
NEPAL: DANGEROUS PLANS FOR VILLAGE MILITIAS

I. OVERVIEW

The Government of Nepal is creating local civilian militias – known as Rural Volunteer Security Groups and Peace Committees – in what risks becoming an alarming escalation of its conflict with Maoist rebels. Civilian militias are likely to become an untrained, unaccountable and undisciplined armed force that worsens a conflict that has already taken almost 9,000 lives. The scheme is controversial, and the government has publicly denied that it has already started distributing weapons despite evidence that it is indeed going ahead.

If implemented, village militias are likely to have serious and long-term consequences:

- ❑ Their creation would force many villagers to take sides in the conflict – something most wish to avoid since it makes them targets for violence from both sides and tears the already worn social fabric, leaving lasting damage.
- ❑ Militias are likely to receive only minimal training, have little oversight and few controls, thus leading to a worsening of human rights problems. Massacres, abductions and illegal imprisonments are already rife in Nepal, and these problems will get worse.
- ❑ Arming untrained villagers when regular police forces are often under-armed and under-trained is counter-productive.
- ❑ Disarming and demobilising militias after conflicts is extremely difficult. Eight years after such forces were demobilised in Guatemala, many are still active as criminal groups.
- ❑ Militias tend to mutate. A number of terrorist networks have their origins in government-linked militias or underground groups including al-Qaeda, Jemaah Islamiyah in Indonesia and Turkish Hizbollah. Given Nepal's complex

ethnic and social landscape, creating new armed movements is particularly ill-advised.

On 4 February 2004 one of the villages where local people had been armed, Sudama, was attacked by a large number of Maoists. ICG visited the village while researching this briefing, and a detailed description of its situation is given below. Although the attack was repelled without any reported injuries to civilians, it appears that the village was targeted because of its reputation as a pilot location for the militia program. This emphasises concerns that arming civilians is likely to lead to increased violence.

II. BACKGROUND

Conflict between the security forces and Maoists, who launched their armed insurgency in February 1996, has become increasingly violent. Following the Maoists' decision to withdraw from the seven-month ceasefire in August 2003, the rate of killings – the large majority by the state security forces, especially the Royal Nepalese Army (RNA) – has increased significantly.¹

The conflict traces its origins well back in time and to a complex mix of social, economic and political

¹ According to preliminary figures released by the Kathmandu-based Informal Sector Service Centre (INSEC), deaths on all sides from 1996 through January 2004 totalled 8,826. During a press conference on 15 January 2004 RNA spokesman Colonel Deepak Gurung stated that up to 1,400 Maoists, 177 members of the police forces and 111 army personnel had been killed since the ceasefire ended on 27 August 2003. These figures indicate a significant escalation of the conflict in recent months. In the period from the start of the Maoist insurgency to the palace coup of 4 October 2002, per day killings by the Maoists and the state averaged 2.43; from 4 October 2002 to 30 January 2004, the average was 6.38; since the collapse of the second ceasefire on 28 August 2003, the rate has reached 12.20 (according to INSEC's data). In the latest period, 1,340 people were killed by the state and 515 by the Maoists.

problems in the Kingdom. Poverty and a very weak government, a lack of efforts to redress caste and ethnic problems, a stalled transition from autocratic to democratic rule and a tumultuous period of political instability have all contributed to an environment in which the Maoists have flourished.² Both sides have carried out acts of extreme violence, and human rights abuses have been common across the country as increasingly civilians are the main victims of the conflict.

The political situation has become much more volatile in recent months. The most visible element is a determined student protest movement that now extends across the country to all its larger urban centres. Student protests have been common in Kathmandu, and there have been serious clashes with the RNA. Media attention has focused closely on the street violence. While there is little prospect of a political solution at the moment, most analysts believe that neither the Maoists nor the RNA can win through military means.

