

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



PRESS CLIPPINGS

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

as at:

Tuesday, 14 July 2008

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

Monday, 14 July 2008

Human Rights Commission Trains Chiefs in Kenema

The HRCSL has organized a two training workshop for Paramount chiefs in the eastern region at the pastoral center in Kenema.

The training session according to Commissioner Yasmin Jusu Sheriff is to build the capacity of traditional leaders on human right issues. She maintained that the Human Rights Commission in Sierra Leone is funded by the United Nations Peace building Fund to help promote and protect the rights of individuals in post war Sierra Leone.

Commissioner Yasmin Jusu Sheriff added that the training will introduce the traditional leaders to some Human Rights approaches so that they too can work together in promoting Human Rights issues in their communities.

The Chairman of the session Madam Elizabeth Turay who is also the AIG East said series of Human Rights violation have been recorded and noted that such training will go a long way in addressing most of the violations.

She added that the training of the chiefs was necessary as many of the incidents of violation occur within their communities. The Regional Human Rights Commissioner Joseph Conteh told the audience that chiefs are very much important in the fight to promote and protect Human Rights issues. Joseph Conteh emphasized that giving greater understanding to traditional leaders on Human Rights issues will build the foundation in ensuring that the rights of people are protected.

Mr. Conteh maintained that every right goes with a responsibility, and therefore called on all to protect the rights of others and take cognisance of their responsibilities as responsible citizens.

Associated Press

Sunday, 13 July 2008

Officials find cocaine-filled plane ditched at Sierra Leone airport

FREETOWN, Sierra Leone: A passenger plane loaded with 1,540 pounds of cocaine was found abandoned at Sierra Leone's main airport Sunday, police said.

Airport officials discovered the craft, which was registered to a South American country, along with a handful of guns apparently left behind by a two-man crew before dawn, said Francis Munu, a police official in the capital.

Munu said police had organized a search party to try to find the pilots of the plane.

With cocaine prices in Europe surging ahead of prices in the United States, drug smugglers in South America are increasingly ferrying cocaine to West Africa, from where it is parceled out to hundreds of individual traffickers who carry it north.

Major seizures have been made in Guinea-Bissau and Ghana, and it is widely believed that other countries along the coast are also being used by drug runners.

Reuters

Sunday, 13 July 2008

Sierra Leone seizes 700 kg of cocaine at airport

By Katrina Manson

FREETOWN, July 13 (Reuters) - Sierra Leone made its biggest catch of cocaine on Sunday when it seized 700 kg (1,545 lbs) of the drug on a plane which landed at Lungi international airport, a senior official said.

Impoverished West Africa, with its unguarded coastline and sparsely populated interior, has become an important trafficking route for Latin American drug runners into lucrative European markets.

"It's the biggest catch ever, we weighed the stuff and it is about 700 kilograms," Assistant Inspector General in charge of crime services Francis Munu told Reuters.

"It's worth around 35 million dollars in street value in New York, according to a UNODC estimate," Munu said, referring to the United Nations Office on Drugs and Crime.

Munu also said that the police found five automatic rifles and 350 rounds of ammunition on the plane.

Information Minister Ibrahim Kargbo said both members of the plane's crew had fled.

"It is not yet clear whether they were merely making a transition for fuel or whether they came to land and make a deposit," he said.

Cocaine smuggling is the single biggest threat to Sierra Leone in the next five to 10 years, a senior security source told Reuters last month.

Colombian cocaine cartels started shipping the drug through West Africa a few years ago because their direct routes to U.S. and European markets were being blocked by anti-narcotics agencies.

UNODC executive director Antonio Maria Costa urged the international community earlier this week to act quickly to stop powerful drug-trafficking cartels taking over ancient trading routes in West Africa and the Sahel.

