

**SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE**



Palm wine tapper in Makeni

PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office

as at:

Wednesday, 12 September 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 11 September 2007

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Son of former Liberian president pleads not guilty in torture case: Son of former leader pleads not guilty

South Florida Sun-Sentinel (KRT) September 11--Trapping naked prisoners in a pit with stinging ants. Holding lit cigarettes to their bare flesh. Shocking their genitals. Those were some of the ways Charles McArthur Emmanuel, son of former Liberian president Charles Taylor, tortured his political enemies, according to an eight-count federal indictment returned last week. Emmanuel, a 30-year-old U.S. citizen, pleaded not guilty Monday in Miami federal court to charges he committed those and other acts of torture as head of Liberia's feared Antiterrorism Unit.

LIBERIA: Juvenile justice system in tatters

MONROVIA, 10 September 2007 (IRIN) - A teenager accused of rape, Abraham peers through the rusty bars of his prison cell where he has languished for two months. His wide eyes and childlike manner belie his alleged crime. "I don't like being the youngest," the 14-year-old told IRIN. "Sometimes other prisoners make me do things I don't want to." He said that when he first came he could not sleep at night. "Sometimes because I was frightened and sometimes because there was no space to lie down." He shares a cramped, dirty cell with eight other minors accused of similar crimes. At night they fight over the cell's single foam mattress.

International Clips on West Africa

Early returns give Sierra Leone opposition leader commanding lead

By Susan Njanji

FREETOWN, Sept 11, 2007 (AFP) - Ballots counted in Sierra Leone's presidential run-off indicated a strong early lead Tuesday for opposition leader Ernest Koroma over his rival, outgoing Vice President Solomon Berewa. The National Electoral Commission's first early preliminary results issued late Monday showed Koroma with a wide 29-percent point lead, culled from a fifth of the official returns. With 1,364 of the 6,157 polling stations reporting, Koroma had received 294,498 votes, or 64.3 percent, to Berewa's 163,708 across 10 of 14 districts in an election aimed to turn the page on years of civil conflict and decades of corruption that have ruined the potentially prosperous nation.

Local Media – Newspaper

Lawyers of Former Chairman Want Indictment Dropped

(The Inquirer and The Forum)

- Lawyers representing former Transitional Chairman Gyude Bryant have asked the Criminal Court 'C' to withdraw the indictment against their client.
- In a 13 count bill of information, the defense lawyers argued that the indictment is based on an ECOWAS investigation and has no legal basis under Liberian laws. The lawyers claimed the National Transitional Legislative Assembly's binding resolution did

not authorize the ECOWAS sponsored audit. They maintained that the government has not audited the Gyude Bryant administration and in the absence of such audit there's no case against him.

Government and UNDP Sign US\$1.2 Million Agreement

(Heritage, The Analyst and The Informer)

- The Government of Liberia and the United Nations Development Programme (UNDP) have signed three project documents intended to address women development and participation in the reconciliation process in Liberia.
- The projects valued at US\$1.2 Million will promote the Economic Empowerment of Women in Lofa and Support Women's participation in the TRC process and address Sexual Exploitation, and Abuse and Gender-Based Violence in Liberia. Planning Minister Toga McIntosh and Gender and Development Minister Varbah Gayflor signed on behalf of government while UNDP Country Director, Steven Ursino signed for UNDP.

Ghanaian Envoy Denies Aiding "Bogus" Ghanaian Investor

(The Analyst and The Inquirer)

- Ghana's Ambassador to Liberia, Francis Adu Amanfoh has dismissed media reports that he conspired with an international Ghanaian criminal to dupe Liberians.
- Addressing a news conference on Monday, Ambassador Amanfoh said he would in no way muddle the bilateral ties that have existed between the two countries and said he instead intends to encourage Ghanaian businessmen to invest in the country.
- A local daily reported that the Ambassador allegedly assisted a Ghanaian; Broni Wanbour to leave the country after investigation revealed he had duped several Liberians through an import business he established. He added that the publication in a local daily is an insult to the people of Ghana and President John Kufuor.