III. THE CREATION OF MILITIAS

Prime Minister Surya Bahadur Thapa announced plans to arm villagers to “help defend against Maoists” in November 2003.³ The scheme was included as a component of a unified command that would merge all armed and law-enforcement forces and give them “special powers”. Military sources indicated to ICG that the government would arm former servicemen and their families first and then extend the experiment to the rest of the population.

The decision to arm civilians follows a broadening of the conflict by the Maoists. In October 2003 ICG noted expanded recruitment by the insurgents in eastern Nepal and the Tarai.⁴ Neither the RNA nor the Maoists have been able to defend all their territory to date. Large swathes of the countryside are controlled by one side or the other more or less by default. On the government side, this territorial weakness has been compounded by a centralised command concept under which security forces have

been withdrawn from scattered outposts and consolidated into one or two large bases per district.

By December 2003 RNA weapons had been distributed in Sudama, a village in the eastern Tarai district of Sarlahi some 125 kilometres from Kathmandu. The village, which has a population of about 5,000, is just four kilometres north of the border with the Indian state of Bihar. Sudama’s population – predominantly higher caste Rajputs and Tarai Brahmans and lower caste Dalits – is representative of Nepal’s Tarai plains. Sudama was an ideal village from the government’s point of view in which to start the militia experiment because it is home to a large number of serving and retired police personnel and their families. It became prominent in 2003 when villagers foiled a Maoist attempt to kidnap the son of a local leader.

Twelve-bore shotguns and twenty rounds of ammunition had already been distributed to ten residents of Sudama in October 2003 in the presence of the RNA’s eastern division commander.⁵ The RNA subsequently provided a week of training to seventeen villagers in a nearby police station. Three groups of villagers, always including one of the armed men, were formed to patrol the village at night.

The presence of the guns, however, produced fears of an increased risk of Maoist attacks. The insurgents have frequently raided the RNA and the police to steal weapons, and the villagers believed the guns made them an attractive target. “It would have been better if the security services had set up a base in the village to provide us with security”, said a community leader.⁶ According to the government, the weapons were subsequently withdrawn from Sudama. However, a very senior RNA officer explained that they are taken out of the village each morning but are redistributed at night. Recent research in Sudama indicates that weapons are indeed still in circulation.

On the night of 4 February 2004, some 60 to 70 Maoists attacked Sudama, targeting the house of the former Village Development Committee Chairman. Villagers returned fire, and RNA reinforcements arrived one hour later to repulse the attack. An RNA spokesman argued that this attack demonstrated the need to arm villagers so they

² See ICG Asia Report N°50. *Nepal Backgrounder: Ceasefire or Strategic Pause?*, 10 April 2003.

³ Prime Minister Thapa unveiled the plan at a press conference in Kathmandu on 4 November 2003.

⁴ See ICG Asia Briefing, *Nepal: Back to the Gun*, 22 October 2003.

⁵ ICG interview, Sudama, 27 December 2003.

⁶ ICG interview, Sudama, 27 December 2003.

could respond to Maoist attacks more effectively.⁷ However, he was at the same time reluctant to confirm the extent to which the villagers had been given weapons or indeed even whether the RNA had received explicit orders from the government about arming the local people.

The formation of a different type of militia, composed of captured and allegedly reformed Maoists, has received less media attention, but reports quote RNA commanders as confirming they have co-opted at least 39 Maoists into a “village security force” to fight their former comrades.⁸ Military sources maintain these militias also are unarmed.

The greatest factor galvanising support for the Maoists and alienating the public from the government has been the RNA’s widespread use of indiscriminate violence.⁹ As the government has been unable to control its official forces, it seems unreasonable to expect it to retain control of informal forces, making their mutation into criminal groups highly likely.¹⁰ An increase in violent human rights abuses would almost certainly risk a reduction in external aid, which already accounts for 40 per cent of the national budget.

