrade. We meet in the lobby of a hotel in Belgrade and a Croatian journalist also comes along to Split. I immediately recognise Bogdan's bass voice in his specific, perfect but non-localisable Serbian-Croatian. A long, hot drive through the mountainous roads of Bosnia awaits us. Bogdan is 75, had an accident with his motorbike last year and has become immobile as a result, but there is little sign of his physical impediments. He remains the same independent rebel, so I am not bored for a moment.

At the border with Croatia, Bogdan takes a stack of (American, Serbian and Croatian) passports out of his pocket. "Which one shall we try?" says Bogdan, laughing. I am inundated with all possible information and stories, in between the Yugoslavian and partisan songs that Bogdan occasionally sings at the top of his lungs. Within 20 minutes we cross another border, this time with Bosnia. All those borders drive me crazy, and especially in this heat it makes us furious about those senseless, idiotic wars of which this is the result. In Bosnia, we are also constantly stopped by the police, but when I wave at them with the NGO ID card, we made ourselves, I am allowed to drive on. This irritates the journalist sitting in the back; why do they stop us in the first place, and why don't they finish the procedure they started? We drive through Republika Srpska, where everything is written in Cyrillic script only. Bogdan says: "Only madmen have been able to make this deal. Look at the fertile landscape here, beautifully adjoining Croatia. The Croats traded it with the Serbs for the barren rocks of Herzegovina." Most of the houses have now been rebuilt. And they are building new, gigantic houses, which makes us wonder what these people are doing there. After all, there is no work here, only house reconstruction projects financed by the international community. Bogdan jokingly remarks that the Netherlands and also the USA should clean up the road a bit better. Bogdan tells me about the different wars. In the period 1910-1920, Serbia is at war non-stop, which has been a huge drain on the country. The two Balkan wars are immediately followed by the First World War, in which Serbia is attacked by Germany, Austria and Bulgaria. In total, 67% of the male population died and for three years virtually no children were born. During the Second World War, Serbia was still war weary and therefore hardly participated at all. The Chetniks (hard-line

Serbs) collaborated, and the partisans were mainly Serbs from Bosnia and Croatia. During lunch at the river near Travnik, Bogdan talks about his own experience in the Second World War when he joined the Allies as a lieutenant for the Yugoslav Royal Army - very exciting stories follow.

Driving through this crazy Bosnia - which de facto is still under international authority - with all these different identities and administrations, I ask Bogdan what he thinks of the future here. According to him, it will eventually become one country in an EU context. I totally share his view. If this part of Europe does not become part of EU, there will never be stability. Croatia still has the problem with rule of law, which is particularly evident in its dealings with the Serbian Croats. Bosnia is now only viable as a protectorate. In Serbia, there is still the huge problem with Kosovo, and also with Montenegro; Macedonia has not resolved the Albanian-Macedonian conflict in the long term. The only way that they can come to an agreement is if all these countries are part of a larger whole. That will bring them out of their isolation and present them with a positive alternative.

Bogdan asks me what my friends in Holland think about me being here for so long. I answer that I also ask myself that question. Bogdan says: "At least you can say that it is never boring, and that says a lot. I add, "and that there are great people!" We couldn't agree more.

After our drive through the Muslim part, where a large number of Dutch army trucks pass by, we arrive in the Croatian mountain plateau near Livno. Crossing the next border is easy, because the Croats from Bosnia and Croatia form the border together, where only we have to show our passports, because we don't have Croatian number plates.

I discuss a lot with Bogdan about the situation, the history and future perspectives here. I realise how complex the reality, the history, the conflict is, and how difficult it is to form an objective picture. You are always limited by your own experience. That is why it is important to talk to as many people as possible on all sorts of levels and from all sorts of perspectives. The truth is so complex and I still know so little - I have formed my own experience and vision in the past nine years, but I still learn new things and aspects every day. At the same time, my intuition and analysis from nine years ago does not change. Bogdan always teases me about my affection for the Serbs. It is true that my truth was formed here, I help mainly from the Serbian side to give the victims of the wars their rights back. But this in no way means that I am pro-Serb. As an outsider, one's duty in a conflict is to be impartial and open to all sides. What I am not neutral about, however, is that I am focused on Law and Human Rights. A conflict area where human rights are massively violated (by definition in a war) is my field, and I take the side of the group whose rights have been violated. I help them to recover their rights, and put pressure on the governments to implement their own legislation for all their citizens.

I only came to the former Yugoslavia in 1996, so I did not experience the war. By chance I came to an area where the war was won by Croatia and the Serbs were the victims. With the word victim, I mean ordinary people, who have nothing to do with politics and have very simple daily needs. No one paid any attention to this group of Serbs, who are still not welcome in Croatia. The international community's help was aimed only at return, but the

Serbian refugees could not return to Croatia. No help was given for durable solutions, while short-term humanitarian aid has now stopped. UNHCR organised legal assistance in Serbia, but the legal problems of the target group were not in Serbia, but in Croatia. So there was an important gap in the aid, for which we developed a programme. In Bosnia and Herzegovina, the problem of refugees and displaced persons has been largely settled under pressure from the international community, which more or less has the upper hand there. In Croatia, Croatia took good care of its own displaced persons (who could return) and Croatian refugees (from Bosnia, who could go and live in houses of the Croatian Serbs), whereas the Serbian refugees from Croatia had no one to stand up for their rights, and Serbia did not have any empty houses that people had left because of the war. The Serbs from Croatia (together with the Serbs from Kosovo) are the long-term victims of the Balkan wars of the 1990s.

Back to Vukovar: Dragica and Branko

Vukovar Wednesday 6 July 2005

Yesterday I drove back to Vukovar. In Dalmatia, billboards are everywhere in support of the war crimes suspect Ante Gotovina, wanted by the ICTY. Gotovina in a generals' uniform, beautiful, smooth head, as a hero among Croatian red, white, blue flag with slogans like: For Home and Fatherland ("Za dom i domovina", a slogan from the Ustasia era in the Second World War, where the Hitler salute was "za dom i domovina" instead of "Heil Hitler"). Or the slogans: 'Gotovina, we are all gotovina', or 'We don't use it as change' (this is a play on words, as the word 'gotovina' also means cash/change in Serbo-Croatian). In Banja Luka in Bosnia's Republika Srpska a few months ago I also came across slogans about Gotovina and his cronies on billboards referring to the Hague Tribunal; these were black and said: "Either they go to The Hague, or we all go to Hell". I am back in Bosnia-Herzegovina, travelling through Croatian Herzegovina. Catholic churches are being built everywhere; in the middle of nowhere, an enormous church rises in Kupres on the plateau. Then I enter Muslim country, Bogogno and Donji Vakuf with its mosques (under construction) and the call to prayer. On the road to Banja Luka, I am welcomed by a large sign in Cyrillic and English: Welcome to the Republic of Srpska. Here, smaller Orthodox churches are being built. In Republika Srpska, little seems changed from the atmosphere just after the war (in 1996); heavily traumatised people and a mess with everywhere kitsch restaurants with the name: Rolex, Taxi Bar, or Free Trade Zone Arizona. I visit our Spanish partner organisation in Banja Luka. Someone on the street asks me in surprise why I speak their language so well and what I am doing here. "Helping Serbian refugees get their rights back!" Well, that is received with much disbelief and great joy. I have to come and have coffee immediately. Yes, there really is an atmosphere of an outcast people among themselves, while at the mosque further on I see a Muslim funeral.

Life in Vukovar is full of rituals. In the morning, the postman comes by, who shouts the familiar: "Posta" from the street, and then Tea runs outside with a large stamp, to acknowledge receipt and take delivery of the mail. Then Slobodan drops by to exchange some bills. Then the paralegals from all over Croatia start calling with all kinds of questions. The Turkish coffee is indispensable in all this, and everyone wants it at their own strength.

At the end of the afternoon, I visit Branko and Dragica Srbic, the parents of our former colleague Zivko. I have not visited them for over two years and they have complained to my colleague Pedja. Zivko and Pedja are kum (godfather) to each other, and so the whole family is each other's kum.

Our contact started on 6 May 1999, Djordjedan (St. George's day according to the Orthodox calendar), the Slava of the Srbic family. Tea's sister-in-law insisted that I come with her. It became an evening I would never forget. The house of Branko and Dragica stands amidst the totally destroyed ruins of the Vukovar water tower. The house is on the Danube, but it is higher up and looks out over the Vojvodina lowlands in Serbia, where we can see and hear the NATO bombs falling. Their garden is a real paradise. They play banja, a traditional kind of guitar, and sing Serbian songs like "Tamo daleko". Tamo daleko is a famous Serbian national song when the Serbian army was expelled from Serbia in the First World War and was stuck on Corfu. "There far away from the sea, there lies my village, there lies my Serbia" etc. Now recently in the war, however, songs like Tamo Daleko have been used in a nationalistic sense. When I walk to the car to let Atina out, Dragica comes running up behind me and says "Oh God, do you hear this, if only we are not attacked by Croats". It is an evening with lots of drink, music and emotion. Son Zivko has just returned from a trip around the world as a sailor. He is very communicative and pragmatic and speaks good English. Spontaneously, I offered him a job for when we get funding again. A month and a half later, I was indeed able to offer him that job. We are then sitting in their divine garden on the Danube. Zivko can't remember the promise and is therefore pleasantly surprised to be able to start with us right away. Dragica and Branko are extremely happy, because this means that Zivko will stay with them in Vukovar, where they both work as teachers at the school. Zivko has a big heart and is super communicative, so as a field-officer he is very successful both with the Croatian and Serbian war-victims and with the employees of our Croatian partner organisation Sunce. When we opened a mission in Serbia in 2000, Zivko quickly followed.



Trpinja: Zivko, Pedja, Branko playing music in this Serbian village in Croatia, 1999

When I arrive at Dragica and Branko's house, their Croatian neighbour is sitting with them on the terrace. After the neighbours returned in 1998 from Split, where they had fled before the battle of Vukovar in 1991, they have taken up their kumsiluk (good neighbourliness) again. For example, today the neighbour's son had driven Dragica to Vinkovci to get a birth certificate for Zivko, who needs it to study in Serbia. But as soon as the neighbour had left, they laughed at the fact that I had given them three kisses. Serbs kiss each other three times and Croats kiss each other twice, and this is a very sensitive matter in Croatia. The other day, when I was picked up by Pedja at the airport in Zagreb, he immediately said: "we don't kiss" to avoid the three times. Bogdan thinks it is provocation if I kiss three times, even if it is indoors and there are only Serbs there. And in Serbia, they are always pleasantly surprised when I kiss three times. So, I often have to explain that we are used to kissing three times in the Netherlands too!

They show us how beautiful the house has become and we sit down as usual in their little paradise on the Danube. Our conversation soon returns to the war. Dragica and Branko were good communists and had a firm belief in Yugoslavia and were convinced that the Yugoslav army would have the situation under control within a few days. They were practically the only Serbs who had not left Vukovar by the end of August 1991, and when the fighting had broken out and they were right in the middle of the front line, they could not leave. They were in the cellar with Croatian neighbours. When the shooting stopped, Branko ran outside to feed the pigeons in the run in their garden. At such a moment, he saw a rocket land on his house, which then collapsed. And then he had to run through the mortar fire to the shelter again. Their children Zivko and Tanja were in Serbia. At the Vukovar truce, Zivko saw Dragica on television, almost unrecognisable and shrunken,

walking in a line of survivors. Tanja shouts: "If Mum is still alive, Dad is too, because he had to protect her."

Belgrade, Friday 8 July 2005

On the road ...

