

US court says anti-terrorism law violated rights

IN A VICTORY for opponents of the Iranian government, a U.S. federal appeals court ruled on Friday that the U.S. State Department cannot designate "foreign terrorist organizations" without giving the organizations a chance to answer the allegations against them, reported Reuters.

The unanimous ruling by a three-judge panel of the U.S. Court of Appeals in the District of Columbia could complicate Washington's use of the designation as a tool against political violence.

The court ruling stemmed from a suit against the State Department by the National Council of Resistance of Iran, which is closely linked with the People's Mujahideen, an Iraq-based guerrilla group that frequently attacks Iranian government targets.

The 25-page ruling concludes that the Secretary of State must give the National Council an opportunity to answer the evidence against them and to file counter-evidence that they are not a "foreign terrorist organiza-

tion" (FTO).

"They (must) be afforded an opportunity to be meaningfully heard by the Secretary," it added, ruling that the current process under a 1996 law violates constitutional due-process rights.

The court did not overrule the designation, however, saying that it recognized "the realities of the foreign policy and national security concerns asserted by the Secretary" and that the designation comes up for review in October anyway.

The National Council of Resistance of Iran, which has an office two blocks from the White House, has campaigned vigorously against the State Department's 1997 decision to designate it as an FTO, a listing that severely limits its U.S. operations.

The U.S. government cannot block any funds a designated group has on deposit in this country and the group's representatives can be barred from entering the United States. Additionally, people in the United States

cannot provide any "support or resources" to the group. Twenty-nine organizations are now on the list.

Ali Reza Jafarzadeh, a congressional liaison at the National Council of Resistance office in Washington, said: "It is a great victory and I think clearly we have come to the end of the era of this designation."

"This designation, which took place when Secretary Madeleine Albright was in office, was the result of a U.S. policy of appeasing (Iranian President Moha-

ammed) Khatami and of putting all its eggs in the basket of Khatami," he added.

The ruling landed on the day Iranians went to the polls in a presidential election expected to give Khatami another four years in office. The court's opinion appears to go well beyond the Iranian case, covering all future decisions to designate guerrilla groups as FTOs.

"While not within our current order, we expect that the Secretary will afford due process rights to these and

other similarly situated entities in the course of future designations," the judges said.

They said that in the future, when the Secretary of State has made a tentative decision to designate an organization, he or she should provide notice of the unclassified evidence on which the designation will be based.

"We require the Secretary afford to entities considered for imminent designation the opportunity to present, at least in written

form, such evidence as those entities may be able to produce to rebut the administrative record," they added.

Jafarzadeh noted that many members of the U.S. Congress have challenged the designation of the People's Mujahideen.

In October 2000, 225 of the 435 members of the House of Representatives and 28 of the 100 senators urged the State Department to drop its policy of quiet rapprochement with Tehran and support the National Council of Resistance.

Macedonia urged to protect Albanians

ALBANIA urged Macedonia on Thursday to protect its Albanian minority and refrain from declaring a state of war with ethnic Albanian guerrillas, reported Reuters. The Albanian government condemned what it called acts of vandalism by extremist Macedonian Slav groups who torched 110 Albanian houses and two mosques in Bitola, Macedonia's second biggest town.

Albania, which has won Western praise for condemning ethnic Albanian gunmen fighting in Macedonia, said the fierce ethnic violence and hatred could not be justified. Up to 3,000 people bent on vengeance for the killing of five soldiers by guerrillas rampaged through Bitola on Wednesday, attacking ethnic Albanian businesses and homes.

"The government of Albania calls on the Macedonian authorities to take measures to secure the lives and properties of Albanians in Bitola," an official statement said.

Albania also urged the

Slav-dominated Macedonian government not to declare a state of war to fight the rebels.

"We agree with the European Union and the United States that any steps taken to establish a state of war in Macedonia would not only be unsuitable but might also have negative effects." The Albanian government said the crisis could only be solved through dialogue and democratic reforms that would elevate the rights of Macedonia's Albanians to European standards.