Cocaine use is on the rise in Europe, according to the European Monitoring Centre for Drugs and Drug Addiction, which said in its latest annual report that at least 4.5 million Europeans used cocaine in 2006, up from 3.5 million in 2005. (Additional reporting by Christo Johnson; Writing by Ingrid Melander; Editing by Charles Dick)

UNMIL Public Information Office Complete Media Summaries 11 July 2008

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

Newspaper Summary

Opposition Politician arrested for being in Possession of Illegal Firearm

(The Inquirer, The Informer, New Liberian, New Democrat, The Analyst)

- The Secretary General of the opposition National Patriotic Party, John Francis Whitfield, was arrested on Thursday for allegedly being in possession of a firearm. Mr. Whitfield reportedly told a local radio station recently that he was in possession of a firearm for self-defense in the wake of an upsurge in armed robbery in the country.
- The Analyst newspaper reports that police in Monrovia yesterday picked up the NPP Secretary General hours after he had challenged security forces in the country saying he would not surrender his weapon to them. The New Liberia says it is not clear whether Mr. Whitfield legally acquired the gun or whether the arm was registered with government.

Armed Robbers Hit Again - Shooting in Paynesville

(The Informer, The News)

- A group of armed robbers on Wednesday night reportedly attacked the commercial district of Paynesville. The robbers attacked the residents and made away with several valuables and unspecified amount of United States and Liberian dollars.
- According to residents of Joe-Bar Community, the criminals armed with cutlasses and pistols stormed several residential areas and business institutions including the Okanfee Mini Mart. The mini mart is situated adjacent the Police Depart.
- A businesswoman in Joe-Bar, who begs not to be named for fear of her own security, said the unknown men at about 11 p.m. rushed into the Okanfee Mini Mart and forcefully took away the entire proceeds for the day. She said the robbers held workers and some customers at gunpoint prior to executing the crime. The businesswoman has meanwhile expressed disappointment over government's inability to fight crimes, especially Wednesday night incident which took place near the Zone Four Police Depart.

Court Rejects Blah's Request for More Time

(The News, The Inquirer, Daily Observer, Heritage)

- The Civil Law Court at the Temple of Justice in Monrovia yesterday denied the motion for an enlargement of time, filed by defense lawyers of former president of Liberia, Moses Z. Blah, in the US\$4.5 million libel suit brought against him by former Maritime Commissioner Benoni Urey.
- The News newspaper said lawyers for Mr. Blah had requested 60 days to enable them gather sufficient evidence but the Presiding Judge Yusuf Kaba denied the motion and requested that the former President appear in court to answer to charges brought against him.
- Recently, lawyers representing Mr. Urey filed an action for damages against Blah for testimonies he made before the United Nations Special Court sitting in The Hague. The Heritage newspaper reports that the former Maritime Commissioner accused former President Blah of providing false information to the court that has caused him physical and psychological damages ranging from enormous and unbearable financial losses.

Kaine's Lawyer Sees Conspiracy

(The Inquirer)

- The Lead Counsel for Senator Kaine, Cllr. Francis Garlawolo says there is a conspiracy against his client, saying he is being targeted by political figures interested in his position.
- The on-going preliminary into the recent massacre in Margibi County will continue Friday with the second state witness facing cross examination from the defense. The State's second witness, Emmanuel Cooper ended his testimony in the case on Wednesday linking defendant Roland Kaine to the killing of the victims. Cooper said via mobile phone Senator Kaine ordered them to "do anything" with four men captured on the disputed farmland in Timour which he understood as kill them.
- Earlier, Mr. Gibson Kpangbah, the first state witness stated that at nearly every point, witness Cooper was in conversation with the Senator and the he was aware of everything they were doing in the bush.

President Sirleaf Addresses Mandela Lecture Tomorrow

(The Analyst, The News, The Informer, Daily Observer)

- Reports from South Africa say President Ellen Johnson Sirleaf will tomorrow address the 6th Nelson Mandela Annual Lecture Series at the Walter Sisulu Square in Soweto. The Analyst quoting a dispatch from South Africa said the President and delegation were met upon arrival at the Oliver Tambo International Airport by officials of the Liberian Embassy, headed by Ambassador Lois Brutus as well as Executives of the Nelson Mandela Foundation.
- The President will also participate in the 90th birth anniversary of the former South African President. While in that part of the world, the Liberian leader will also pay a two day state visit to the Republic of Namibia to discuss a possible assistance to Liberia in developing the fishing industry.