At Belgrade airport, I run into a familiar face. It is the JAT representative, who for many years has been waiting at the gate for the JAT flight at Schiphol. He gives me a file with the request to hand it over to his successor at Schiphol. I look in it to check what I am taking with me, and what do I see: birth certificates, marriage certificates, and so on. The cross-border administrative legal papers service seems to be my destiny!

Part IV: Legal rights' protection in Conflict Areas

At the UN in Rwanda and Yugoslavia, I discovered that a structural approach based on legal rights' protection was missing in international cooperation, on which I started working with Microjustice. From the hill in Malaga where I have been confined for a couple of months, I tell how Microjustice came into being, while also reporting on the daily ups and downs, now working remotely with my colleagues. I tell about the assessment missions I undertook in Georgia, Iraq, Sudan and Colombia in the early 2000, to map the legal rights' protection needs of displaced persons and refugees and how they can be met.

I am still stuck

Triana, Vélez-Málaga, Monday 20 April 2020

Still stuck, I haven't seen a person, except for the weekly outing: buying food! The weather remains cold and depressing. According to the forecasts, it will remain so for the next few weeks. The collective house arrest has now been extended again from 26 April to 10 May. With each extension, a wave of depression and sadness sweeps through me. How long will we be able to keep this up and accept that all our freedoms have simply been abolished? Cut off from my loved ones and colleagues, my travelling life is still at a standstill.

My mentor is also stuck

Recently I called Adam Stapleton whom I had not spoken to for long. He is now stranded in Mogadishu, in an international compound next to the airport by the sea. As a person who always knows how to turn every situation into a party, he immediately reports that the beach is beautiful, and on the compound, there is a bar and a good restaurant. The parable that we as humans never know whether something is good or bad comes to life. Adam, who was just in time to catch his flight to Somalia on 13 March, and I, who could not take my flight to Bolivia on 14 March. In Bolivia, I would now have been locked up at 4000 metres; only Bolivians between 18 and 60 are allowed to go out one morning a week to do some shopping; the day determined by the number of your identity card.

Adam is doing a 'Justice Audit' in Somalia. Having developed a method for affordable paralegal legal aid in prisons in Africa and South East Asia, he has now developed a method to audit the criminal justice system in a country. What Adam, with his criminal law background as a barrister in London, is developing in the penal/criminal justice sector, we are achieving in private and administrative law. We look to the needs of the people in a specific context, how you can set up a structure to help in a sustainable way to guarantee legal rights' protection for all. I express my gratitude to Adam for his indispensable contribution to my life at the time in Rwanda and Malawi. Despite all the craziness of the world and international relations, he formed me with his pragmatic approach: to look at what is needed for the people in the specific situation, to develop a plan, to sell it, set it up, and to pass it on to others.

Post-Corona Package for Legal rights' protection

There is something surreal about working digitally with my colleagues, who are all locked up at home all over the world. Maria in Bolivia sits alone at home with her daughter Aruza, my godchild of ten. Coincidentally, her husband had just travelled to England when the Corona crisis broke out.

A child under 18 is never allowed out in Bolivia, and Maria is allowed out with her ID number on Tuesday morning. Fortunately, Aruza is at a Jesuit school that keeps her busy all day via WhatsApp and email. In our meetings, Maria tells us that 100,000 small and medium-sized companies have already gone bankrupt due to the lockdown. The majority of Bolivians work in the informal sector and are poverty-stricken; without daily work, no bread, and so they all will be dead..... Would be the sequel to a Saint Nicholas poem. Unfortunately, this is deadly serious. That is why the Aymara migrant population in El Alto, the informal settlement, now city of one million inhabitants, on the Altiplano (high plateau) looking down on the bowl into which La Paz has been built, defies the lockdown. The army is deployed to drive these rebellious Aymara Indians into their homes.

For Álvaro in Belgrade, it is now Orthodox Easter Monday, which this year falls a week after our Easter. Not that Álvaro, as a Spaniard, has anything to do with this, but he has also been condemned to his home since the Orthodox Good Friday, while the bright spring weather makes staying inside a chastening experience. His little daughter, who lives 500 metres away with her mother, turns five today and he cannot go. When we speak, he considers escaping, but then sees from his window that the police are fining a few non-law-abiding Serbs.

We discuss that in addition to the legal wrangling over issues related to force majeure and government tort in the concrete context in different situations and countries, there will also be a need to help people and small- and medium-sized enterprises to access Corona-related subsidies and social programmes.

Yes, in this day, small and medium-sized enterprises need to be helped to stay afloat in order to resist the development described in the Economist²⁵ that a conglomerate of large companies with very close ties to the government is emerging. In these times of unprecedented and massive restriction of freedoms and rights by governments, it is

²⁵ Economist, 8 April 2020 the Coronavirus will change the world of commerce: 'The exit path from lockdowns will be precarious, with uneasy consumers, a stop-start rhythm that inhibits efficiency, and tricky new health protocols. And in the long run the firms that survive will have to master a new environment as the crisis and the response to it accelerate three trends: an energising adoption of new technologies, an inevitable retreat from freewheeling global supply chains and a worrying rise in well-connected oligopolies.' And on the latter: " The last long-term shift: a further rise in corporate concentration and cronyism, as government cash floods the private sector and big firms grow even more dominant. Now some powerful bosses are heralding a new era of cooperation between politician and big businesses – especially those on the ever-expanding list of firms' tat are considered 'strategic'. Voters, consumers and investors should fight this idea Like all crises the covid-19 calamity will pass and in time a fresh wave of business energy will be unleashed. Far better if this is not muffled by permanent supersized government and new oligarchy of well-connected firms"

important that people and companies enjoy legal rights' protection. Based on our work since 1997, we have developed new Microjustice tools in the recent months to scale up legal rights' protection programmes around the world. More on this in Chapter 5.

Georgia: conflict in South Ossetia - 1999

Triana, Vélez-Málaga, Friday 1 May 2020

OK, let me talk about my mission to Georgia at the end of 1999, already 20 years ago.

The situation of South Ossetia in Georgia was similar to the one of Vukovar/East Slavonia in the period 1991-1996. During the Soviet Union, Georgia was one of the republics containing the autonomous republic of Abkhazia and the autonomous region of South Ossetia. With the independence of Georgia in 1991 and the rise of Georgian nationalism under the ultra-nationalist President Gamsakhurdia, Abkhazia and South Ossetia want to remain within Russia. Just as the Serbs of Croatia wanted to remain with Serbia in 1991 when Croatia declared its independence. The armed conflict with South Ossetia lasted from 1989 to 1992, during which 1,000 people died and 57,000 were displaced. Since then, South Ossetia has been geographically part of Georgia but de facto has its own little republic with the support of Russia. The South Ossetians were originally an Iranian tribe in the early Middle Ages but now speak Russian.

I went to see how a post-conflict rehabilitation programme inspired on the one we were implementing in Vukovar would look like. Indeed, as expected, the situation was very similar to Vukovar in 1996; complete sense of anarchy, a free trade paradise, and the people victims of political conflict. Unlike Vukovar, there has never been an ultimate political solution.

With local partners that I identified during this mission, we prepared a programme for the restoration of justice to the displaced persons on both sides (Ossetians from Georgia and Georgians from Ossetia). However, this was never funded; I think because of the fact that a final political solution was never achieved. Now in 2020, the situation is still the same, even after two wars in 2004 and 2008, initiated by Georgian President Saakashvili to regain control of South Ossetia, thus provoking the anger of Russia. I read in Wikipedia that South Ossetia is now only recognised by Russia, Venezuela, Nicaragua, Nauru and Syria!

I remember very well a visit to a restaurant in the South Ossetian capital Tskhinvali. I was there with someone from UNHCR, not exactly a cosy place with fluorescent tubes and dirty tiles on the floor and walls. The table next to us was filled with a group of brutes with pistols under their belts. These men are getting more and more drunk and throw their empty glasses behind their shoulder as they empty the vodka ad fundum. The air fills with violent energy. The restaurant owner comes up to us and urges us to come with him to the kitchen, where he quietly lets us out through the kitchen door.

Iraq just after the US occupation - July 2003

Triana, Vélez-Málaga, Thursday 7 May 2020

Time flies. Already locked up for almost two months. The normalisation measures, that the Spanish government is gradually taking, have no impact on my life here. As long as I am not allowed to see people, the restaurants, cafes and most shops are closed, and I am not allowed to go to the beach or mountains while the borders are closed, I am still stuck. I have also stopped making plans, which is a pointless activity at this time. We would have been in Jordan by now to do a study on the state of legal rights' protection for everyone there, to develop a digital legal aid platform with Jordanian lawyers based on our findings.

But we are very busy! With the whole team around the world, we are preparing digital legal aid platforms for Bolivia, Kenya and Serbia as a new tool to scale up legal aid programs in these countries. We are also developing the global legal rights' protection barometer. Legal rights' protection was something nowhere to be found in Iraq in 2003 when I did an assessment mission there.

On to Baghdad!

In the summer of 2003, I try to spread my wings outside the Balkan again. The post-Saddam Hussein reconstruction of Iraq seems to offer an interesting opportunity. In the first place I have always had a warm heart for the Middle East with my Jesuit uncle in Cairo, who took me to the slums since I was six years old and let me meet so many fantastic Egyptians from all walks of life. In Iraq there is now a French member of the foundation's board, Joel Boutroue, working as head of the Complex Emergency Unit of UN-OCHA in Baghdad. Via Joel I am able to get a UN flight from Amman to Baghdad and I stay with him and his UN colleagues in a simple hotel.

Stopover in Amman

At the beginning of July 2003, I take the plane to Amman. As I am the last to board, Jaime de Bourbon suddenly stands next to me. Jaime is my contact at the Ministry of Foreign Affairs in The Hague (BZ) for the funding of our programme for refugees in Serbia. He recently started working for BZ in Iraq. Jaime is very concerned that I am going to Baghdad on my own. He tells me how insanely unsafe it is there now and does everything he can to stop me from going. But I am already on my way and have no intention of turning back, despite the fact that until that moment I was indeed unaware that the situation was so bad. In Amman, I wait indefinitely until the UN has a place on their plane to Baghdad.

In Amman, a UN colleague from Rwanda, Soufiane Adjali, works for UNCHR in Jordan. I spend a few evenings with Soufiane. Soufiane and his Algerian buddy Ahmed were on the team with the American Jane in Cyangugu in 1994, just before I was put on that team. He turns out to be well aware of the troubles I had with Jane. A big grin appears on his face when he tells me that he is to blame for that. He tells that they had more or less been assaulted by Jane with her dramatic crying fits and wanting to be comforted. That was the reason why they had left the Cyangugu team and I had been put there!

Soufiane puts me in touch with his French girlfriend who works for an NGO in Baghdad. She will arrange a full-time driver for me, because due to the security situation one cannot walk the streets of Baghdad.

After in Amman, I finally get the message that there is a place on the UN plane. At the airport, we go to a small plane together with a Spanish military officer named Manuel, who tells me that he is the liaison officer between the UN and the Coalition Provisional Authority (CPA). Upon arrival we are taken by a van to the UN headquarters, which is also the base for the international organisations and diplomats. It is considered a safe haven. There, I do some sort of check-in. Manuel is a fatherly figure, whom I meet every time I walk through the UN corridors; as often with Spaniards, he gives me a happy home feeling, despite the crazy circumstances of this country.

What was the situation in Iraq in July 2003?

In March-April the coalition forces, led by the US and UK, invaded Iraq. The war ended on 1 May and the US set up the Coalition Provisional Authority (CPA) as a transitional regime. After the initial joy of liberation, security soon deteriorated and reconstruction did not occur for the following reasons:

- in November 2002, Saddam Hussein had released the prison population
- with the fall of Saddam's regime, the weapon depots were not guarded with the result that everyone now has weapons
- Saddam's army and security forces were dismantled by the CPA, and they are now unemployed and armed to the neck
- The Americans had no plan on how to govern the country during the occupation
- Complete lack of resources from the CPA and no other power willing to help
- Because of the disagreement from the start within the international community about the military intervention, many powers are content to watch the Americans make a mess of things

This creates a vicious circle: no security, Americans alert, communication problems, no reconstruction, nothing moves.