Albania's comments came a day before Macedonia's president outlined a plan to end a four-month insurgency by Albanian rebels as his armed forces ignored guerrilla calls for a ceasefire by launching fierce assaults on rebel positions.

President Boris Trajkovski unveiled a three-point plan involving an overhaul of the security forces, measures to encourage rebels to disarm and an acceleration of political reforms to address grievances of ethnic

Albanians, who make up 30 percent of the population. Parliament marked a minute's silence before the speech to mourn the deaths of five Macedonian soldiers killed on Tuesday in the worst clash since April. The conflict has raised fears it could trigger a new Balkan war.

European Union foreign policy chief Javier Solana arrived in Skopje on Friday evening for talks with political leaders and praised Trajkovski's plan.

"The plan with three tracks is a very good one and it has our support," he said, adding that Macedonia needed simultaneous progress on political reform, security and disarmament.

The rebels say ethnic Albanians suffer discrimination by the majority Slavs in education, employment and language rights. Major western powers back a twin-track policy of a measured military response and political reforms. However, the conflict has continued to spiral with increasing casualties and bitterness on both sides.

Rwanda trial creates legal crisis

BELGIUM fears its new-found reputation for meting out justice to international war criminals could prompt a flood of cases clogging up its creaking legal system and jeopardising its diplomatic relations, reported Reuters.

As a Belgian civilian jury convicted four Rwandans on Friday of war crimes in the 1994 genocide, politicians and legal experts were debating whether to change the law which allowed the ground-breaking trial in the first place.

In 1993, Belgium, the former colonial power in Rwanda, gave its courts universal jurisdiction over war criminals, whatever their nationality and wherever the crimes were committed.

The law was amended in 1999 to cover human rights violations and genocide. It also stripped government

ministers of immunity from prosecution.

The case of the "Rwandan Four" -- two nuns, a professor and a former minister -- is the first to be successfully brought before a Belgian jury.

Olivier Slusny, lawyer for a group of some 25,000 Rwandan "genocide widows", strongly backed the Belgian model. "This law has come under fire for giving Belgium super powers to meddle in others' affairs, but today it has been shown to be a wise law," he said. Earlier this week, lawyers said a request to try Israeli Prime Minister Ariel Sharon for crimes against humanity was being examined by a Belgian magistrate.

Critics argue the law blurs the line between judicial and federal powers and say Belgian courts, already

burdened with a heavy case backlog, should not be the platform for judging crimes against humanity.

Supporters of the law argue that, rather than rein it in, other countries should adopt it and take some of the strain off Belgium's judicial system. "We can't pay lip service to the argument that people suspected of crimes against humanity should be

punished, then do nothing when we get hold of them," Christine Van den Wynngaert, international criminal law professor at Antwerp University, told Reuters.

In a report slamming the United Nations warcrimes tribunal in Arusha, Tanzania for "incompetence and bureaucratic infighting", the authoritative International Crisis Group applauded

Belgium's initiative.

"The Belgian model deserves promotion and encouragement," said Fabienne Hara, co-director of ICG Africa programme.

The ICG criticised the Arusha tribunal, set up in 1994 to try primarily the major architects of the genocide, for failing to process key cases quickly enough.

Vatican 'surprise' at verdicts

THE Vatican says it is surprised that two Rwandan nuns convicted of war crimes should have been singled out for blame when so many people were responsible for the genocide there in 1994, reported the BBC.

The Holy See cannot but express a certain surprise at seeing the grave responsibil-

ity of so many people and groups involved in this tremendous genocide in the heart of Africa heaped on so few people.

In a formal statement, the Vatican referred to a letter from Pope John Paul to Rwandans in 1996, saying that the church could not be held responsible for the mis-

deeds of individual members. "The Holy See cannot but express a certain surprise at seeing the grave responsibility of so many people and groups involved in this tremendous genocide in the heart of Africa heaped on so few people," a statement by Vatican spokesman Joaquin Navarro-Valls said.