If larger numbers are recruited into the militias, the result is likely to be harmful also for the already weakened, labour-intensive rural economy, while increased fighting could be expected to drive more refugees into Kathmandu and across the border into India.¹¹

The arming of civilian groups also raises the spectre of ethnic conflict. Since the state has either not been present in, or has recently withdrawn from, much of the countryside, there are insufficient mechanisms with which to resolve disputes. Few people have access to the judicial system, and most regard it as irredeemably corrupt. Without effective mechanisms for settling disputes peacefully and with new capacity to engage in deadly violence, disillusioned,

disenfranchised villagers may begin turning weapons on each other during their frequent disputes over land and water or the caste feuds and ethnic strife that occur in most villages. In the longer term, the nation’s already strained ethnic tapestry could tear either along RNA/Maoist lines or in a more complex manifestation of the inequalities in Nepalese society.¹²

IV. GOVERNMENT ARGUMENTS

Political leaders from the Nepali Congress and Communist Party of Nepal (Unified Marxist Leninist) have called for an immediate end to the militia program, citing many of the reasons outlined above.¹³ Some members of the donor community have voiced strong reservations in private. While King Gyanendra has not publicly expressed an opinion, Prime Minister Thapa’s government has offered assurances to its critics that the program is only in the planning stages and/or that while it is being implemented, no arms are being distributed.

The government has established a committee to consider the implementation of the proposed program. This committee has already reported to the Prime Minister but the contents have not been published nor has the government made a public statement on its current policy towards militias. Despite suggestions that the program might be quietly withdrawn, a number of ministers have privately confirmed that it is already under way.¹⁴

In justification of the policy, government officials typically point to Guatemala, Peru and India as examples of countries that have successfully used village defence forces to defeat insurgencies. These examples are worth reviewing in more detail. Between them, they illustrate the range of problems that can result from the use of unaccountable militia forces.

⁷ ICG interview, Kathmandu, 5 February 2004.

⁸ “Surrendered Maoists re-deployed in Nepal village security forces”, *Rajdhani*, 20 December 2003.

⁹ See ICG Asia Report N°50, *Nepal Backgrounder: Ceasefire – Soft Landing or Strategic Pause?*, 10 April 2003.

¹⁰ In October 2003, ICG noted increasing reports of violence, including harassment of NGOs, not for political reasons but for extortion. See ICG Briefing, *Nepal: Back to the Gun*, op. cit.

¹¹ *Ibid.*

¹² For further information on Nepal’s ethnic, religious and cultural divisions, see ICG Asia Report N°57, *Nepal: Obstacles to Peace*, 17 June 2003. It details the increasingly forceful assertion of religious and cultural identities by Nepal’s more than 60 caste and ethnic groups and the disproportionate access to justice enjoyed by the minority Bahun-Chhetri and Newar groups.

¹³ *Kantipur*, 3 January 2004.

¹⁴ ICG interview, Kathmandu, 9 November 2003.

A. GUATEMALA

Voluntary Civilian Self-Defence Committees or Civilian Self Defence Patrols (PAC, after the Spanish acronym)¹⁵ were an integral part of the protracted conflict in Guatemala in the 1980s and 1990s. PACs expanded greatly under General Rios Montt, who took power following a 1982 coup. They were comprised of rural indigenous males essentially drafted into a supposedly voluntary local security service. Armed and violent, they were a major source of insecurity throughout the country for over a decade.¹⁶ Violations and atrocities directly attributed to the PACs included massacres of women, children and the elderly,¹⁷ as well as abductions, rapes, threats, illegal tax collection and robberies. The national legal system did not halt the depredations, essentially because those committing them were both the creation of and protected by the armed forces.¹⁸

PACs are also credited with having destroyed the social fabric of indigenous populations in Guatemala by forcing villagers to spy on each other and fostering mistrust among formerly peaceful clansmen; increasing discrimination against indigenous people; and causing economic deprivation by forcing citizens into patrols and away from their productive work. The PACs often included child soldiers because families sent boys to fight rather than the heads of household.¹⁹