Peace and security

Jaime was not wrong in his warnings about security. I only went out with my driver, and at night I would run across the street from my hotel to go swimming in pool of the hotel opposite us. It was also well into the 40C so I didn't have much incentive to walk. I did have the freedom to have lunch with my driver, just among the people in a restaurant in town. Jaime was not allowed to do that; he was only allowed to move between his office, the Green Zone and the UN HQ. In the evenings at the hotel, we always sat around the table with Joel and his UN colleagues; but I was now a free outsider; how wonderful that independence!

I was free to go wherever I wanted to find out what the legal situation of Iraq and its people was now, what the issues were, what the challenges were and how we could help to set up a well-functioning legal system and develop a programme for legal rehabilitation/protection for the victims of the Saddam regime. For this I visited the legal institutions, human rights organisations, the different UN institutions and NGOs, and talked all day in the car with my driver.

When I visited Jaime at the embassy, I felt a kind of disbelief with him that I could go anywhere I wanted. And again, his concern when I told him about the incidents, which I had experienced in abundance. For example, some French people from an NGO had enticed me to walk to an eatery a few hundred metres from our hotel. On my way, a guy with a Kalashnikov ran towards me, shooting wildly. I dived to the ground, the only correct reaction, the American soldiers would tell me later. I got up in fright and ran to the eatery, not daring to return any more. A couple of tough guys bravely walked me 'home'. Or I was visiting a human rights organisation in a large building around a patio, with many women waiting for something. I suddenly hear intense shooting nearby, the women become one organism running into all directions. I am sucked into the energy and run with them for ten seconds until my brain starts working again and I wonder what is the point of running with the crowd. I pull myself from the group energy of fear, and stick my head through the door. It turns out it's just a funeral procession with most of the men firing their Kalashnikovs violently into the air, so no danger of falling bullets if I just stay inside.

In the Green Zone was Saddam Hussein's palace and the Americans quickly moved in with the CPA as their headquarters. Here are the people responsible for the various aspects of the CPA's administration. The American in charge look for contacts with the line ministries that are located all over Baghdad. So, it is important to get in touch with the Americans from the CPA responsible for Justice. I ask my driver to drive into the Green Zone. He starts protesting that this is not allowed. With our self-made NGO pass we go through one checkpoint after another, and that's how I get into the palace. And now: where is the Justice department? Endless walking through the corridors. And yes, after a while, I walk into the office of Don Campbell, an army lawyer, who has been put in charge of Justice in Iraq by the American army. Don only has a staff of three other American lawyers. There is an immediate click between us, and I will often visit Don and make plans together. Because of my contact with Don, I am also popular with the Iraqi lawyers. At the Iraqi Bar Association, I told them about my contact in the lion's den in the Green Zone. Within no time, lawyers came to see me in my hotel with the parents of their clients, who had been imprisoned in the Abu Ghraib prison by the Americans without any form of trial, and most of them even seemed innocent. I now feel really responsible and talk to Don. He is desperate: 'there are only four of us responsible for justice in Iraq! Where to start?' I explain him my experience in Rwanda of holding meetings with the various justice agencies to agree on an interim penal justice process in the situation of lack of resources and capacity. I explain to him that it is unacceptable that, in principle, innocent people are imprisoned without trial and that there are also no procedures in place to keep an eye on what is happening inside the prison. I offer to bring all parties together: lawyers, parents of prisoners, Iraqi judicial representatives and the CPA, together with Maurits Berger, who has studied both Dutch and Arabic law and speaks Arabic. The idea is to establish together what is going on and how an interim system can be developed to do justice in the present circumstances! This is

the short-term super-urgent plan that should be implemented by October/November 2003. But I do want a donor, especially the Netherlands, to finance this and I promise Don to go after it. Don finally feels supported.

Still in the middle of the violence, the law, and certainly administrative and private law (Civil Justice) is not the first priority when the priority for the people is survival. But because of the many arrests made by the Coalition Forces due to the bad security situation, the establishment of an interim criminal justice system had become an urgency; at least a minimum procedure to prevent abuse and legal uncertainty. Through the lawyers and relatives of prisoners, the situation of legal uncertainty at Abu Ghraib had caught my attention, and I was now in a position to do something about it.

This limited short-term project could serve as a pilot to consult and bring together the parties and experts on a number of points in the reconstruction of the legal system. There were issues like the drafting of a new constitution with guarantees for minorities such as the Kurds and the Christians. But there was also a need for more practical matters with which we were familiar: the restoration of justice for the displaced persons, victims of the Saddam regime, who had to regain their property and obtain legal papers in order to rebuild their lives. This mainly concerned the victims of Saddam Hussein's Arabisation programme in the 1980s and 1990s in the north, during which Kurds, Christians and Turkmen were driven from their homes and Arabs were installed in their houses. According to the CPA, about 250,000 people had been displaced as a result. On paper they were now allowed to return but there was no mechanism in place to implement the restoration of their rights in real life. The ethnic conflict relations surface in a situation that requires legal solution for all Iraqi citizens, including the non-Arab ones. That is the charm of Microjustice to bring the conflict back to the concrete underlying reasons, which often have to do with legal rights' protection.

We have experience with this in Croatia, bringing together lawyers and relevant stakeholders around the legal problems of the Serbs from Croatia. In this way, obstacles in legal procedures were discussed and legal reform was proposed to the authorities, based on the needs of the people.

All dead

Back in Malaga on 21 August 2003, I hear the news that the UN Headquarters in Baghdad has exploded. I don't receive any more detailed news for the first few hours... sitting here in Spain. Would Jaime have been hit? And my father figure Manuel? Slowly the news comes out: Manuel dead²⁶, a good friend of Sahnoun, the UN HR chief, the Egyptian Madame

²⁶ Zie artikel in El País of 22 August 2003 Martín-Oar died alone on a stretcher in the street minutes after the attack on the UN Spanish authorities said there was no fear for his life when he had been dead for hours Ramón Lobo Baghdad - Navy Captain Manuel Martín-Oar, 56, died minutes after the attack on the UN headquarters in Baghdad at 4.40 p.m. on Tuesday (local time). As he only had visible wounds on his arms, the nurses "must have thought that his case was not serious, so they left him alone, probably to attend to other more urgent cases, and when they returned they found that he was already dead", explained Eduardo de Quesada, the Spanish chargé d'affaires in Baghdad. He was admitted to the morgue at 7.30 p.m., almost three hours after the attack.

Youssef dead, Sergio de Viera de Mello, the UN chief on the spot, who I saw so actively running in and out of cars with his team, dead. I am in shock.

Abuse in Abu Ghraib

Back in the Netherlands, I prepare our programme in the various phases: first, urgently, the proposal described above to find out what is going on with the prisoners in Abu Ghraib, and to agree on an interim procedure with stakeholders. In the longer term, possibly also facilitate consultations on reforming/capacitating the legal system and to restore the rights of the displaced victims of the Arabisation program through a legal rights'protection programme.

Because of the urgency, I send the proposal for the Abu Ghraib project to Jaap de Hoop Scheffer, who is then Minister of Foreign Affairs, and not to Jaime because he does not want me to go back to Iraq. When I speak to Jaime, who is back at his old post at the Foreign Office after the attack on the UN headquarters, about our project in the former Yugoslavia, Jaime refers to our project proposal for Iraq, and says: 'Patricia, you are not going back to Iraq!' That is the end of it, and we do not receive any support from the Ministry of Foreign Affairs.

The abuses by the Americans of the prisoners at Abu Ghraib that were revealed in early 2004²⁷ probably took place in November/December 2003. It is of course logical that if you let John Soldier go about his business in a prison without supervision and procedures, disaster will ensue. We could have prevented this!

And the reaction of Don Campbell in his email of 11 September 2003:

"Hi Patricia, All is well here. It is unfortunate that the Dutch are not willing to help. The Iraqi people are in such great need and we were hopping that the international community would be willing to pitch in the way the US helped all of Europe after World War II with the Marshall Plan. I think that the US, UK Spain, Korea, Japan, and a number of others will probably have to do the job with out the balance of the international community. We will do our very best for the needy people here to bring them a Rule of Law, Democracy, Freedom and a better way of life. I will ask if there are funds available but I am not hopeful. If you find a way to "join the team" and help out we would be very happy to have you join with us as partners. Let us pray that the Dutch will find it in their hearts to join us here in this part of the world. Regards, Don Campbell "

This brings me to another subject that I experienced in my mission in Iraq: the Responsibility to Protect!

²⁷ On Wikipedia I now find the following: "The prison became notorious when in April 2004, during the reign of the Coalition Provisional Authority, a documentary was broadcast by the American television station CBS in an episode of the programme 60 Minutes. It reported on the abuse and humiliation of prisoners by a small group of American soldiers. The photos were probably taken in November or December 2003.

Rehabilitation' of the 'Responsibility to Protect

The Responsibility to Protect (RtoP) was developed by Mohamed Sahnoun as a reaction to *le droit de ingerence* (right to intervene), a concept proposed by the French to justify military intervention in other countries in the early 1990s. But of course, it is not at all a right to intervene in any other country. On the contrary, on the basis of the various human rights treaties, it can be seen as a duty of the international community to protect the civil population or part of it, if the government of that country does not do it. This primarily involves prevention (to prevent violent conflict) and reconstruction (after acts of violence) and only very exceptionally military intervention if this is proportional and the only way to protect the civilian population. This concept is really beautiful. Unfortunately, it has been misused to justify military interventions, particularly in Libya in 2011. As a result, this concept has fallen into disgrace. I would like to propose a rehabilitation of the RtoP. In the situation in Iraq in 2003, I saw that on the basis of the RtoP, the Western countries, which had been opposed to the military intervention of the Americans, should nevertheless have contributed to the reconstruction of Iraq. If the international community had put its shoulder to the wheel to get Iraq out of the doldrums, we would probably not be facing ISIS now. And the war in Syria would have turned out very differently.

When I re-read all my reports and proposals for Iraq now, I realise how much of a missed opportunity it was that we were unable to implement the Abu Ghraib project. We might have prevented the abuses by the American soldiers at Abu Ghraib. I now feel the warm encouraging presence of Manuel and Sahnoun, who on their cloud in the sky(!) are telling me encouragingly with a smile, 'carry on regardless'!

Triana, Vélez-Málaga, Monday 11 May 2020

Borders remain closed

Today in Spain, phase 1 of opening the lockdown goes into effect but Malaga province, however, remains in the old total lockdown regime. At least, I still have the opportunity to talk about my experiences in Sudan.

2004 Sudan

Another attempt to get out of the Balkans and promote our rights approach around the world follows in 2004. In Sudan, a peace treaty between North and South is in the making that should end decades of conflict. The experience we have in the former Yugoslavia with arranging the legal paperwork across the border could be very useful in this peace process. And Adam (from Rwanda) put me in touch with a lawyer from Khartoum, Rifate of the organisation PLACE that works with the displaced people.