House of Senate Cites Auditor-General Morlu

(The Analyst and Heritage)

- The Liberian Senate has cited Auditor General, John Morlu to appear before it today to give reasons why he should not be held in contempt. The Heritage reports that the decision by the Senate to summon Mr. Morlu is based on his alleged failure to adhere to an earlier communication addressed to him by the Senate.

Former Transitional Leader Sick & Alone in the US

(New Democrat)

- Quoting a United States-based newspaper, *New Democrat* reports that the Former Transitional Chairman, David Kpormakpor has been abandoned in the US where he is living alone, ill and counting his days. He ruled from February 28, 1994 to September 2, 1995.
- The Former Chairman is one of those targeted for deportation following the expiration of his Temporary Protective Status (TPS).

Former House Speaker Drops Bribery Allegation against Colleagues

(Heritage and National Chronicle)

- Former House Speaker, Edwin Snowe says he has dropped his bribery claim against some of his legislative colleagues who he accused of receiving US\$5,000 each as bribe to unseat him. *Heritage* quotes Mr. Snowe as saying that his decision to drop the bribery claim was to move the work of the House forward.

Local Media – Radio Veritas *(News monitored today at 9:45 am)*

Government and UNDP Sign Project Agreements

(Also reported on Truth FM, Star and ELBC Radio)

Bryant's Defense Lawyers Ask Court to Nullify Case

(Also reported on Truth FM, Star and ELBC Radio)

International Medical Group Trains Health Workers

- In an interview yesterday, the Manager of the Child Survival Project of the Medical Teams International, Dr. Saye Bawoo said that training for 24 health workers in the areas of case and integrated management of childhood illnesses has started in Grand Cape Mount County.

(Also reported on Truth FM, Star and ELBC Radio)

President Says Mismanagement Ruins Key Port

- During the formal presentation of a warehouse to the Liberia Business Association yesterday, President Ellen Johnson Sirleaf said that mismanagement, mistrust and misapplication of resources have ruined the once viable and economically important Freeport of Monrovia. She added that the restoration and improvement of the Port remain a challenge to the Government as it endeavoured to bring the Port to a level of efficiency and viability.

(Also reported on Truth FM, Star and ELBC Radio)

Opposition Party Calls for a Formidable Democratic Front

- In a statement, the opposition New Deal Movement called on political party leaders in the wake of the death of veteran politician Gabriel Bacchus Mathews, to create a formidable united democratic front in Liberia which would address the long-term leadership crisis that engulfed Liberia.

(Also reported on Truth FM, Star and ELBC Radio)

Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Weah Karpeh at karpeh@un.org.

Agence France Presse

Monday, 10 September 2007

UN sees Liberia progress but urges caution in cutting UN force

UNITED NATIONS (AFP) — The head of the UN mission in Liberia on Friday cited "considerable progress" in the West African country as he outlined a three-year drawdown of the UN contingent there from next month.

The visiting head of the UN mission in Liberia (UNMIL), Alan Doss, gave details of his briefing to the Security Council Thursday on plans to cut the current 14,000 UN troops to 9,000 and the police presence from almost 1,200 to less than 750.

He cited "considerable progress" in the resource-rich but impoverished country and said the drawdown plan, put forward by UN chief Ban Ki-moon last month, "was received with understanding" by the 15-member council.

The council is to consider a draft resolution on the issue soon.

Doss told reporters that the three-stage drawdown would be carried out "with caution" and would be tied to implementation of "some core benchmarks" such as building national security institutions and would take into account the five-yearly presidential and legislative elections due in the country in 2011.

"There was an appreciation (in the council) that we have come a long way in Liberia ... but there's still a lot to do," he said.

"The presence of a robust UN force gives the country led by President Ellen Johnson Sirleaf ... the time and the space to push ahead with the reform program, rebuild the national security institutions and ensure the situation in the broader (West African) sub-region remains positive," he added.

Dubbed the "Iron Lady" of Liberia, Sirleaf faces a tough task to rebuild the country recovering from a bloody 14-year civil war.

On the positive side, Doss noted that Liberia remains stable with UN bans on diamond and timber trading having been lifted and state revenues on the rise.

But he warned against complacency, saying security and high unemployment remained a source of major concern.