Defense Ministry Honours Ambassador Booth

(The Analyst, National Chronicle, The Inquirer)

- The outgoing United States Ambassador to Liberia, Ambassador Donald Booth says much needs to be done in order to achieve the strong security institution that Liberia needs. Ambassador Booth however assured the country that at the end of the series of military training sessions that are ongoing, the Armed Forces of Liberia (AFL) will be stronger than what it was. He spoke yesterday when he was honoured by the Ministry of National Defense in Monrovia. Earlier, Defense Minister, Brownie Samukai praised the Ambassador for his tireless effort in helping to restructure the AFL and other security agencies in the country.

Bong Citizens Resolved Land Dispute

(The News)

- Citizens of Dankpansue in Bong County have resolved a land dispute between them and Mr. Ernest Dennis, over the ownership of a rubber plantation in the area. The Chief Mediator in the land dispute, Mr. Momo Tehmeh said the confusion started when Mr. Dennis decided to extend his rubber plantation on 2,200 acres of land in Dankpansue Town which he (Dennis) claimed belongs to him.
- Speaking Wednesday at a joint news conference in Monrovia, Mr. Tehmeh said following the confusion, he and other stakeholders decided to intervene to resolve the conflict. He said after several weeks of negotiation, the citizens and Mr. Dennis agreed in principle to resolve the dispute.

Radio Summary

Star Radio *(News culled today from website at 8:35 am)*

NPP Secretary General Arrested for "Illegal" Possession of Firearm

(Also reported on Truth F.M. and ELBC)

House to Hold Special Session Today

- The House of Representatives will convene a Special Session today to discuss issues of national interest including proposed legislations before the Body and other matters on the Speaker's desk.
- House spokesman, Isaac Redd said the House will discuss the draft Land Commission Act and the proposed 2008/2009 National Budget.
- The Special Session called by the House comes as the Legislature is preparing to close on July 31 for its annual Agriculture break.

(Also reported on Truth F.M. and ELBC)

BIN Boss Falls Victim to Armed Robbers

- The Bureau of Immigration and Naturalization has reported an attack on the convoy of Immigration Commissioner, Colonel Chris Massaquoi in Sinkor.
- In an interview, an aide to the Commissioner said eight men armed with various objects attacked the commissioner's convoy before being overpowered by his bodyguards.

Regional Forums to Discuss Post-War Energy

- The Ministry of Lands, Mines and Energy has organized a series of regional forums to discuss the provision of affordable reliable and sustainable energy services to all parts of the country.
- The first forum will convene on Saturday for three days in Zwedru, Grand Gedeh County, with Sinoe, Maryland, River Gee and Grand Kru Counties coming together.
- A statement from the ministry said phase two would start July 19 in Gbarnga, Bong County with participants coming from Grand Bassa, Rivercess, Lofa and Nimba Counties.
- The last forum will be held in Monrovia for the western region including Margibi, Bomi, Grand Cape Mount, Gbarpolu and Montserrado Counties.

Today is World Population Day

- Today, Friday July 11, is World Population Day.
- The Population Policy Coordination Unit of the Planning Ministry said programmes in commemoration of the day would be held in Kakata, Margibi County.
- The global theme of this year's celebration is "It is a right, Let's make it real" while the national theme is "Family Planning is a right; Let's make it real".

BBC

Monday, 14 July 2008

Sudan braces for ICC charges' impact

The prosecutor of the International Criminal Court, Luis Moreno-Ocampo, is due to unveil the latest charges arising from his investigation into war crimes in Sudan's western Darfur region.

The BBC's Laura Trevelyan at The Hague says it is widely expected that the prosecutor will name President Omar al-Bashir as a suspect.

The stage is set for an epic confrontation to unfold, pitting a prosecutor against a president, and the interests of justice against those of peace.

Diplomats and senior UN officials expect Mr Moreno-Ocampo to seek an arrest warrant for President Bashir, accusing him of committing war crimes, crimes against humanity and genocide.

This will be the first time the court has been presented with a case against a sitting head of state. Judges in the pre-trial chamber are expected to take at least six weeks before deciding whether to issue an arrest warrant.