The groups have proved to be a persistent problem. In October 2003, eight years after PACs were formally disbanded, former members took hostages in the town of Libertad to demand the government pay them salaries for their work in the 1980s.²⁰ In December 2003 the UN responded positively to a

request from the government to establish a Commission for the Investigation of Illegal Groups and Clandestine Security Organisations in Guatemala (CICIACS) to help end the threat to stability from their reappearance.²¹

B. PERU

In the late 1980s and early 1990s, 4,732 self-defence committees (rondas campesinas) were created in Peru to protect against terrorism, particularly of the Shining Path, and ostensibly against drug trafficking. By 1993 these committees, armed and controlled by the military and security forces, were active in all the major conflict areas.²² They operated with complete impunity, often killing peasants and unarmed civilians whose alleged links with the Shining Path guerrillas were not confirmed. Subsequently, they have been tied to numerous extrajudicial mass executions.²³

Several studies of these committees describe them as contributing to the spiral of violence in Peru, even if aimed initially as a response to the Shining Path.²⁴ The Peruvian army was more successful in tackling the insurgents in the southern Andean regions of Puno and Provincias Altas of Cuzco when the military command adopted strategies that were specifically aimed at protecting civilians rather than targeting them as potential Shining Path. There were also no rondas in this area unlike further north in the country around Apurimac and Ayacucho where violence continued for many years.

C. INDIA

Village Defence Committees have had prominent roles assisting security forces in Jammu and Kashmir since their creation in 1998.²⁵ The

¹⁵ Patrullas de autodefensa civil or comites voluntaries de autodefensa.

¹⁶ "Fourth Report on the Situation of Human Rights in Guatemala", Inter-American Commission on Human Rights, 1993, chapter vi, para. 1. Full report available at www.cidh.oas.org/countryrep/Guatemala93eng/chapter.6.htm.

¹⁷ "Report of the United Nations Secretary General on Civil Defence Forces", submitted to the Commission on Human Rights, Fiftieth Session, Item 11(a), para. 14.

¹⁸ Written statement submitted by human rights advocates to the Commission on Human Rights, Fiftieth Session, Agenda Item 11, "Relationship between civil defence forces and human rights violations – the situation in Guatemala", para. 11.

¹⁹ *Ibid.*, paras. 9, 12, 13, 14, 15, 17.

²⁰ "Cuatro Periodistas de Prensa Libre rehenes de ex PAC demandan pago del Gobierno", *Prensalibre.com* 27 October 2003.

²¹ "Agreement Between the United Nations and the Government of Guatemala for the Establishment of a Commission for the Investigation of Illegal Groups and Clandestine Security Organizations in Guatemala (CICIACS)", signed 7 January 2004. Text available at www.un.org/News/dh/guatemala/ciciacs-eng.pdf.

²² "Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Following his Mission to Peru", 1993.

²³ "Report of the United Nations Secretary General", *op. cit.*

²⁴ "Report on the Situation of Human Rights in Peru", Inter-American Commission on Human Rights, 1993.

²⁵ "J&K Gov't Creates 42 New Village Defence Committees", *The Statesman* (India), 6 October 1998.

program is a good example of the significant danger posed to civilians by groups without proper military or logistical support. Several villages appear to have been targeted by insurgents because of the presence of weak militias, resulting in the deaths of scores of civilians.²⁶ The situation has been exacerbated because the committees lack suitable armament, relying mostly on cast-off Indian Army .303 rifles.²⁷

Since the mid-1990s, Indian security forces have also been using a second type of militia in Jammu and Kashmir: surrendered and captured militants who operate as a state-sponsored counter-insurgency “renegade” force, the best known being Ikhwan-ul Muslimoon (Muslim Brotherhood). Their unofficial status permits them to carry out brutal operations with which the government would not wish to be associated. Their record includes grave human rights abuses, executions, disappearances, torture and illegal detentions.²⁸

The Indian government also used state-sponsored militias during the 1986-1996 conflict with the Khalistan separatist movement in Punjab.²⁹ The former Director General of the Punjab police, Julio Ribeiro, has since discredited the policy he was charged with implementing:

[The militia’s] demands grew to an extent where it was impossible to satisfy them within our resources. Besides, they were very greedy people, with a criminal tendency, who began to prey on law-abiding, rich citizens on the assumption that the police were indebted to them and so would do nothing to stop them.³⁰

²⁶ “Militants Kill 19 in Doda, Poonch”, *The Statesman* (India), 21 July 1999; “Eight Members of Village Defence Force Killed By Militants”, BBC Monitoring, 2 August 2000; “Kashmir Militants Kill Five Village Defence Committee Members”, BBC Monitoring, 7 January 2002.

²⁷ “Ultras’ Guns for Village Guards”, *The Statesman* (India), 7 August 1999.

²⁸ “Behind the Kashmir Conflict: Abuses by Indian Security Forces and Militant Groups Continue”, Human Rights Watch, 1999, available at www.hrw.org/reports/1999/Kashmir/militias.htm.

²⁹ R. Narayan Kumar and A. Singh, “Reduced to Ashes: The Insurgency and Human Rights in Punjab”, South Asia Forum for Human Rights, Kathmandu, 2003, p. 105. Full report available at www.punjabjustice.org.

³⁰ J. Ribeiro, *Bullet for Bullet: My Life as a Police Officer* (Penguin Books, 1998), p. 349.

Another senior Indian police official cautioned that such a policy is unlikely to work unless the groups are closely supervised, and there is a parallel political strategy.³¹ Importantly, he noted that Indian village militias were not established as an alternative to regular police but were accompanied by a strengthened presence of police posts and personnel. In Nepal, however, there do not appear to be parallel plans to re-establish police posts that have been withdrawn during the conflict or to increase the presence of other security forces alongside village militias.

D. OTHERS

While uncontrolled and unaccountable civilian militias have often worsened civil wars and delayed the establishment of peace, some have presented more complex dangers by mutating into terrorist organisations. Jemaah Islamiyah in Indonesia had its origins in various Islamic movements including some supported by the former Suharto government in Jakarta to counter the communist party.³² Turkish Hizbollah, a group once used by Ankara in its fight against the Kurdish PKK, has been linked to recent bombings of Jewish and British targets in Istanbul.³³ Al-Qaeda itself emerged from the international mujahidin groups sponsored by Western and Arab countries to fight against Soviet troops and the Soviet-backed government in Afghanistan. Once unleashed, these organisations have proved very difficult to control.

V. RESPONSES

Reacting to news that the RNA had helped to set up militias in Chulachuli village of Ilam district, the largest circulation Nepali language daily, *Kantipur*, published a hard-hitting editorial on 24 December 2003:

³¹ ICG interview with former Punjab police chief K.P.S. Gill, 16 December 2003.

³² See ICG Asia Report N°43, *Indonesia Backgrounder: How The Jemaah Islamiyah Terrorist Network Operates*, 11 December 2002; ICG Asia Report N°63, *Jemaah Islamiyah in South East Asia: Damaged but Still Dangerous*, 26 August 2003.

³³ “Istanbul bombing suspects handed over to terror court”, *The Independent*, 25 November 2003.

Self-defence is a good thing. But the damage done by arming civilians against armed rebels who are fighting against the state can be avoided if the unintended consequences of such programs are seriously thought out in time. Rather than distribute weapons now and regret it later, steps should be taken after a careful consideration of the consequences. If what the human rights groups are saying about the village and town defence committees is true, then the government must immediately stop the program to arm civilians.

The editorial's conclusion was unequivocal:

If well trained servicemen themselves sometimes lose control when provided with guns, how can we expect little trained, poor, pessimistic villagers to remain under control when armed with guns? This will only take society towards more criminalisation, and the innocent will always have to live under the shadow of the gun.

Many donors are already concerned at the proposals for creating local militias although little information on their implementation has so far reached Kathmandu. "Of course we totally oppose this plan of arming villagers, but we had no idea it is actually being implemented in some villages already", a European diplomat based in Kathmandu told ICG.