My arrival at dusk at the airport of Khartoum is still fresh in my mind. A fellow Dutch Jesuit of my uncle Christiaan in Cairo was supposed to pick me up and offer me accommodation. It is dark and I am waiting outside the airport in a gloomy Khartoum where the dictatorial regime is already tangible. You can't just take a taxi to a hotel here. I don't have a phone,

and I can't move, so I just keep watching curiously how this is going to resolve itself. After a while, I see two very friendly-looking white elderly men near me. I speak to them and tell them that my uncle is a Jesuit in Cairo and that his colleague would be coming to collect me. The Frenchman of the two asks who my uncle is: 'Christiaan van Nispen'. To which he says: "Mais Christian, il est un tres bon ami!" and who is the colleague? Hans Putman'. Ok we will take you to him'. But at the place where he lived, he wasn't anymore and at the place where we finally did find him, he was giving a post-trauma workshop or something like that. In any case, there was no place for me there. So, I came to stay with the White Father Etienne Renault in their house near the airport. Etienne gave me a great home base to function in this strange country.

What is the problem with displaced people in Sudan in 2004?

Since the 1980s, the conflict between North and South Sudan has caused the world's largest displacement crisis. According to UNHCR, three million people were displaced from the south within Sudan in May 2004, with an estimated two million around the capital Khartoum in northern Sudan. All these people had fled the fighting in the South between government forces and the South Sudan Liberation Army & smaller militias. In South Sudan the entire infrastructure has been completely destroyed except in enclaves like Wau and Juba which are under the control of Sudanese government in Khartoum. With the signing of the Naivasha peace accords imminent by the end of 2004, it is expected that the displaced people will return to South Sudan.

I am looking into the legal problems that the two million displaced persons in Khartoum face in their lives there, but also if they would return to the South. The non-Muslim Sudanese from the south live in camps in the desert around Khartoum. Just imagine: half of the population of Khartoum lives without rights in camps in the desert! Most have no citizenship papers, and therefore cannot get a formal job, cannot register land, have no access to health care and education. The displaced people are thus under the care of a parallel system of large international NGOs, none of which is concerned with the legal rights' protection of this displaced population. In this way the NGOs ensure that there will never be a structural solution for the displaced people. These people are driven further and further into the desert, because every now and then a government bulldozer comes and destroys these people's homes. Only upon payment of the equivalent of US\$ 500 can you still obtain a property deed, the status of which is not clear. Due to a lack of formal employment, the women are forced to work in the homes of North Sudanese families as domestic staff. Alcohol is also brewed illegally by these Christian South Sudanese women, which in turn creates problems for them with the authorities. If these displaced people want to return to the South, they have to get their land rights restored, but the papers proving former ownership have largely been lost or were claims based on customary law that have been lost through the war and long absence. All in all, a *mère-a-boire* of challenges to achieving legal rights' protection for the displaced both in Khartoum and in the places to which they will return in the south.

With PLACE, a Sudanese Organisation of Legal Practitioners in North and South Sudan, we have prepared a Microjustice programme for the IDPs to support the implementation of the peace accords and the return of IDPs. Unfortunately, legal rights' protection remains

an oddity in humanitarian and development cooperation and we were ultimately unable to obtain funding.

Rifaat and the displaced

The following is from my 2004 diary.

Saturday, 13 November 2004, Khartoum

Yesterday I had dinner at Rifaat Makawi's home in the village of Soba 25 km from Khartoum. Rifaat is our partner for legal assistance to displaced persons with his organisation PLACE. Rifaat is married to an Irish woman. They just had a baby who is completely blonde.

Rifaat tells us that three weeks ago the illegal houses of the IDPs close to his house were bulldozed by the government. And then the IDPs were asked to pay \$2500, instead of the usual \$500, to get a title deed on their plot.

Everything remained very coincidental. For the French White Father Etienne also had to go to Soba, exactly one street away from Rifaat. It turned out that Rifaat and Etienne know many of the same people in the human rights field, and this morning Paul Anis, an Egyptian Comboni priest, came to see Etienne, who appeared to have been involved with PLACE from the very start. He told me that PLACE had its origins in law students, both Muslims and Christians, from the North and South working together on human rights issues and the displacement problem. That is why they were able to have an office in the South in Wau. PLACE was closely involved with a human rights activist who was hung in the mid-1990s; during the hearing he appears to have continued to tell the truth about the Bashir regime and was hung with a smile on his face, while according to his guards he had slept well the night before and had been more concerned about the female prisoners not being fed enough.

Today, it appeared that the end of Ramadan had come after all - it was not certain whether the new moon had been spotted or not. So, there was no one on the streets. I talked a lot with people who deal with the displaced, including the Jesuit Refugee Service. I also visited the displaced people from the South in the camps around Khartoum; Christians, who were all celebrating the end of Ramadan! Funnily, I am told that the Sudanese people are not that religious and very tolerant, and Islamic fundamentalism is more of a government issue. It is immediately clear that our approach is important: the displaced people need documents for work and land ownership, which they do not have. They all live in the desert. The Christian women make a liqueur from dates, which tastes like Viliamovka, the Serbian pear liqueur. But I don't dare to export it, because alcohol consumption is punishable by 70 lashes! In this Islamic country, producing alcohol is punishable too and many women end up in prison.

Wau

I spent a few wonderful days in Wau in South Sudan. Early on Tuesday morning I flew with Rifaat in an old Russian propeller plane to Wau. It's fantastic to arrive in the middle of the green fields, to be waited on by a colleague lawyer of Rifaat on a bicycle, and then to walk across the fields between the huts and goats to their compound. There are some huts made of straw. This was built with the money that PLACE received last summer from UNDP/IRC for accommodation for 100 participants in a paralegal training course. So now they have their own place, where there is always a PLACE lawyer from Khartoum to accompany the paralegal team in Wau. Ten minutes walking from the airport, two men came after us to see my 'permission' from the Ministry of Internal Affairs (HAC). I clearly explained to them that I did not need it, so they just leafed through my passport.

Rifaat's paralegals in Wau already enjoy respect from the local authorities. We went with the group to see the various legal authorities such as the Attorney General's office, the prison, the judges. The paralegals have access to the prison, help people in court, and do a lot of mediation. Mediation is important in criminal cases, where the amount of compensation for the injured party has to be negotiated. When I was there, they just got a woman out of prison who had killed her husband. Through their intervention, a viable deal was struck. By the way, the woman had not wanted to kill her husband, but the story was not entirely clear to me. Mediation will also become very important in the return to mediate in land disputes. All seven judges from Wau Province were present during our discussion. Only the judge with a lighter skin did not understand anything about our meeting. Rifaat said afterwards: 'a bloody Arab like me'. Adding that his days are numbered with the Naivasha peace accords, in which Wau comes under the administration of the south. The Attorney General was not forthcoming either. He felt the necessity to start by saying that he is a Dinka and had just been posted here from Khartoum. He continued complaining about the lack of means; without a car, he says, he has to risk walking (500 metres) to get home, and a visit to the prison was also out of the question. He announced that he was going to start a campaign to imprison anyone who was drunk for two months. That is preventive action, because murderers are often drunk, he adds.

The paralegals explained all the problems. The core is that because of the long state of war, the rule of law is missing. Thus, people have lost a sense of security, they are traumatised, and they quickly become violent. Confidence building between the different groups is essential. This is only possible if justice is done and people have access to their basic rights. I am thinking that this is actually the positive side of fighting impunity of the perpetrators after a war that the international community values so much. Justice means that people whose rights have been violated get their basic rights restored; otherwise, you will never have peace, and not again spending all money on punishing the big fish through the international criminal tribunals! All this is not so simple in a war-torn country, where neither the formal common law system nor traditional customary law actually works properly. In our project, Rifaat wants to work together to develop a legal system that is in between formal and customary law. It is about developing practical legal solutions in the basic legal needs of the people.

The paralegals further explain the different areas of law, and the problems. Documents, especially proof of nationality, are what every Sudanese wants today. Property rights will be a big problem because of corruption (the land registry has sold many houses/land again) and often the owner no longer has his papers when he returns. Also, many papers have been burned by the land registry, and because the owners were no longer there, the property could be reissued.

Colombia 2005/06

And then I would like to say a few words about the need for legal rights' protection in Colombia.

Once again, we try to use our experience in restoration of rights of displaced people in another conflict area. Having a base in Spain, I came into contact with Colombians who thought that the reparation approach was brilliant for the situation in Colombia with its 3.4 million displaced people within the country's borders. They put me in touch with people and organisations in Colombia to develop a programme together.

The problem of displacement in Colombia in a nutshell

Political and social violent conflict seems to be in the genes of Colombian society, of the normally gentle and polite Colombians. In the 1930s-40s, the conflict was between peasants and landowners, and for a long time between the liberal and conservative party, which monopolised the power. In the 1960s, the various guerrilla movements (e.g., FARC, ELN) came into existence against this and fought for social justice and land rights. As a reaction against the guerrillas, the paramilitary groups emerged. Both movements obtained their income through illegal activities and thus became corrupt and violent towards the civilian population. As a result, the narcotics industry grew and the government fumigated agricultural land to combat it. Ordinary crime also grew because of all these illegal activities and groups. As a result, in 2005, 3.4 million people were driven from their land and fled to nearby urban areas. These displace lost together an estimated 4 million hectares of land. The most vulnerable groups are the Afro-Colombians and indigenous people.

Triana, Vélez-Málaga, Wednesday 13 May 2020

Microjustice mission in Colombia

In 2005/6, I travelled to Colombia several times. With local organisations, we developed a programme for displaced people to get the necessary civil papers to access government support, subventions and to claim back land and houses. Legal rights' protection for them should support the peace and reconstruction process. We have developed a structural programme with the Comisión Nacional de Reparación y Reconciliación (CNRR), which had just been set up by the Colombian government to organise transitional justice including the rehabilitation of the displaced people.

These missions also provided a rich experience and showed how essential the provision of legal rights' protection is. Here too, a rights-based approach was not funded.

One figure stands out in my mind. I was in Bogotá in the huge slum of Ciudad Bolívar, where a large proportion of the displaced people have settled. I ask an elderly man about his legal status, whether he has access to government social programmes, whether he has a paper for the hovel he is living in, whether he has ever seen a lawyer there. Everything is answered negatively, and he finishes: 'you are the first one who talks to me at all and is interested in my situation!'

Coincidentally, I had a lot of contact with people who had been in the guerrilla group M19 (Movimiento de 19 de marzo). For example, Eduardo Pizarro, the chairman of the CNRR (Commission for Compensation and Reconciliation) is the brother of Carlos Pizarro, who had led the M19. Carlos was assassinated in 1990 in a plane that was taking off, while on an election tour for the presidency of the country. His other brother Hernando led an offshoot of the FARC, and little sister Nina was in the FARC. All three were in prison when their father, the former admiral of the Colombian army, died. Carlos wrote a letter to his father from prison on 19 January 1980, which included the following passages:

Dear Father:

I know with a scientific certainty that this letter is an epilogue to our dialogue, which we started a day long ago. Until now our conversations have remained within the intimacy of the family but this letter will be public.

It must be so because those who martyred me ... crossed all boundaries

Today your son rebels against social injustice Etc

*That is why we reclaim the unity of all patriots around a national project to restore authentic democracy ... **Achieving a society where rights are not only pronounced but also realisable; that is the only way to be free as individuals and great as a nation.***

.....

I will not be standing beside you at the moment of your death, but I have never been far from you.

Receive my eternal message of gratitude and love... your son, Carlos

On 26 September 2006, I write to my father, a much less dramatic text, but a possible answer, through his brother Eduardo, to the challenge that Carlos describes for Colombia, that everyone can realise their rights:

"Tomorrow I have another appointment with Eduardo Pizarro. I hope it goes well and that we can make something beautiful happen, because I see that access to justice could really provide the solution to the fundamental problems here: lack of rule of law, which creates space for the bad elements to do their thing.

The people are really very friendly, polite, full of life and humour, hardworking. On Friday I was taken out by Nina Pizarro, Eduardo's youngest sister, an incredibly exuberant cheerful woman."