Sudan's government does not recognise the court and last year refused to hand over two suspects, including a minister accused of committing war crimes by the prosecutor.

'Disastrous' move

Even before the charges have been announced, the political fallout has begun.

Sudan's permanent representative to the UN, Abdalmahmood Abdalhaleem Mohamad, told me that this would be disastrous for the security and stability of the country.

He said the government condemned in the strongest possible terms the move by what he described as "this criminal Ocampo".

Diplomatic sources tell the BBC that Sudan wants the work of the prosecutor to be suspended by the UN Security Council, which originally asked Mr Moreno-Ocampo to investigate crimes in Darfur.

Khartoum could lobby China, Russia and South Africa for support.

Those countries might all agree that the prosecutor's work is not helping the already fragile situation in Darfur, and believe in principle that trying to arrest a head of state constitutes interference in the affairs of a sovereign nation.



There are fears the situation could deteriorate further in the region



Sudan says an indictment would harm any prospects of peace

However, Western diplomats say it would be hard for any of the 106 nations that recognise the court to stop the prosecutor from doing his job, since that would undermine its very creation.

Fears of retaliation

Unease over the implications of all this are widespread.

Alex de Waal from the Social Science Research Council in New York told the BBC that pursuing justice in the absence of having achieved peace and stability is a very risky one.

While Mr de Waal says there is no doubt that President Bashir has been a repressive leader, he questions whether it is wise to indict him while he is still in power, as it might actually make things worse for the Sudanese people.

Senior UN officials are concerned about retaliatory attacks against the fragile joint UN-African Union Mission in Darfur (Unamid), whose troops Sudan fears could be used to arrest those indicted by the ICC.

UN officials are also worried about the impact this could have on the situation in southern Sudan, fearing anti-government groups in the south and the west will be emboldened if they perceive the president as having been weakened.

However, Richard Dicker of New York-based Human Rights Watch told the BBC that the expected request for an arrest warrant for Mr Bashir was a major step in limiting impunity for the horrific acts committed against the people of Darfur since 2003.

Mr Dicker said that this would send the message that no-one was above the law.

The request by the ICC prosecutor to arrest a sitting head of state would generate intense debate, but it was crucial to bring justice to the people of Darfur, he added.

The Wall Street Journal

Monday, 14 July 2008

Sudan President to Face Darfur Charges

Move Could Incite
More Violent Acts;
Tough Path to Trial
By CHARLES FORELLE
July 14, 2008; Page A11

BRUSSELS -- The chief prosecutor of the International Criminal Court is expected Monday to charge Sudanese President Omar al-Bashir with crimes against humanity for allegedly directing the campaign of rape and murder that has plagued the Darfur region for five years.

Aid groups and others say the move will test the effectiveness of the six-year-old court as well as the resolve of the international community to bring Mr. Bashir to trial and address a conflict the U.S. has called genocide.

A person familiar with the matter confirmed that the chief prosecutor, Luis Moreno-Ocampo, plans to bring the charges Monday, but it remained unclear whether he will move against others as well. A spokeswoman for Mr. Moreno-Ocampo declined to comment.

The charges, which would come as the result of an investigation requested by the United Nations Security Council, could also complicate U.N. peacekeeping missions in Sudan. Critics have long said such prosecutions risk inciting additional violence, though many human-rights groups support them.

The prosecution of Mr. Bashir "just forces the international community to act," said David Crane, who as the chief prosecutor of a special international tribunal for Sierra Leone indicted Liberian President Charles Taylor for crimes against humanity and war crimes in 2003. "You can't ignore an indictment."

The Darfur situation recalls Mr. Crane's decision to move on Mr. Taylor at a time when diplomats were still trying to end fighting in Sierra Leone and Liberia. Today, Mr. Crane notes, Mr. Taylor is in custody and Liberia has a democratically elected president. Mr. Crane supports indicting Mr. Bashir now, rather than waiting for a resolution of the conflict.

"For over five years now we have been trying to, quote, peacefully affect the outcome in Sudan and stop the killing," Mr. Crane said. "And it just hasn't happened."