The U.S. embassy in Kathmandu released an official statement saying:

The U.S. mission is not providing either material or moral support to the Village Defence Force concept. Our information on this plan remains limited and inconsistent, possibly reflecting a lack of finality in Government of Nepal thinking. While people everywhere have a basic right to self-defence, any such concept organised by a government should conform to recognised international standards, respect human rights, be well organised, and include a well-developed training component.³⁴

Indeed, across the board, international officials remain frustrated by the confusion surrounding the government's handling of the Village Defence Forces

issue, and the government's often contradictory statements regarding the militias has only heightened concerns about their ability to carry out any such plans within the norms of international human rights standards.

In December 2003, a senior European diplomat spoke to ICG on the subject: "While weapons might be part of the solution to bring Maoists to the negotiation table, arming villagers is a recipe for disaster, and despite warning, the RNA has just announced it will implement it in two villages in the Tarai where allegedly local people have been able to 'repel' Maoists".³⁵

An official of an international NGO in Kathmandu was similarly concerned: "Of course distributing weapons to the people is a very dangerous step – you let the genie out of the bottle and cannot put it back".³⁶ When the plans were first announced, Amnesty International wrote to Prime Minister Thapa to express grave concerns at the possible consequences of arming civilians and drawing them further into the conflict. It noted that, "without appropriate supervision, training and clearly defined mechanisms for accountability, there is a clear risk that the creation of these groups could lead to an increase in human rights violations carried out with impunity".³⁷

Although there are legitimate security concerns, civilian militias are not the best way to tackle the Maoist insurgency. Donors should caution the Nepalese government against arming civilians. Governments that support the RNA, in particular the UK, the U.S. and India, should insist that it become more accountable to the Nepalese people and respect its obligations under the Geneva Conventions.³⁸ The

³⁵ ICG interview, Kathmandu, 7 December 2003.

³⁶ ICG interview, Kathmandu, November 2003.

³⁷ "Nepal: Civilians sucked into ongoing conflict", Amnesty International Press Release 11 November 2003 (ASA 31/072/2003).

³⁸ Common Article 3 of the Geneva Conventions states:

"In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

³⁴ Statement from the U.S. Embassy in Kathmandu to ICG 14 February 2004.

government should not in effect subcontract some of its security responsibilities to hard-to-control and poorly trained militias.³⁹

In order to achieve these objectives and end the culture of impunity that has encouraged human rights abuses and so alienated many Nepalese from their government, donors should work to expand civilian and judicial oversight of the armed forces. Essential components of such a strategy include support for:

- human rights education programs for the security forces;
- expanded civil society monitoring and mechanisms for improved civilian oversight of the security forces;
- better access for the International Committee of the Red Cross (ICRC);

- pressure on political and military leaders to establish accountability within the security forces; and
- the Nepal National Human Rights Commission's call for UN experts to assess human rights abuses by both sides in the conflict.⁴⁰

Kathmandu/Brussels, 17 February 2004

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”

³⁹ UN Commission on Human Rights Resolution 1994/67 on Civil Defence Forces spells out standards pertaining to the creation of such forces and recommends the following: “(a) Civil defence forces shall only be deployed for the purpose of self-defence; (b) Recruitment into them shall be voluntary and shall be effectively controlled by public authorities; (c) Public authorities shall supervise their training, arming, discipline and operations; (d) Commanders shall have clear responsibility for their activities; (e) Civil defence forces and their commanders shall be clearly accountable for their activities; (f) Offences involving human rights violations by such forces shall be subject to the jurisdiction of the civilian courts”. Of course, the Maoists are also obliged to abide by the Geneva Conventions or risk future prosecution for war crimes.

⁴⁰ For more details, see Amnesty International release on 20 November 2003 Nepal: “Escalating reports of human rights violations must be examined by United Nations experts” at <http://web.amnesty.org/library/index/engasa310832003>.



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