Lessons learned from the legal rights' protection programmes prepared for conflict areas

Our lesson learned is that legal rehabilitation is not yet on the agenda, and that no donor is willing to pay for it other than in rehabilitation after a war in a European (relatively rich) country like the former Yugoslavia for which we had received funding from the Netherlands, the EU and UNHCR since 1997.

We must organise and sell it differently! How we do that I will tell in the next chapter.

Part V: Legal rights' protection in developing countries

Since 2007, my travels have taken me to developing countries to work on the legal rights' protection of the underprivileged.

Triana, Vélez-Málaga, Saturday 16 May 2020

Originally, my interest lays in conflict areas. There you immediately see an essential role for the restoration of rights to the victims. Ensuring that people can realise their rights can take the sting out of a conflict. But not one donor was prepared to finance this outside the former Yugoslavia. How to proceed? How to get our message across? We organised a conference in Madrid in 2006 with our partner MPDL and the Spanish Development Cooperation, and decided to call our work 'Microjustice', following the example of Microfinance.

In development situations, the realisation of rights is important to get out of the poverty spiral. If you don't have identity papers, you can't do anything. If you don't have legal ownership, you can't use your property as collateral for a loan and it can be taken away. Et cetera.

In the globalising world, having the right legal documents is even more important than before. In the old days in a village in an African country, the village elder still knew who you were and which land belonged to you. In this way, you could still go to school without documents, protect your land and home and make claims. With increased mobility and economies of scale everywhere in the world, it is necessary to have your papers in order to prove who you are and what belongs to you, and what claims you have.

At the beginning of 2007 I see my childhood friend, Anne Marie van Swinderen: Pie. I tell Pie about recent developments. Pie is a microfinance expert and understands it completely! She immediately explains to me how to set it up: "a few simple products, standardise, keep costs low, create scale economy with affordable prices for the (poor) end user/customer". Pie then has spent a year in Bolivia, in La Paz, and invites me to set it up there. She says: "Ideal, a super-cheap country, so you can start it with your own funding and don't have to do the frustrating fundraising. And what's more, Bolivia has just seen the development of social policies by its new indigenous president, Evo Morales. Evo is serious about empowering the poor indigenous people who make up the vast majority of the country, and who have always been oppressed. Having the right papers is fundamental to enjoying these social rights. This is how social policy is transformed from a dead letter into its implementation and a reality for the poor!

And so, in March 2007, I jump on a plane to Bolivia!

Still stranded

I'm still on my hill, now busier than ever to be ready to jump on a plane as soon as it turns out not to be cancelled as has happened to me many times recently. But until then, I have the opportunity to share my experiences with legal rights' protection in Bolivia.

The state newspaper (BOE) reported on Saturday, 16 May, that phase 1 will go into effect on Monday in Málaga too, adding: 'hunting and fishing will be allowed'. And so, everyone came out of their caves that Monday. After more than two months of not hearing from anyone, the messages flood in, and people want to get back to work. But then everything paralyses again in total chaos because people have been asleep all this time and it is difficult to get going again with such huge backlogs. I immediately call Juan from the beach club in Almayate, nearby: yes, he is open! Can I go to the beach and swim in the sea? "Sí, de contrabanda. So, it is still illegal.

Drama in Bolivia

The day before yesterday, in the small hours of the morning, Adrián Villanueva Quisbert, the life partner of María, the director of Microjusticia Bolivia, died of Covid-19 in the intensive care unit of London University College. What a fate: he had travelled to London in February to be with his son, who was being treated there for a brain tumour. The Covid crisis prevented him from returning to Bolivia. Last Sunday, he had a fever and was breathing strangely. On Monday, his daughter took him to hospital and a week later he died. Adrián has always been an important supporter of Microjustice and an enormous support for Maria to continue with Microjusticia Bolivia no matter what. Usually upon departure from Bolivia at the airport, Adrian would suddenly pup up, to say goodbye and to give me Bolivian music; his passion and profession!

Poor Maria: I just called her, and she tells me that her youngest brother called her yesterday in tears to express his sympathy, adding that he probably has Covid-19 as well. Now he is in hospital in Santa Cruz, the largest city in the country in the eastern lowlands. But she cannot get hold of him anymore²⁸. For the Aymara funeral ritual of Adrian, who will be cremated in London, father and brothers have come secretly from El Alto before dawn. In El Alto, they flout the confinement a little and manage to get transport as far as the bowl that contains La Paz. Then they walk down to Maria, the *mater familias*, that Maria has been since her mother died when she was twelve.

And since November, it has been a mayhem in Bolivia with the resignation and flight of Evo Morales after the army and police refused to accept him as president any more. The electoral commission had in fact given Morales an absolute majority in the first round at

²⁸ Unfortunately, Maria's brother also died on 2 June. Maria gets a call when they have just said farewell to Adrian's soul at 5 o'clock in the morning, according to Aymara tradition, after having accompanied him on his way to heaven for 7 days. The cremation of both happens to take place simultaneously on 3 June, by video conference in London and in mass anonymity in Santa Cruz. And on 31 January 2021, Maria herself dies of Corona, after her father died of it a week earlier leaving here 11 year daughter Aruza as an orphan behind.

the end of October 2019, whereas it appears he was missing a few votes to hold the majority. Because of the departure of many of Morales' MAS party colleagues, the Senate President was now also gone. Thus, the Vice-President of the Senate, Jeanine Áñez, accidentally became the technical president until the next elections. This woman comes from the lowlands (Beni, Amazon) and represents the fierce opposition there to Evo's politics. The events of November last year almost led to a civil war on the alti plano, especially in El Alto. Instead of limiting her role to that of technical president, Áñez is undoing as much as possible of what was developed by Evo and has every excuse to postpone the elections. The Corona crisis is a constant reason for more and more postponements. Bolivia has now withdrawn from all kinds of international more left-wing regional treaties, replaced its ambassadors and most of their staffs, et cetera. And now with COVID-19, the people are locked up with no prospect of being lifted. Maria has been trapped in this depressing political situation.

Legal rights' protection in Bolivia and the Microjustice method



La Paz: seen from the El Alto plateau

La Paz lies at an altitude of almost 4,000 metres. Rising high above the world like a bowl in a desolate, barren plateau. On the edge of the plateau, overlooking La Paz, lies the migrant city of El Alto with, in its centre, the international airport. El Alto is inhabited by almost a million Aymara and Quechua Indians, who have gradually descended from the Altiplano. They are campesinos, subsistence farmers who could not survive on lamas and quinoa. And there are also many miners who came with their families in the 1980s when many mines were closed. In the basin lies La Paz, and the more you descend in metres, the more pleasant it becomes and the richer and whiter the people are who live there, until you arrive in Zona Sur, which lies at about 3400 metres. All around are a few white mountain peaks over 6000 metres high, and descending from the plateau are eroding sand mountains, like some kind of canyon moon landscape. But people are now building houses on this unstable sandy soil, which results in an annual recurring drama when, in the rainy season, entire neighbourhoods are swept away.



La Paz: eroded sand mountains;
houses are now increasingly built on this unstable ground, causing this beautiful landscape to disappear and many houses to be washed away each rainy season.

You don't get here just like that. There are only two flight routes from Europe. From Madrid to Santa Cruz de la Sierra, the second city in the east of the country situated on the green lowlands, or via Lima in Peru. To land at 4000 metres, the planes need special tyres and the pilots have to undergo training, so I am told, to be able to stop in time through the thin air.

So, via Madrid and Santa Cruz, I arrive in La Paz for the first time. Pie gives me temporary shelter and an office. And within no time I have bought a beautiful flat for US\$ 47.000,- in Sopocachi, a district halfway up the bowl close to the centre, got my residence permit, and have a team of ten to twenty young Bolivian lawyers at work.

Pie brings me into contact with Elisabeth Navas, the director of a large microfinance bank, Banco de FIE. She has an old-fashioned openness to something new and has the attitude that if it doesn't help, it doesn't hurt. Banks today would not dare or be allowed to do that because of all sorts of regulations. So, from day one, we were given space within the FIE bank branches in El Alto and La Paz. We put an ad in the newspaper and hired a team of nine people, which steadily expanded each month. This is how the first standardised legal services, our 'products', are developed and offered directly through Banco de FIE by young lawyers who are in contact with the clients. Through a cooperation agreement with the university, we get final-year law students, who do their compulsory six-month internship with us. They work as legal facilitators as the point of contact for the client or as 'case managers' in the 'law factory' at our office, where all possible legal documents are prepared on the basis of 'templates', under the guidance and supervision of an advocate. Then, with

piles of paperwork from the customers, they go and arrange the legal documents with the government agencies and courts.

It immediately became a huge success. This is still going on in 2020. In the first few years, Microjusticia Bolivia (MJB) got to be known by getting citizenship related documents necessary to enjoy the new social rights. Based on the experience of doing tens of thousands of cases, we came across many obstacles in the system. We then made concrete recommendations to make the system more accessible. The government adopted these, and then our help became less necessary. From 2010, we focused more on problems with property registration. Evo Morales had issued a transition law to get all property registrations right at once. This made it essential for everyone to do a quick procedure to solve all possible problems related to ownership. Bolivia is in fact a super bureaucratic country, with errors in papers that become worthless as a result. As are result, a large part of the people live in the informality, which makes them lawless.

When these transitional property rights cases were largely settled, Microjusticia Bolivia left the city and went to the Aymara-Indian farmers' communities, comunidades campesinos indigenos, to put their legal situation in order. Evo Morales had granted these indigenous communities a series of social, economic and political rights. But to realise these rights, the communities had to have legal personality. So MJB won the trust of the leaders of these distrustful highlanders, drafted their statutes with them, and managed to arrange their legal personality. In Bolivia, this is a very long, difficult process with government institutions that are not really helpful.



La Paz: Aymara farming community at our office putting their legal personality in order, which is also a practical legal training; March 2018

When I ask these farming communities if they are satisfied, they start beaming with tears in their eyes out of gratitude. Other clients also often tell me that these 'boys and girls' from MJB have finally explained to them how it works and have settled it well too! Microjustice is not only about obtaining your rights but also about feeling like a respected citizen. When I hear stories like that, I remember what we are doing it for!



La Paz: Clients of Microjustice Bolivia – 2015

MJB has also been able to expand its work into other departments: Oruro on the Altiplano and the lower valleys of Cochabamba. The core team of 2007 is still going full steam ahead in 2020: Maria Choque Ajata, Miriam Colque Flores, Jacqueline Quispe Lima. However, we are now facing the challenge of scaling up the work and expanding it to the entire country and making it financially sustainable. To this end, we have developed a new approach, about which more in a moment.

Up until now, money has always come in: first from Microjustice's own funds, and soon after from the Dutch insurance company Achmea and a few smaller funds, Dutch and Spanish embassies, Dutch development organisations such as Cordaid and Oxfam Novib, and UNDEF (United Nations Democracy Fund). In recent years, MJB has been funded by the National Endowment for Democracy in Washington.

Steadily working with Microjustice in other countries

Microjustice and the Peruvian Hernando de Soto

At the end of 2007, I fly back to Europe via Peru. On my overland journey to Puno in Peru, Maria, Jacqueline and Miriam accompany me. Puno is the small town on the Peruvian side of the Titicaca lake. The aim is to find out how we can set up Microjustice there. We walk into the town hall on spec and get an appointment with the President of the Puno Department. He is very enthusiastic, brings in the press, the photographer and all the rest. He immediately writes a formal letter with a stamp requesting the support of Microjustice.