The formation of the ICC, based in The Hague, reflected the desire of much of the world to put more emphasis on justice by establishing a permanent, independent body that doesn't owe fealty to political and diplomatic concerns. Besides Darfur, the ICC has active cases in the Democratic Republic of the Congo, the Central African Republic and Uganda. A separate U.N. tribunal has long been trying cases related to the wars in former Yugoslavia.

Getting Mr. Bashir to trial in The Hague won't be easy because the court has no police force. Countries would be obliged to turn him over, but the U.N. peacekeeping missions in the region aren't charged with apprehending fugitives.

An ICC indictment would restrict Mr. Bashir's travel and could "curtail his ability to commit more crimes," says Dismas Nkunda, chairman of the aid-group coalition Darfur Consortium in Kampala, Uganda. But he also says that Mr. Bashir has the financial and political means to stay put and ignore the court. Sudan, like the U.S., hasn't signed up to the ICC.

Last year, the ICC charged two other people with Darfur-related war crimes: Ahmad Harun, a Sudanese government minister, and a militia leader known as Ali Kushayb. Neither has been turned over to the court.

Sudan officials and members of Mr. Bashir's ruling National Congress Party responded angrily over the weekend after the Washington Post reported Friday that the president would be charged with genocide and other crimes.

Thousands of Sudanese rallied in support of Mr. Bashir Sunday, snarling traffic in the Sudan capital, Khartoum. A statement from the ruling party, carried on state television, called the expected indictment "irresponsible, cheap political blackmail" that would bring "more violence and blood" to Darfur, according to wire-service reports.

-- Jess Bravin in Washington contributed to this article.

New York Times
Monday, 14 July 2008

Sudanese Protest War Crimes Case Against President at Scripted Rally in Capital

By LYDIA POLGREEN

DAKAR, Senegal — Thousands of people took to the streets of Sudan's tense capital on Sunday in a carefully choreographed protest against the expected request by the International Criminal Court to arrest President Omar Hassan al-Bashir on war crimes charges.

Students and members of the ruling National Congress Party were bused to the center of the capital, Khartoum, where they waved banners denouncing the international court and the United Nations.

Sudanese officials said cabinet ministers held an emergency meeting to discuss how to respond to the request, expected on Monday, for the arrest of Mr. Bashir, who has ruled Sudan since taking power in a military coup nearly 20 years ago.

Sudan's state-run television station broadcast a statement from the National Congress Party saying that the court's actions would cause "more violence and blood" in Darfur, The Associated Press reported.

The chief prosecutor of the International Criminal Court, Luis Moreno-Ocampo, plans to ask that an arrest warrant be issued for Mr. Bashir, according to United Nations officials who have been briefed on his plans.

There is rising alarm in diplomatic circles, though, that charges against Mr. Bashir could jeopardize the vast aid and peacekeeping efforts in Darfur and undermine attempts to find a political settlement to end the crisis.

After being briefed on the prosecutor's case on Friday, the African Union's Peace and Security Council issued a statement expressing its "strong conviction that the search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace," and "reiterated the A.U.'s concern with the misuse of indictments against African leaders."

Andrew S. Natsios, the former United States envoy to Sudan, bluntly condemned the prosecutor's plans on the blog Making Sense of Darfur, which is published by the Social Science Research Council.

"Without a political settlement, Sudan may go the way of Somalia, pre-genocide Rwanda or the Democratic Republic of the Congo: a real potential for widespread atrocities and bloodshed as those in power seek to keep it at any cost because of the alternatives," he wrote. "This indictment may well shut off the last remaining hope for a peaceful settlement for the country."

Khartoum was relatively calm on Sunday despite the protests, which were tightly scripted and not violent. Embassies and aid organizations urged their workers to stock up on food and water, and some evacuated workers from Darfur.

United Nations officials struggled to find ways to protect the roughly 9,000 peacekeeping troops in the Darfur region. Originally sent to protect civilians from the cataclysmic violence — 300,000 people have died, according to the United Nations, and 2.5 million have fled their homes — the peacekeepers have found themselves increasingly in the crosshairs of the rising chaos in the region.