Indonesia denies Timor refugee intimidation

INDONESIA on Friday denied accusations of widespread intimidation by pro-Jakarta gangs and said most East Timor refugees in the western, Indonesian part of the island had chosen to remain under its rule, said a report by Reuters.

Indonesia this week embarked on the registration of more than 80,000 refugees, living in camps in West Timor where they were herded in late 1999 after a majority in their homeland across the border voted to break from brutal Jakarta rule.

In the registration the refugees were asked if they wanted to stay in West Timor or go home to East Timor. Organisers say the process

was fair and early indications suggest a large majority of the refugees want to stay in West Timor.

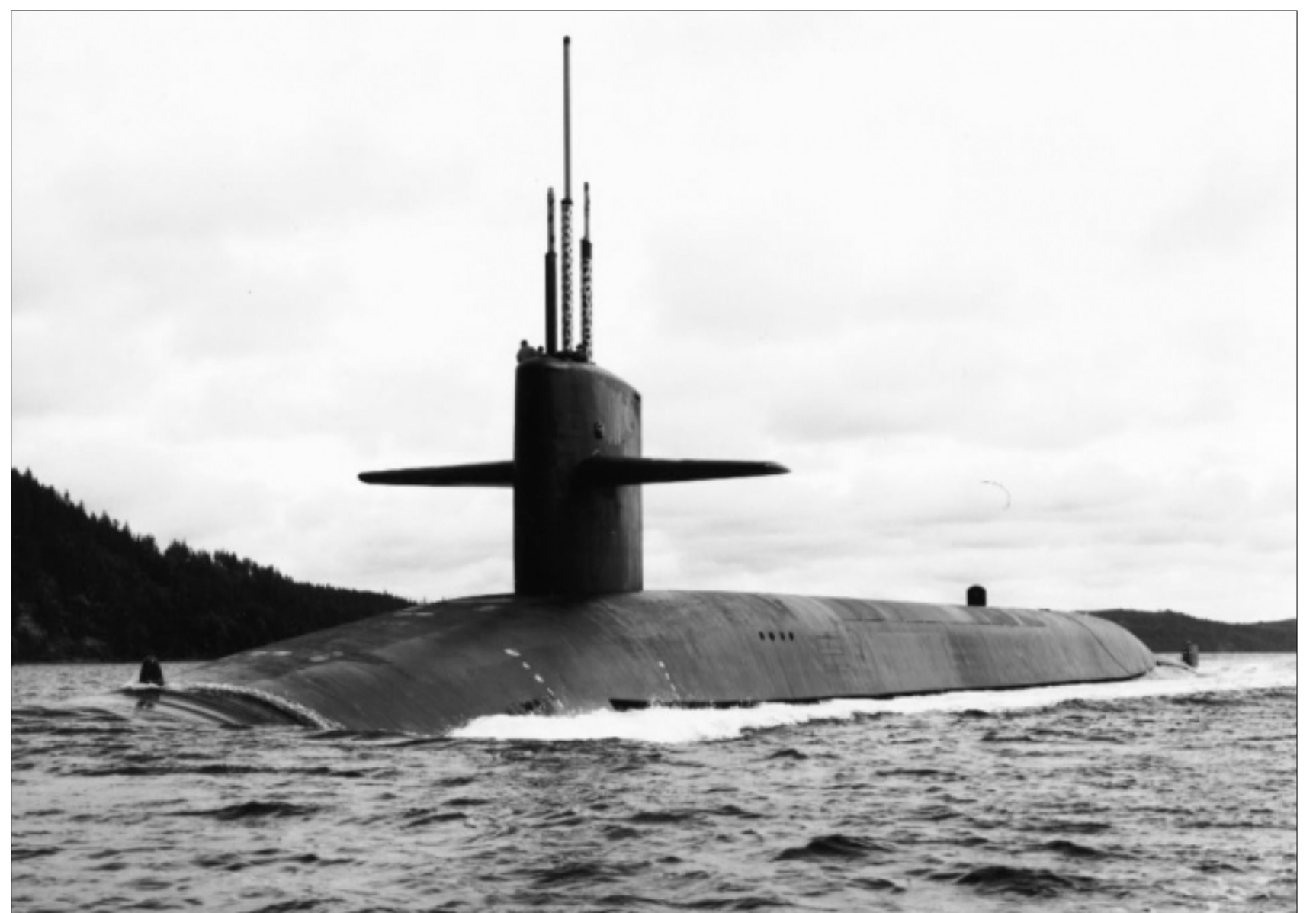
U.N. officials had estimated that probably no more than 10 percent of the refugees would choose to stay in the country, which invaded their country in 1975 and ruled it with an iron fist for the next 23 years.