I fly on to Lima and visit the Dutch Embassy. I meet Ellen Roof, a development worker from the 1970s who was married to a Peruvian development expert. I explain her the Microjustice method that we are putting into practice in Bolivia. I refer to the Peruvian development economist, Hernando de Soto, who gained worldwide fame with his book 'the mystery of capital'. De Soto shows that informality costs a lot of money and that having legal papers for property and business ownership is essential to keep the economy going and to develop as a country. By having a legal paper, you not only have the house or

business that you can use to protect yourself against anyone infringing on this right. Also, the paper itself is tradable with the underlying value. You can get a loan with your house as a collateral and you can trade shares. Within Peru, however, De Soto is seen as the neo-liberal minister in a cabinet of the Peruvian autocratic president Fujimori in the early 1990s. So, this was not a good introduction for Ellen until she understood that I have nothing to do with De Soto, and that our goal is not to support the neo-liberal economy but to help poor people get out of the spiral that poverty turns out to be. I give her the request for support to set up Microjustice in Puno from the President of Puno.

Microjustice Peru

Six months later, in 2008, I am passing through Lima again and see Ellen. She turns out to be a supporter of setting up Microjusticia in Peru. Ellen has even reserved funding for it from their 2008 budget. However, we have to make a proposal within a few weeks, and then with a Peruvian Microjustice organisation! When I arrive in Bolivia, I tell Maria that we would go back to Puno together the next day to set up an organisation. Ellen has given me a contact of the Dutch water expert Mouro Bueno de Mezquita. Mouro lives with his Peruvian wife Ana in Puno. Ana runs an indigenous cultural centre. We are immediately welcomed by them, we arrive at night and the next morning at 6.30am we are already sitting at the notary's office, which Mouro and Ana arranged the previous evening. Through them, we have some contacts for the first team and the next morning we are back in the collective taxi to La Paz with the brand-new papers of Microjusticia Perú, the NGO/Association that we just founded in Peru. The Bolivian colleagues cannot believe that a procedure to establish a legal entity can go so fast. Because after more than a year, Microjusticia Bolivia is still not registered as a foundation.

The funding quickly arrives and so we start working with Microjusticia Peru in Puno from October 2008. Through funding from the Netherlands, FMO, Cordaid and later the Humanitarian Innovation Funds (HIF), we really help poor, often indigenous people, to get their rights realized. In addition to our office in Puno, we held offices in Juliaca, Cusco and Lima. And we have set up legal services for HIF as part of humanitarian aid packages in Iquitos and in Pisco. Iquitos in the Amazon region suffers annual floods that deprive people of their shelter and papers they need to claim humanitarian aid. Often, the affected people never had these documents. In Pisco, on the coast, there had been a severe earthquake in 2007, and we are helping people to get their land back, to access a loan or bonus to rebuild their house, and to arrange many other papers to make the necessary claims. Unfortunately, we have not yet managed to make Microjustice self-sustainable, and Peru was quickly written off the donor lists as a middle-income country. Since 2017, our activities in Peru have therefore ceased. But we have gained a wealth of experience, and most importantly, our current ICT engineer, Ronald Grimaldi Chura Carlos! Ronald in Puno has been implementing our ICT projects worldwide since 2008. And ICT is essential in developing digital standardised services!

Microjusticia Argentina

The former Ambassador of the Netherlands in Madrid, Schelto van Heemstra, has been enthusiastic about Microjustice from the start. He is one of the few diplomats who

immediately feels how important it is to be able to protect your rights. He was the one who, as Ambassador in Madrid, facilitated and financially supported the conference with the Spanish Development Cooperation in 2006. Schelto is now our ambassador and talks everywhere about the importance of Microjustice. He calls me to say that the girlfriend of the son of..... he just saw in Germany Anyway, that friend, Maria Berceche, is Argentinean, lives in Barcelona and wants to set up Microjusticia Argentina. We get in touch and she comes to visit me directly in Málaga in mid-December 2009. When Maria goes to Buenos Aires for Christmas, she starts Microjusticia Argentina (MJA). In early 2010, we launch the Argentine leg with a reception in the beautiful house of the Dutch ambassador. Our partner in Bolivia, Banco FIE has a subsidiary in Argentina: FIE Gran Poder. And so Microjusticia Argentina can start working directly with an office in FIE Gran Poder. MJA is an organisation of young people who volunteer and fundraise with their friends and family. With this first push, they are already functioning independently. They arrange civil papers, especially for immigrants from Bolivia. And they continue this work today, in 2020.

Microjustice in Africa: Uganda, Rwanda and Kenya

Schelto feels it is important to work through Princess Máxima with Microcredit or Microfinance, now called inclusive finance. He calls me in 2009 when I am sitting in my office in La Paz to let me know that Princess Máxima would like to see me. Would I like to make an appointment with her? The appointment comes but is cancelled just before due to a more important visit, I am told. I now let Pie go instead of me to the next appointment because she is in the Netherlands, and I know that as a microfinance expert she would very much like to meet Princess Máxima. She advises us to attend a global Microfinance Meeting in Nairobi, where we can sell Microjustice in a market stall. Everyone thinks that you shouldn't ignore such advice from Máxima. I think it's a waste of time and money, and think about how I can give a useful twist to such a trip. Establishing Microjustice in Kenya as the first Microjustice programme in Africa seems difficult in such a large and complex country. I therefore decide to take a look in neighbouring Uganda, before I go to the microfinance fair in Nairobi with Pie. In March 2010, everything is running smoothly in Uganda and, with the contacts I have there via via, I identify how to set up a programme, with whom, and what the issues are. Back in The Netherlands, Pie has arranged an appointment with the development bank FMO. Pie wants to sell it big and ambitious with a new programme in Uganda and expansion in Peru to Cusco and Lima.

Legal rights' protection in East Africa

In the African context, Microjustice proved to be a lot more difficult than in the former Yugoslavia and Latin America, where people are very aware of how important it is to have your papers in order and how much it helps you to claim social entitlements. In Africa, it is all very different. People have always lived in the informality; the law is only something of the colonisers, who have now been replaced by the tiny rich upper class. The Bar Associations are still organised with price monopolies for all legal services, including, for example, writing a contract. If you want something to do with law, even out of court, you have to get a lawyer, and this lawyer has a minimum price that is too high for 70% of the population. The majority of people survive without legal rights' protection. The motivation to have your papers in order is also not great in a situation where the state offers you

nothing, and the public servants in many countries steal where they can. On top of that, if you do have your papers in order, they do not necessarily have to serve in court if a stronger party has managed to get the judges on his/her side. In the old days, when one still lived in his/her village where everyone knew each other and the Chief was the central person, one could live well without papers to enjoy legal rights' protection. With urbanisation and globalisation, those days are over. Even in Africa, people need papers to live a decent life and enjoy legal rights' protection. Otherwise, the state can just sell your piece of land to a foreign agricultural company, for example. Or if your husband dies, his brother will evict you from your home under the guise of traditional law which does not allow women to own land. In that tradition, by the way, that brother-in-law would have taken responsibility for her and the children, but that is not the case now. Only the rights, not the duties of the past! That is the reason why, despite all the fierce problems we keep encountering in Africa, we have not given up. Here in Africa, too, it is essential that people are protected in their rights.

Uganda

With funding from FMO, we set to work in Uganda in the summer of 2010 and establish Microjustice Uganda (MJU). The focus is on birth certificates and land registrations. The head office is in a small building on the campus of Makerere University, which offers this to us without payment as a partner. Soon with outlets mainly in microfinance banks in Kampala, Jinja and Masaka.

In Uganda, however, we were forced to stop our work after a few years. The long bloody civil war with first Idi Amin as president in the period 1971-79, followed by President Milton Obote in 1979-85, on top of the described lack of legal rights' protection have resulted in an intensely rotten society in which you cannot trust anyone. We have experienced the strangest things. One incident that I am reminded of every time I come across 'daily sins' in people is the theft by ICT trainee Peter. Peter is good at ICT and forges with his skills the telephone access to the bank, pretending to be a female team member, who is authorised at the Bank. This is how he collects Euro 5,000 from Barclays in Kampala and this is how he ends up in prison. I go to the court session. Next to the court is a small prison where the people who will be tried this day are waiting. I go in and yes, there is Peter behind bars between a group of men, even with a rosary in his hands, praying Ave Maria. I ask: "Peter, why did you do this?" to which Peter answers: "Temptation Miss Patricia!"

What really made our work impossible was that we could only arrange the papers by paying something extra ('facilitation money'). The fee for a birth certificate should be a small amount, but in practice you had to pay a larger amount extra to the civil servant. In return, the civil servant gives you a service and makes the payment to the bank for you, for which you would otherwise have had to stand in line at the bank for half a day. Or in the case of land registrations, you could pay the surveyor a lump sum that included all the extras. But the purpose of our work was precisely to promote transparency and democratic processes. We could not afford to do this, even though we wanted to help people.

Rwanda

From Uganda, the enticement was great to go back to Rwanda after all these years, and see what is happening there now, and if possibly there would be something we could do now. Thus, at the end of January 2011, I drove further south from our little office in Masaka to Rwanda. Wow, Kigali with all its beautiful four-lane roads, roundabouts and streetlights had become unrecognisable, and with some difficulty I could find old landmarks such as the Hotel Mille Collines or the convent where I had been accommodated at the time, La Procure, where I would spend the night again. The next day, I see the umbrella microfinance organisation, where I meet Frank Bakx, who works with the Rabobank Foundation. Frank connects me to some microfinance banks. That very same morning, I drop in in one of these banks and meet the director. It is always difficult in Rwanda to see whether your counterpart speaks English or French. So you usually start in 'Français': "Bonjour, hello" The director, Diane Uwimbabazi, is francophone. I look from her desk over the Kigali Skyline, and exclaim: 'I was here in 1994/95, things have changed!' she answers me, 'I was here then too'. I now know that she must have a terrible story that she is probably not going to tell me. In 1994/95, the whole population had either fled or been killed, and only early 1995 the Tutsis returned from the diaspora, especially from Uganda, Kenya, Tanzania and Zaïre (now called DRC). So, someone who had been there in 1994 could only be a survivor. I reply, "Oh?" The story comes out: Father was in the opposition. When the President was shot out of the sky on 6 April 1994, her father knew and told the family, 'This will be the end'. They closed the shutters of the house and waited, and yes after a day the thugs comes by in an open truck. Her father walks out and invites them to shoot him. Thus happens, and the family is shot as well while Diane's mother falls on Diane who has fainted. When she awakens, she doesn't want to know where she is and falls back into unconsciousness, until the smell of death becomes unbearable and she has to get up. Then she sees that her niece, who had been playing with her, is also alive. Together they are taken care of by the neighbouring Hutu family! Diane says that a while later she was very depressed and wanted to die. But then one day she saw the light! She said, never, if they get me broken too, then they have what they (the criminals) wanted. I have a responsibility to my parents that I live my life to the full and become a success. That is why Diane was already a bank manager when she was 26. With Diane, I soon set up Microjustice Rwanda.

At the last minute of my visit to Rwanda, I meet Mark Priestley in the Hotel Mille Collines whose number I got via a common friend. Mark just came to Rwanda to set up a donor consortium Trade Mark East Africa (TMEA). I explain to him that if they want to set up free movement of people, goods, services and capital between Kenya, Uganda, Rwanda and Tanzania in the spirit of the EU, it is essential that companies and people have the right papers from their own country and often from the country where they want to work. I suggest we set up a cross-border project between Uganda, where we have an organisation, and Rwanda, where we are in the process of creating an NGO. Mark is very interested and asks us to submit a proposal. After a long process, we can also start working in Rwanda at the end of 2010.

The situation in Rwanda is very different from that in any other African country. The country is still led by the military man Paul Kagame, who also stopped the genocide in 1994.