“People are afraid,” a senior peacekeeping official in Darfur said in a telephone interview. “Anything can happen.”

Ban Ki-moon, secretary general of the United Nations, called Mr. Bashir on Saturday to express concern about the safety of United Nations personnel in Sudan and to stress that the work of the court was independent from the rest of the United Nations, his office said in a statement.

The secretary general also said he was “gravely concerned about the scale and brutality” of a brazen attack on a convoy of peacekeepers returning from a patrol to investigate reports of atrocities committed by a government-allied rebel group in Darfur.

The attack, which left seven peacekeepers dead, was unusual in its coordination and sophistication, according to peacekeeping officials, involving heavy weapons and tactics that require serious military training. That has led some officials to suspect that Sudanese government-trained militias were behind the ambush.

Ali al-Sadig, a government spokesman, said Sudan’s government condemned the attack, adding that evidence investigators had gathered pointed to one of the rebel factions in Darfur.

The peacekeeping force in Darfur, a joint operation of the United Nations and the African Union, could be a prime target of violence and government anger after the announcement by Mr. Moreno-Ocampo, the prosecutor. Already strained by the deteriorating security in Darfur, the force could collapse, United Nations officials said.

“We are a consent-based organization, and if consent is withdrawn, you are looking at a radically different and terrifying situation for the people on the ground,” said one official at the Department of Peacekeeping Operations in New York, speaking anonymously because he was not authorized to speak publicly.

Anti-genocide and human rights advocates have cheered the decision to request charges against Mr. Bashir, calling it a victory in the battle against impunity. They point out that similar objections, that war crimes charges would hinder peace, were raised in other such cases, including when international courts charged leaders with committing war crimes in Sierra Leone and the former Yugoslavia.

Hussein Abu Shartai, a spokesman for displaced Darfurians living in Kalma, one of the region’s largest and most volatile camps, praised the prosecutor, calling the request for an arrest warrant “the moment we have all been waiting for.”

There were intense consultations at the United Nations on Friday among Security Council members, including Russia and China, which oppose the indictment, and others, including the United States, that say the indictment should be allowed to proceed.

The Sudanese ambassador, Abdalmahmood Abdalhaleem Mohamad, said Friday that Sudan would ignore any court action because it was not a member of the court.

“It is a criminal and destabilizing move,” he said. “How is the U.N. going to deal with an indicted president?”

Neil MacFarquhar contributed reporting from the United Nations, and an employee of The New York Times from Khartoum, Sudan.

The Times

Saturday, 12 July 2008

Opinion

Charges for Omar al-Bashir would be justice

Adam LeBor: Analysis

Whenever the international community becomes involved in resolving a conflict it fractures along familiar lines: between those seeking peace and those seeking justice. The peacekeepers argue that the priority is to stop the fighting, the justice seekers insist that politicians and their warlords must be called to account for their crimes.

The likely indictment on Monday by the International Criminal Court (ICC) of Omar al-Bashir, the President of Sudan, is a decisive victory for the latter.

Mr al-Bashir will be the first head of state to be indicted by the ICC, but the third in recent years to be indicted by an international court.

There are some lessons to be drawn from these precedents. In May 1999 the United Nations' International Criminal Tribunal for the Former Yugoslavia indicted Slobodan Milosevic, then Serbian President, on war crimes charges for atrocities carried out by Serbian forces in Kosovo.

Related Links

In March 2003 Charles Taylor, President of Liberia, was indicted on war crimes charges by the Special Court for Sierra Leone.

Milosevic contemptuously dismissed the tribunal's indictment, just as Mr al-Bashir has pledged that no Sudanese would ever be surrendered to the ICC. But in October 2000 Milosevic fell from power. He was arrested in 2001 and sent to the tribunal. In February 2002 he found himself standing in the dock. In March 2006 he died in his cell, his trial unfinished.

Despite his indictment, Charles Taylor was allowed to leave Liberia in summer 2003 for exile in Nigeria. In 2006 he was arrested there, and sent to The Hague, where he is now being tried by the Special Court for Sierra Leone.