The claim that most refugees do not want to go home is certain to be greeted with scepticism by the international community. U.N. and aid officials say the camps are largely under control of the pro-Jakarta militias who had driven up to 300,000 East Timorese across the border after the vote for indepen-

dence from Indonesia in 1999.

Speaking at a news conference in New York on Thursday, the head of the Center for Internally Displaced People's Services in West Timor said threats to refugees were largely undetected because there were only 12 international observers monitoring 507 registration sites.

"The civilian refugees are threatened with murder or kidnapping if they choose repatriation," said Winston Neil Rondo, an Indonesian who leads the centre. Indonesia estimates that 130,000 refugees still live in West Timor, though the UN puts the figure nearer 90,000.



Cold warrior: US missile submarines were used to deter a Soviet threat

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Russia 'no longer enemy'

PRESIDENT George W. Bush on Friday urged a reluctant Europe to give his missile defense plan due consideration, saying it was time to move beyond a Cold War mentality, a Reuters report. In a speech largely devoted to his tax cut program, Bush gave a sampling of some of the arguments he will make to European leaders next week to convince them of the need for a missile defense system capable of shooting down incoming missiles from states like North Korea and Libya.

Many leaders are concerned a missile defense system would upset the global strategic balance and trigger a new arms race. Bush wants to replace the 1972 Anti-Ballistic Missile treaty, in order to deploy a missile defense system but the fear in Europe is it would lead Russia and China to build more nuclear weapons to overcome such a system.

"I can't wait to describe to the people of Europe and the leaders of Europe how important it is for freedom-loving people to think differently about how to keep the peace, that Russia is not our enemy," Bush said. "In my attitude that's old, that's tired, that's stale. Our United States and our allies ought to develop the capacity to address the true threats of the 21st century. The true threats are biological and informational warfare," he said.

He added: "The true threats are the fact that some rogue nations who can't stand America, our allies or our freedoms or our successes, will try to point a missile at us. And we must have the capacity to shoot that missile down. It's time to think differently about defense."

Africa faces water crisis

MILLIONS of poor African families desperately need clean water, hiking for miles to fetch it or buying exorbitantly priced bottled water, even as wealthy Africans wash their cars and water their lawns, reported the Associated Press last Wednesday. Many slum dwellers simply steal water from pipelines.

What Africa needs to solve the problem is privatised water companies that would make people pay for what they use, even if it means putting water meters in every household, an expert panel said at the United Nations on Wednesday.

Most African cities provide running water to only a portion of their residents. Other citizens, mostly those living in shantytowns on the outskirts of town, make enormous sacrifices to get their daily drinking water supply. Or they go without.

"It is unbelievable but true that an inhabitant of Kibera slum in Nairobi, earning less than a dollar a day, pays as much as five times the price paid by an average U.S. citizen for a litre of water," said Anna Tibajuka, director of the U.N. Centre for Human Settlements.

That wouldn't be the case if everybody had to pay a fair price for what they used, water managers from several African nations told the U.N. Conference on Human Settlements. The three-day conference opened Wednesday. There is plenty of room for improvement. Half of Accra's water simply disappears between the treatment plant and the customers, lost to leaks and theft. Only 10 percent of Dar es Salaam's customers even have water meters.

The inequitable distribution of water has unexpected and long-lasting effects on African society, Tibajuka said.