He stressed that Liberia still had to overcome "a heavy legacy of strife and violence" and the UN would be careful not to jeopardize the achievements of the last few years by withdrawing from the country too soon.

The UN deployed in Liberia in 2003 after ex-leader Charles Taylor, under mounting international pressure, stepped down from office paving the way for an end to the civil war.

Taylor, 59, is being tried for war crimes by the UN-backed Special Court for Sierra Leone but his trial was moved to The Hague over security concerns.

His trial was adjourned last month until January 7 to give his new lawyers time to prepare.

Once one of Africa's most feared warlords, Taylor has pleaded not guilty to all 11 charges of war crimes and crimes against humanity including murder, rape and using child soldiers during the brutal 1991-2001 civil war in neighboring Sierra Leone.

Voice of America

Tuesday, 11 September 2007

Rwandans Say Reconciliation Achieved by Forgiving, Not Forgetting

By Noel King

Gwesero, Rwanda

Rwanda's 1994 genocide shook the world with images of brutality, as ethnic tensions in the central African nation flared into a frenzy of violence. In a little over three months, an estimated 800,000 ethnic Tutsis and moderate Hutus were murdered. The aggressors were Hutu militias known as interahamwe, as well as many ordinary Rwandans, including women and children. Thirteen years later, Rwandans say there is only one way to move past the horrors of genocide: forgiveness. For VOA, Noel King has this report from Gwesero, Rwanda.

Members of the Nshuti social club are on their way out for an afternoon excursion to Gwesero Lake, north of the Rwandan capital, Kigali.

Club members gather weekly to play sports and work on small development projects around Rwanda. Packed into a cramped bus, they are merry and excited about the trip.

But the group grows silent as the bus approaches a reminder of Rwanda's troubled history. A sign by the lake notes that Gwesero is the only place in Rwanda where no one was killed during the genocide.



Man at the "genocide cemetery" of Kigali, Rwanda (file photo)

Club President Mustafa Uwihorewe reflected on changes in recent years. "In the past years, the government taught us to hate one another, to kill one another," he said. "Nowadays, they're trying to educate us. We're one people. We were fighting for nothing," he said.

The group has both Hutu and Tutsi members, though, like most Rwandans, none of the members identify themselves by ethnicity anymore.

Some members call themselves survivors of the genocide. Some prefer not to talk about it. Almost none will discuss specific memories of April 1994.

Outside of Rwanda, many people wonder how it is possible for Rwandans to forgive one another for the brutal bloodshed that took place.

It seems forgiveness is possible by placing blame not on individuals, but on Rwanda's former government.

Rwandans overwhelmingly pin responsibility for the genocide on the previous Hutu-dominated administration, which incited ethnic tensions between Hutus and Tutsis.

Ambassador Richard Sezibera, Rwanda's special advisor to the Great Lakes Region, he credits a regime change for the progress. "Rwandans have rehabilitated and reconstructed their country. They're involved in a process of national reconciliation. I think the key has been leadership; people-centered, people-conscious leadership that is determined to learn from history but not be tied down by that history," he said.

While many Rwandans say education and dialogue are the best ways to move forward, many more promote intermarriage.

While Hutus and Tutsis always intermarried in Rwanda, now the practice is actively promoted - and increasingly popular.

Of course, no steps could be taken without forgiveness. "We have no choice but to forgive one another. We have no choice but to forgive if we want to live together peacefully," said Josephine Uzayisengo, a member of the Nshuti club and a genocide survivor.

Though Rwandans don't like to be known as a nation of tragedy, they say no good will come of forgetting what happened here.

Consolee Katsenjerwa, another genocide survivor, lost most of her family in 1994. She says her personal motto is a phrase that has great meaning for many here. "We have to forgive but we can't forget," she said.

The Nshuti group will meet again next week. And while they identify themselves simply as a group of friends with a social conscience who like to play sports together, they are also living proof of the progress forged by forgiveness.

Voice of America

Wednesday, 12 September 2007

Uganda's Government Wants Rebels Tried Locally

By Peter Clotney
Washington, D.C.