After the genocide, he no longer trusts it and likes to keep a tight grip on the reins himself. He organised the forced return of refugees from the DRC in the second half of the 1990s, and a national reconciliation process based on traditional Gacaca law. He wants to know nothing more about Hutus and Tutsis, the source of the genocide; we are all Rwandans! He hates corruption and anyone guilty of it will be severely punished, even if it is a confidant. He likes modernisation and wants to be part of the world economy. Kagame abhors the hypocrisy, double standards and political correctness of the international community and only wants to receive money from donors on his terms. There is no room for too much democracy in post-genocide Rwanda, and it seems as if Kagame wants to ensure that, under his presidency, whole generations pass that have not known the genocide and are no longer aware of whether they were Hutu or Tutsi. In this way, he hopes that the genocide will be a thing of the past. He rules the country like a pragmatic military man.

I don't know him personally, but from what I hear, I get the impression that Kagame genuinely has a mission. When I stay with Diane, who is now married, she and her husband go for a 'romantic' drive through the city one evening. When she returns, she tells me that they have crossed three times Kagame driving his car through the city. Kagame seems to do this more often to see how the lives of the Rwandans are.

And as far as justice is concerned, they have everything in order top-down. In Rwanda, there was no property register; in an almost military logistic process, around 2011 when I came back to Rwanda, the Rwandan government made sure that all the land in Rwanda was registered in no time. There is also a top-down requirement to register businesses. Citizen's papers such as birth certificates and ID cards are available to everyone. And everyone from top to bottom must participate in the monthly Saturday social service, Umuganda. This is usually followed by massive cleaning or planting of trees. In such a dictatorship, there is little freedom for the individual to develop him/herself, and/or to make known that the top-down imposition does not serve you. We had some major problems in Rwanda. Firstly, finding our role for our standardised legal services in a country where a government already has so much grip on its citizens, disregarding individual interests and situations. Next, the people who worked for us were all very diligent and literally carried out the projects. But there was a total lack of the entrepreneurship that is needed to set up Microjustice sustainably.

When the funding we had came to an end at the end of 2016, we ceased our activities in this context.

Kenya

What the Rwandan has too much docility, the Kenyan has too little. It is late November 2019 and we have an appointment with Angela Ondari, the director of Microjustice Kenya. Five minutes later, Salome Odero, the director of Haki Mashinani (Microjustice translated into Swahili) also arrives and joins us at the table on the terrace of Java's café. We hadn't arranged to meet her. Apparently, it was Angela's initiative. A quick look at the history.

Later in 2010, I go to Nairobi again and meet Angela and her husband Leonard, both lawyers who have worked with microfinance. I ask them if they would like to set up Microjustice Kenya for us. They are happy to do so and we soon get funding from a Dutch charity,

Stichting Liberty, the English law firm Clifford Chance, and later their competitor: Allen & Overy. Angela becomes the director and starts working in the slums of Nairobi. People there desperately need a birth certificate, for which they have to go to the central registry in the centre of Nairobi, where they get lost in the procedure. Angela uses the organisation to do her charity work in the slums. We have a much bigger ambition with Microjustice Kenya, to structurally set up legal services throughout the country. When Cordaid provides us with more substantial funding for our work in Kenya, we won't be able to meet the promised project targets if we muddle through like this. I explain to Angela that we need to hire a full-time director to implement our method. And what happens? Instead of hiring a director, she expels us from our own organisation because she now controls the board. To avoid further conflict, a practical solution is to create a new organisation and recruit a team: so, in early 2015 we give life to the NGO Haki Mashinani and hire Salome as its director. And this donkey (me), with its naivety, does bump into the same stone a hundred times: at the beginning of 2017, the situation is the same as it was two years earlier. Salome too has appropriated the organisation, helping the poor people in the slums in her own way, not cooperating with me to set up the Microjustice model. We lost control of this NGO when the board members of our choice left when they felt that they could not be held responsible for Salome's management. Thus, we stop to work with Haki Mashinani early 2017. This problem of losing control over NGOs we had set up ourselves has also been an issue in Uganda and Rwanda, under the guise of respecting local ownership! Forget that it is our initiative, with our method and funding. This makes that the work in East Africa has always been a wasp nest for me.

Our work in Kenya has also to deal with the challenge described above under the heading 'legal rights' protection in East Africa', which is the price monopoly of the legal profession with prices that are far too high for 70% of the population. For years, the major donors, led by the EU, have been trying, together with the Kenyan government, to set up a system of free legal aid for the poorest of the poor when they get into trouble. But in a situation where 70% are excluded from legal aid, this does not really make a difference. This free legal aid is not aimed at arranging the paperwork needed to guarantee legal rights' protection, but at penal procedures and to a less extent resolving the conflict and problems that the people find themselves in. Another problem in a poor country like Kenya is that the budget the government is willing to set aside for free legal aid will always be a fraction of what is needed to set up free legal aid seriously.

In 2018, we conducted a study on the state of access to justice using the legal inclusion mapping method we developed from 2017. Based on the findings of the study and our experience, we are now really going to address the gap in the legal aid system via the digital legal rights' protection platform. More about this later.

And what about that meeting with Angela and Salome? For a moment, I was naïve enough to check with these ladies whether we would be able to get it right in the last attempt to really get our Microjustice mission off the ground here in Kenya. But my colleagues didn't agree!

Back to Serbia

After completing our large-scale cross-border legal programmes for the refugees in 2005, we have continued to arrange documents in Croatia for the (ex) refugees in Serbia on a small scale. The original team members, Pedja and Tea in Vukovar, receive the requests of the (ex) refugees through our partner HCIT in Novi Sad, where Ratko Bubalo is working on his important mission. There are always other reasons for which a fresh birth or marriage certificate is needed. Also needed are papers related to the ownership of land and houses in Croatia and obtaining work books to determine the pension right. The ex-refugees, most of whom now have both Serbian and Croatian citizenship, must prove in all kinds of matters that they have not already arranged things in the other country. For example, when obtaining a new driving licence, you have to request a paper in your place of origin in Croatia that you have not already received your new driving licence there. Even children of former refugees born in Serbia like to arrange their Croatian citizenship papers. After all, Croatia is a member of the EU and a Croatian passport drastically broadens your options.

In November 2017, we are organising a symposium in The Hague on 20 years of Microjustice in the light of Sustainable Development Goal 16 (SDG 16). There, we launch the plan to develop a global Legal rights' protection Barometer, which should be a tool to help implement SDG 16. And I receive a condecoration from the mayor, with which the King has decided to make me an Officer in the Order of Orange-Nassau; very special I am told, the highest civilian honour for a woman who is well under sixty! As a follow-up, the political department of Foreign Affairs is funding the development of the Barometer in a few countries, including Serbia.

Back in Serbia for the Barometer, I meet Álvaro Hernando, who has been busy setting up businesses there since 2010. Álvaro helps me enormously with all the information about law in Serbia in the field of entrepreneurship, debt collection, creation of private limited companies, property transactions and problems with real estate, inheritance law, family law. In all these fields of law, Alvaro could share a wealth of knowledge. His regular lawyer said to me in amazement: "yes, Alvaro always wants a legal form that is actually impossible, and tells me how to bend Serbian law to his will, and the crazy thing is: he always gets it done!

With the Legal rights' protection Barometer, we have been able to see that the situation in Serbia has not yet made much progress; after all these years, the post-communist and post-war dynamics are still very much present! And the legal profession has a similar monopoly as in Kenya, the Barometer report (2019) describes:

"Legal services may only be provided by attorneys registered at the bar association of Serbia. Legal services concern legal advice, drafting of contracts, court representation and so on, but does not concern administrative law procedures and documents. The Bar Association has lists of fixed fees, which have to be respected within a margin: 50% under the fixed fee and up to a few times more.

Registered attorneys are not allowed to actively look for clients through networking and PR activities and are not allowed to be the legal representative of any legal personality."

Digital Legal Aid Platform as a new tool to implement Microjustice

A very interesting development we came across is that as of 1 October 2019, the Free Legal Aid Act would come into force, which, as in Kenya, was developed partly at the behest of the EU. The law here stipulates that exclusively registered advocates may provide legal aid, excluding NGOs even from providing free legal aid. The Bar Association and the NGOs are water and fire. In this context, it was not convenient for us to work through a local NGO, which we had always done in all countries up to that point. So, we started working directly with the legal profession. This inspired us not to set up a parallel system through an NGO, but to work directly with a country's legal infrastructure. Our model as developed consists of setting up a digital platform with legal information for the end-user and know-how for affiliated lawyers. In addition, the platform directs the end user to a lawyer affiliated with the platform. This lawyer has committed himself to provide the specific service for a fixed maximum fee. This way, Microjustice remains solely responsible for setting up the platform and the clients pay the lawyers directly.

In this way Microjustice has developed a digital legal guide, so to speak. The client is shown the way via our website where he/she can find accessible information and templates in a number of legal areas related to property, inheritance, business, family matters and other paperwork. In case the client needs more help, the website will put him/her in contact with the appropriate lawyer. Usually, these will be young lawyers who receive the know-how digitally, and who can thus provide a quality service at a low price. The advantage for young lawyers is that they can build up a client base in this way, also for other cases. In many non-Western countries, lawyers are not allowed to actively recruit clients, and it is almost impossible to start after university if you are not hired by one of the established firms. The weaker target groups will have access to our platform through a distribution network of social and governmental organisations.

Financial sustainability is arranged as follows. Payment for the services provided by the lawyers is a matter between the client and the lawyer, who as well may be paid by a donor or the government. In this way, we can build a system of legal services at low costs. Only to develop the know-how and run the system do we need external funding. Legal rights' protection is a public responsibility. The Microjustice operation itself, which costs are limited, should be financed by the public sector.

The advantage is that we work with the existing infrastructure and do not set up a parallel one with NGOs.

Universal Access to Legal Aid

Legal Aid on a par with health care and education seems essential to be able to develop and maintain oneself in our world; without legal rights' protection one is always a victim and one's fate is limited to surviving as best one can.

Legal security is now finally on the international agenda via Sustainable Development Goal 16 (SDG 16) but still: how to get it recognised?

The Sustainable Development Goals (SDGs) is a nicely interlocking set of goals with a set path from 2016 to 2030 for the development of people and nature; without a healthy environment, no development is the basic idea. Governments, businesses and civil society all have a role to play in contributing to their achievement. As a capstone stands the cross-cutting goal 16: 1) inclusive peaceful societies, 2) access to justice for all, and 3) inclusive effective transparent institutions. When in 2015 I read the SDGs, and in particular SDG 16, I got all excited. The three elements of SDG 16 together stand for 'legal rights' protection'. Finally, recognition! At last, all human activities need to consider how legal rights' protection is provided. And it is not just about people, because in the SDGs nature is central. This implies that SDG 16 as an overarching goal also applies to nature and that it should also enjoy legal rights' protection! Since nature cannot stand up for its own rights, people must organise themselves to ensure the legal rights' protection of nature. Sustainability and development are no longer separate issues in the international policy framework, but international cooperation and environmental protection are now structurally based on rights!

International policymakers have unravelled SDG 16, giving each element indicators in its own right. But for Access to Justice, no concrete indicator has been defined as far as Civil Justice is concerned. That is why Microjustice has been developing the Legal rights' protection Barometer since 2017, in order to map the state of legal rights' protection in countries around the world. From the perspective of the vulnerable person, we look at what is needed for his/her legal rights' protection and thus develop a basic package of standardised legal services based on the needs. Based on the findings, digital legal aid platforms are developed with measurable indicators to monitor progress. So very practice-oriented research.