Uganda's government says it will approach the International Criminal Court (ICC) to drop indictment charges against the top leadership of the rebel Lord's Resistance Army (LRA) if a final peace deal is signed between the government and the rebels. This comes after the government consulted with victims of the more than two decades of rebel insurgency in the north of the country to ascertain which justice mechanism to use to put on trial the rebels accused of human rights abuses. The government also said it expects the accused rebels to submit themselves to local traditional forms of justice after the last item on the agenda of the peace talks is signed.

From the capital, Kampala, Ugandan Defense Minister Ruth Nankabira tells reporter Peter Clotney the government anticipates the accused rebels will be tried locally.

"The peace talks are going very well. And at the end of it all we expect a document where Joseph Kony will commit his men and women, who are in the bush to the Disarmament and Demobilization and Reintegration (DDRR) into the society. We also expect the Ugandan government to enact a law or to make a legislation through parliament that would handle the side of impunity, which the ICC was supposed to handle," Nankabira pointed out.

She said the rebels would have to come under Uganda's jurisdiction to face a local court.

"The ICC indicted Joseph Kony, Vincent Otti and the rest because Uganda could not get those people because they were outside Uganda's jurisdiction. After the peace talks, we expect those people to come back home. Therefore, when they come back home, our courts shall apply the new legislation that parliament would pass. And therefore, the same country that approached the ICC would approach them again to request them to relax or to withdraw the warrants of arrest to enable Uganda to handle the culprits," she said.

Nankabira questioned why the rebels are upset about the ICC issued warrants against their leaders when they know exactly what to do.

"I also heard that Vincent Otti mentioned such a case, but I'm not worried because his team is going on with consultations. If they are not willing to sign the agreement before the warrants of arrest are lifted, why are they then going on with the consultations? Secondly, they have been sensitized on the procedures of ICC and Vincent Otti is aware that it is impossible for the ICC to withdraw the warrants of arrest before any tangible outcome. So the only justification I'm saying is the signing of the agenda item number five on DDRR, and then coming out of the bush, and then report to Uganda. So that the Uganda government can now take over the case," Nankabira noted.

She reiterated conditions under which the government could approach the ICC for the arrest warrants against the rebel leadership to be dropped.

"We can only approach the ICC with something tangible. That is to say, after agenda item number five is signed by Joseph Kony's team in Juba and the government of Uganda's team, that would mean that there would be disarmament and demobilization and re-integration. Then the Uganda laws would handle those people who committed crimes against humanity, mainly those who were indicted, and the others who also committed crimes would also be handled," she said.

Daily News

Monday, 10 September 2007

http://www.defence.lk/new.asp?fname=20070910_02

Military ethics and the responsibility of the soldier

(By Dr. Ruwantissa ABEYRATNE)

A "soldier" in this article refers to any member of a military organization. The question posed by this article is when can a soldier be held responsible for following orders, and for giving them.

The conflict of ideas revolving round this question is between the age old proposition offered by the Greek philosopher Cicero and the similar thinking of the more modern positivist Thomas Hobbes, that the law should attribute the actions of a soldier to his superior and not to the soldier who obeys that authority.

This principle, which seemingly insulates the soldier from any moral remorse for carrying out an unjust or illegal order from his superior officer, does not admit of his having the legal justification or official capacity to disobey his superior's orders.

It is based on the fundamental postulate that the soldier need not feel guilty, however heinous his action, if he were following orders of his superior.

A Subordinate's Dilemma

The dilemma is rooted in Western philosophy, where on the one hand, in the Last Days of Socrates by Plato, Socrates endorses the principle of the legal and moral rigor placed on a subordinate to obey the superior, and on the other hand to the philosophical treatment of the vexing subject in Hollywood movies such as A Few Good Men and Breaker Morant.

The issue has spread its tentacles from Victor Hugo's immortal theme in the Hunchback of Notre Dame to Denzel Washington's more modern tale in Crimson Tide.

Even the legitimacy of Mahatma Gandhi's non violent movement in India and the Rev. Martin Luther King's peaceful civil rights protests in the United States have been impugned as morally reprehensible, triggering rounds of debate over the appropriateness of disobeying the law.

The legal philosophy surrounding this conundrum has also permeated the corporate world in the global economy as was seen in the Enron scandal where the Corporation's chief executive officer offered the defense that he was following the orders of his Board Directors who directed him to devise illicit profit making schemes.

In the corporate world, this argument has been much debated and rejected, particularly when based on the somewhat tendentious imputation that the Board Directors themselves were under implicit orders from the shareholders to make profits for their company, no matter what the circumstances were.

In a later instance, the attorney prosecuting an accountant for making false entries in the WorldCom Corporation argued before the courts that " " just following orders" did not constitute a defense in breaking the law.

In military discipline and persuasion, the question as to whether a soldier could invoke the defense of not being able to do the right thing in the face of his superior's orders to the contrary has been well established by the Nuremberg trials, held at the International Military Tribunal established by the allies after World War II.

The outcome of the trials was the decision handed down by the court that not only nations but individuals are also responsible for war, war crimes and crimes against humanity. The rationale for the rejection of the

superior orders defense is grounded in the fact that responsibility ultimately vests in the individual even if he was under orders.

The Nuremberg principle was emphatically followed by a case in 1950 (the Einsatzgruppen Case) where the United States prosecuted elite military units who, under German influence, rounded up civilians in the Soviet Union and Poland.

The argument adduced to support the prosecution was that the obedience of a soldier is not the obedience of an automation and that the soldier is a reasoning agent.

The argument followed that the fact that a soldier may not, without incurring unfavourable consequences, refuse to drill, salute, exercise, reconnoitre and even go into battle, does mean that he must fulfil every demand made of him.

On the other side is the argument, adduced by one military expert, that during military operations decisions, actions and instructions often have to be instantaneous and do not allow time for discussion or attention by committees.

He further argues that it is vital to the cohesion and control of a military force in dangerous and intolerable circumstances that commanders should be able to give orders and require their subordinates to carry them out.

In this context disobedience in a military environment could mean immediate sanction and court martial.

It is at this juncture that the context of the soldier must be distinguished from that of the civilian who is also required to obey orders, be it from a boss, teacher or a traffic policeman directing the flow of traffic.

In modern, complex military operations where the soldier works in a team often in an acutely stressful environment, could he always be expected to exercise independent judgment in the split second available to him to refuse an order?

This brings to bear the need to set aside rigid conceptualism and consider some compelling and practical problems surrounding the issue.

At the core is the balance required on the one hand between the cardinal principle of military obedience and ensuing liability that might arise in disobeying orders and the psychological and structural contexts that soldiers often find themselves on the other. It is incontrovertible that military training and discipline require obedience and compliance.

It is antithetical and threatening to such a principle if it were to be accommodated by the right to question or disobey.

Military obedience and resistance to illegal orders thus becomes a psychological dilemma that has to be evaluated. At the bottom line therefore lies the question whether the soldier can think for himself in determining whether an order is illegal and whether he could disobey the order irrespective of his military obligation to comply.

Modern military law, which is aligned to the Nuremberg principle, seems to accept the fact that a soldier can and indeed must think for himself, and enforce the rule that an individual can be tried and found guilty as a war criminal irrespective of disciplinary requirements.

Undoubtedly, this could pose a dangerous dilemma to the soldier concerned. When SS Commander General August Schmidhuber was ordered by Adolf Eichmann to kill more than 60,000 Jews in the Budapest Central Ghetto, he had to decide whether to do so and avoid getting shot himself by the Gestapo or heed the threat of Raoul Wallenberg, the humanist who saved thousands of Jews during the war, that if

Scmidthuber carried out the order, Wallenberg would personally see that Scmidthuber was arraigned and executed as a war criminal. Fortunately Wallenberg's threat worked and Scmidthuber desisted.

There are complex issues involved in determining whether an order is illegal or not.

The corporal on the battlefield has only his judgment to go on, as to whether he is doing the right thing and not merely doing things right. He may or may not know that at the core of his determination would lie rules of military service, national constitutional law and international humanitarian law.