Conclusion: a legal rights' protection-based approach for the globalised world

The world awakens slowly into a new reality

Triana Vélez-Málaga, 7 June 2020

During the last week I was allowed to go outside for the first time, although within the province of Málaga. And it looks like I will really be able to fly in a few days! People everywhere are gradually regaining their freedoms, except for our poor colleagues in Bolivia and Peru; there, Maria in La Paz and our ICT expert Ronald on the other side of Lake Titicaca in Puno still remain locked inside for an indefinite period of time. And for Maria these are very hard times: on 2 June, her brother in Santa Cruz also died of Covid. Maria is called about this when they have just said goodbye to Adrian's soul at 5 o'clock in the morning, according to Aymara tradition, after having accompanied him on his way to heaven for 7 days. The cremation of both happens to take place simultaneously on 3 June, by video conference in London and in mass anonymity in Santa Cruz.

With the pandemic, governments no longer seem to care about state borders. As if we can still hide behind national borders while the virus is already all over the world. We have all watched in amazement and bewilderment the actions of our governments, given up our civil liberties and watching the damage caused by government measures in all aspects of social life. At the same time, the pandemic has also shown that the whole world has become one and that the globalisation is complete. The overarching rights-based approach of SDG 16 provides a good framework for this new era.

1) 1990-2020 Globalising democracy & emerging populist tribalism

On 28 March, I promised to take stock of the new era; now, more than two months later, the Covid crisis has clearly shown that globalisation and democracy, as they have been developed over the past 30 years, need a conscious vision and approach to meet the challenges of our time.

The fact that no political leader is now dealing with reality with vision in a balanced way has created a split in society: people who do not understand the policies and are therefore developing all kinds of conspiracy theories versus those who think that not enough measures are being taken against the virus and are now inspired by fear.

Human rights standards and other aspirations

The established political leaders in today's democracy feel obliged to implement a set of high standards, such as now with Corona the premise that every death is one too many. No one has the right to die anymore.

An ambitious framework of wishes, such as human rights standards, based on judgements of right and wrong, is applied to every situation. This approach pretends that justice is the norm in this world. Reality, however, shows this assumption to be false. By looking at things from a top-down, often unrealistic, perspective, a one-sided blueprint is placed on reality. This impedes governments from dealing effectively with the challenges of reality as it presents itself, taking into account all angles and interests.

As I mentioned, we have recently developed a 'Legal rights 'protection Barometer' with Microjustice to measure the degree of legal rights' protection of the population in a country. And what our research in Bolivia, Kenya and Serbia shows, is that the poor bottom of the middle class is left out. It is excluded from the system and legal rights' protection, no matter how hard these poor people work to get out of the cycle of misery. This seems to be representative of a sense of unease among the lower middle classes worldwide. The hard-working poor masses are uncomfortable seeing all kinds of minority groups, in their eyes, being favoured and helped while they are not heard. This 'injustice' gives an impulse to feelings of anti-globalisation and 'tribalism'. The populists play on the fears and resentment of these groups for their own political gain. The facts, such as the fact that we cannot go back to a world with borders behind which only our own 'tribe' can hide, are sacrificed. So, these leaders, too, do not deal with reality as it presents itself. Thus, a polarisation emerges in our societies, and neither 'block' effectively manages the real challenges we face. A balanced bottom-up approach in which people and nature are involved, as propagated in the SDGs, is badly needed in the 'global village'. For the description of the current challenge, I like to quote the Turkish-English writer Elif Sharaf in an article in *The Guardian* of 6 May 2019: 'In contrast to the predictions of US academic Samuel Huntington the world is not going through a "war of civilisations". What we face is far more complicated and disparate. This is the age of a thousand of cultural clashes, and these battles take place within countries, not between them. They tear our societies apart and polarise politics to such an extent that it will be for ever altered.'

As Van Lennep already tried to make clear to me in 1994, an approach that our democratic system itself already offers to deal with this challenge, is that states must guarantee each individual legal rights' protection, regardless of the tribal-religious-national backgrounds of its population groups. I am talking about rights that everyone already has on paper, but often do not enjoy in reality. This seems so logical, but in practice what is needed to actually enjoy legal rights' protection is overlooked, as I show in the previous chapters on my work in legal rights 'protection over the world in the past 30 years. In our global village, the duty of state governments is to protect every citizen, irrelevant of his/her ethnic background, religion and/or other distinctions. And as I have explained about the responsibility to protect: if state governments do not do this, it is up to the international community of states to do everything in its power to ensure that legal rights' protection is offered to all within these states.

Legal rights' protection as a prerequisite to rights as aspirations

When, in 2016, I meet again in Paris after 30 years Yves Roulliere, my buddy from my philosophy studies there in the mid-1980s, his question is immediately, "but what is the philosophical framework of your work to give people legal rights' protection?". Our brainstorming on this question quickly leads to the conclusion that there is/was none. In ancient Greek philosophy, democracy was only for the wealthy bourgeoisie, and those who did not belong to that, existed as human beings but were not part of society. Only since the 18th century has the idea of 'citizenship' for all emerged, propagated by the philosophers of the time such as Voltaire and Rousseau. This citizen is not just a person, no, it is the 'enlightened citizen'. Since the French Revolution, this concept of democracy has been propagated in the philosophy of law, political science and also in reality, with its citizens as full participants. However, the step that is necessary for an individual in a country to actually be a full citizen, enjoying legal rights' protection and participating in society, is overlooked. This step is not automatic. In order to enjoy legal rights' protection and the entitlements of the system of his/her country, it is necessary to have a minimum understanding of how the law works, and having the right legal and administrative papers is an indispensable condition. To achieve this, it is necessary that the law and institutions in countries are organised in such a way that people can easily arrange their legal rights' protection. Information on how to protect one's rights must be made accessible to the population of a country. And finally, quality legal aid must be provided at an affordable price. Despite the fact that we, with Microjustice, have been trying to spread this message structurally around the world for the past 22 years, we have still not succeeded in getting it across.

Guaranteeing the basic rights of citizens is not automatic and is a core task of the government in our current state system. The provision of legal aid by governments should be on a par with other basic public services such as health care and education. Legal rights' protection means in the first place ensuring preliminary rights to prevent conflict and complex expensive procedures. Legal aid to find the way to court for conflict resolution should be an exception.

In most countries, people do not have their legal situation fixed on paper and survive in the informality, in legal uncertainty. This reduces the person to a fearful unprotected human being, open to populist talk from people who claim to finally stand up for them. There is no question of citizenship then.

To deal with the current challenges, the creation of real democracy is essential; where democratic values are practically regulated and the citizen actually exists, responsible, with rights and duties.

And to come back to the approach for our multi-tribal societies; abolish the state as nation-state! States in today's global village are there for each of its inhabitants, whatever their background. In this sense, state governments are administrative units that guarantee the basic standards of all in their territory. The international norms of our time should be more focused on setting minimum standards of how the law and the institutions/procedures should be organised so that everyone has easy access to them. On the basis of the

Responsibility to Protect, it is then up to the international community to take action if a country fails to properly organise the legal rights' protection of its people.

To conclude, I will give an overview of a democracy based on the legal rights' protection of all.

2) A hands-on, legal rights' protection-based approach to the challenges of the globalised world

I have shared with you my experiences over the past 30 years to show you the how and why of a legal rights' protection-based approach for a new era. To summarise:

a) Recognising the good order of things

Don't unleash top-down high standards like human rights as a form on every situation, but look at the problem as it presents itself. Ask yourself: what does the 'good order of things' command in this concrete context? In other words: what is needed in this situation to give shape to the values and content of human rights as much as possible, taking into account all interests? These values that must be given shape in policy include the right to a dignified existence with:

- Individual and group freedoms
- Freedom to undertake and participate in social, economic, political and cultural endeavours
- Basic health care for all
- Education
- Equality of the sexes, religion, ethnicity/race/nationality = non-discrimination
- Preservation of our environment and nature

Legal rights' protection should be on this list as a transversal value-protecting principle, necessary to realise the other values. **What is needed to provide legal rights' protection for the population?**

In the current approach to the Corona virus, health care (in its most limited sense: merely preventing deaths) takes precedence over all other values. The environment has fortunately also benefited from the standstill in recent months, but this is an unintended beneficial side effect.

b) Universal Access to Legal Aid

Universal Access to Legal Aid should be a cornerstone of society next to education and medical health care to enable people to live full and productive lives.

In addition to having a system of health care and education, every country should have a system of affordable legal aid. I am not talking about a very expensive system of free legal aid for the poorest, but about a financially sustainable system of legal aid, accessible and

affordable for everyone, not limited to conflict resolution and/or the way to court, but mainly aimed at providing legal security. To this end, Microjustice has developed a system that can be scaled up within countries and across the world.

My travels in many countries, looking at it from this perspective, show how I put this into practice, always looking first and foremost at the problems of the people in a country, trying to understand them. The goal is to really try to understand what it takes for the excluded of the world to be included and participate in society in their country.

c) International cooperation based on the Responsibility to Protect and a rights-based approach

In the global village, all countries are equal partners, and international interventions, including development cooperation, should have a legal basis, to avoid that it are just arbitrary actions depending on the whims of countries and individuals. In this world where we are all united, development cooperation is a moral responsibility based on the responsibility to protect populations groups if their governments are unable or unwilling to protect them. In the first place, the SGS provide a perfect framework for the concrete intervention. In the light of the SDGs, Nature should also be considered as 'group' or party that needs to be protected if the Government of the country where the nature is located is not doing so. All unprotected groups need to first enjoy legal rights' protection and hence enjoy all types of social-economic rights, always respecting the natural environment.

In our globalized world, with its high mobility and multicultural populations, the nation-state no longer holds. Governments of states in these days have to ensure the protection of all people in their territory. In this sense the administrative and legal framework of a country should comply with a minimum standard of accessibility and affordability all over the world.

Epilogue

Vélez-Málaga, Sunday 2 May 2021

One year later and still in the Corona crisis, which seems likely to become part of our globalised world. All the more reason to balance the various interests of everyone in dealing with this crisis, based on legal rights' protection.

In this year we have lost Maria Choque Ajata who died on 31 January from the effects of Covid 19. There was no place for her in the hospital in Bolivia. She was looked after by her brothers in El Alto at 4000 metres; that altitude does not really help with lack of oxygen! Maria has been a key figure in the Microjustice team since 2007, and together with her eleven-year-old daughter Aruza, she leaves us as an orphan. Maria has always dedicated herself to the legal security of everyone around her.

I dedicate this book to Maria. We will continue our work in any case, and specifically for the poor Bolivians.

Abbreviations/definitions

International organisations:

WB - World Bank, based in Washington DC

IMF - International Monetary Fund, based in Washington DC

OECD - Organisation for Economic Co-operation and Development, based in Paris

UN - United Nations

UN - United Nations

UNHCHR - United Nations High Commissioner for Human Rights

UNHCR - United Nations High Commissioner for Refugees

UNDP - United Nations Development Programme

UNOCHA - United Nations Office for the Coordination of Humanitarian Affairs

Specific UN operations:

UNAMIR - United Nations Assistance Mission for Rwanda: was established by United Nations Security Council Resolution 872 on 5 October 1993. Its purpose was to assist in the implementation of the Arusha Agreements, signed on 4 August 1993, which were intended to bring an end to the Rwandan civil war. The mission lasted from October 1993 to March 1996.

UNTAES - United Nations Transitional Administration for Eastern Slavonia

BZ - Dutch Ministry of Foreign Affairs

NGO - non-governmental organisation

IOM - International Organisation for Migration

ICRC - International Committee of the Red Cross

NRC - Norwegian Refugee Council

EU - European Union

EBRD - European Bank for Reconstruction and Development

Two types of displaced persons:

Refugees - across state borders

IDPs - internally displaced persons - within the state borders of their country

In Iraq:

CF - Coalition Forces, mainly: US, UK, Poland

CPA - Coalition monitoring authority

CLEP - Commission for the Legal Emancipation of the Poor

SDGs - Sustainable Development Goals