Shifting contexts

Shifting contexts and complex military arsenal and technology would add to the difficulty. This is perhaps the reason why Colonel Patrick Finnegan of the United States army, writing to the Military Review in 1996 said: "I know that if I ever go to war again, the first person I am taking is my lawyer".

Responsibility of the Superior Officer Placed squarely on the other side of the issue is the responsibility of the superior officer.

There could be three main distinct instances under which liability of the superior officer could be considered. Firstly when orders are given with regard to the treatment and questioning of prisoners of war, there might well be instances of uncertainty and confusion particularly among young and enthusiastic troops.

The now notorious prison abuses in Abu Ghraib prison involving the United States military is a case in point.

Although the guilt of the perpetrators who were military officers is indubitable and undisputed, there has been considerable confusion as to the rules applicable in such circumstances and lines of command.

Added to these factors might well be inadequate training, boredom and anxiety among troops. The second instance would be on the battlefield when an order is given to carry out a planned attack that takes time to carry out. In such an instance there could be doubts in the minds of the troops as to the enormity of the damage to be caused to innocent civilians.

This involves what is now known as the law of uncertain circumstances that deals with collateral damage and the superior officer's knowledge of such.

An order given by a superior officer might well pose a deep sense of moral awareness in a soldier who would know that if such an order were to be carried out it could result in death to civilians.

This area of humanitarian law also concerns the law of foreseen circumstances when a soldier would know that his actions as ordered would kill a known populace or person.

In such instances a court marshal may have to balance the indiscipline with the moral remorse avoided by the soldier by not carrying out a superior's order. The third instance concerns a spontaneous order given on the battlefield.

This is arguably the most complex as the soldier will have to think on his feet,

Superior officers are often aware that both psychologically and professionally, they have an influence on their subordinates.

Additionally, there are powerful incentives such as elevation in rank and promotion, coupled with loyalty, fears of demotion or retaliation and an abiding sense of teamwork.

The strong chain of command in a military environment often leaves the soldier no choice but to obey commands, whatever their legality or morality might be.

In this context, international criminal tribunals have shown a tendency to enforce command responsibility based on Cicero's principle that a command should be attributed to the commander.

For example, a prison camp commander was found guilty by the International Criminal Tribunal for the former Yugoslavia for acts of murder and torture carried out by his subordinate officers where the court imputed knowledge of such acts to the commander on the basis of the command responsibility doctrine.

However, the above does not detract from the fact that individual responsibility of a subordinate soldier who commits abuses, even if he thought he was following orders, is very much a fact of life, based on the principle that the soldier knew or ought to have known that he was departing from established standards.

The operative principle is that the subordinate is bound only to obey the lawful orders of his superior and if he is found to have carried out an illegal order with intent and malice, he cannot plead the superior orders defense. The question then arises as to whether a soldier can invoke the superior order defense in mitigation.

Both the ad hoc International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone do not accept the superior order defense as an absolute defense but permit it as a mitigatory factor, in compliance with United Nations authorization.

This approach has also been followed in the Statute of the Iraqi Special Tribunal and the Special Panel Established to Hear Serious Crimes in East Timor.

The International Criminal Court has slightly veered from this principle by permitting the superior order defence as absolute if the order given to a subordinate was not manifestly unjust or illegal and that the soldier was unaware that the order was unlawful.

Therefore, it is now considered that there are three conditions under which a soldier charged with war crimes can defend himself from criminal liability: that he was legally obligated to commit the war crimes in question; that he did not know the war crimes so perpetrated were against the law; and that the orders were manifestly not illegal.

These conditions however do not apply to genocide or crimes against humanity.

Compelling need

Military ethics in the field of command responsibility and subordinate responsibility portend complex legal, social and moral issues.

Often the complexity resides in the dichotomy of military discipline: obey orders at all times on the one hand; and do not commit war crimes on the other.

Against this backdrop there arises a compelling need for a more coherent code of ethics for the military - one which clearly accepts the rule that crimes against humanity and genocide must not be condoned and should be punished.

The same code must have insistence on the complete involvement of the entire military in creating a philosophy within the armed forces that would ensure lawful and ethical conduct.

For this to happen, the entirety of society, including the civilian population must participate in the democratic process in assisting the authorities in creating such a culture.