The key lessons of Milosevic and Taylor, indeed any trial of a head of state, reaching back to that of Charles I and Louis XVI, is that leaders stand in the dock only when they are deposed, by domestic or international efforts or by a combination of both.

For international criminal justice comes at a cost: the erosion of national sovereignty. It's notable that despite intermittent interference from Sudan's neighbours, the five-year Darfur conflict has remained primarily domestic, fought by Sudanese rebels against Sudanese government forces and its murderous paramilitaries known as the Janjawid. Sudan has not even ratified the statutes of the ICC.

Nevertheless, its head of state will join Ahmad Harun, the Sudanese Minister for Humanitarian Affairs, and Ali Kushayb, a Janjawid leader, on the ICC's most-wanted list.

Milosevic was brought down in a one-day uprising organised in part by Otpor, the Serbian youth civil resistance movement, and in part by Western intelligence services. Behind-the-scenes deals were made

with the Yugoslav Army and Serbian police and intelligence services, so that when Milosevic called for them to take control, they would not act.

Crucially, a new pro-Western democratic government was ready to take power. In Liberia Western-backed rebels fought their way to the capital, forcing Taylor to leave. The situation is very different in Sudan. There is little appetite in the West for regime change. Yet the Milosevic case could still prove relevant for Sudan.

Despite Khartoum's bluster, indictments by international criminal courts do focus minds. The prospect of long prison sentences encourages former allies to turn on each other, and make behind-the-scenes deals with prosecutors, as happened in Serbia. The regime in Khartoum is fractious and nervous. Like Yugoslavia, Sudan is collapsing. Mr al-Bashir knows that his greatest enemies are not in The Hague, but near by in Khartoum.

Adam LeBor is the author of *Complicity with Evil: The UN in the Age of Modern Genocide*.

Voice of America

Monday, 14 July 2008

Human Rights Activist Welcomes Possible Indictments of Sudan's President and Others

By James Butty
Washington, D.C.

The International Criminal Court (ICC), based in The Hague, is expected to indict President Omar al-Bashir and other top Sudanese officials as soon as Monday for war crimes committed in Sudan's Darfur region over the last five years. But Sudan has said an ICC indictments against its top officials could undermine attempts to end the Darfur conflict.

The African Union says the search for justice should be pursued in a way that does not jeopardize peace efforts in the region. President al-Bashir held an emergency Cabinet meeting Sunday to discuss the situation.

Richard Dicker is director of the International Justice Program for the New York-based Human Rights Watch. He told VOA that if the prosecutor does request an indictment of President al-Bashir today, it would mark a significant step to ending impunity for the horrific crimes that have occurred in Darfur.

"I think it sends a message that no one is above the law or beyond the reach of law for the mass slaughter of civilians in and the use of rape as a weapon and forced enslavement in Darfur," he said.

Sudan has said an ICC indictments against its top officials could undermine attempts to end the Darfur conflict. But Dicker said Sudan has used such this threat in the past.

"The Sudanese, long before the president was charged with crimes, had been saying that an investigation and charges against the Janjaweed leader and the minister for humanitarian affairs would be disrupted. So I don't put any stock in what the Sudanese say because they have tried to deflect criminal charges by using the peace talks as a shield," Dicker said.

On the other hand, Dicker said he would not dismiss the concerns of those who believe that any indictments would impact the peace process or attacks on the civilians or UN and African Union peacekeepers because of the track record of the Sudanese government since 2003 in attacking innocent civilians.

He hoped the Sudanese authorities would understand their international obligation by not attacking civilians and UN peacekeepers or interfere with humanitarian assistance.

Dicker said the ICC is not exclusively targeting alleged African war criminals as some have suggested.

"I was there in June of 2001 when the former Serbia President Slobodan Milosevic was transferred for trial before another international tribunal. I also remember when the former president of Chile, Augusto Pinochet was taken into custody in London in 1998 by British authorities for an arrest warrant issued by the government of Spain. Unfortunately Africa has been a scene of concentration of these kinds of crimes to the point where three African governments have asked the prosecutor to investigate," he said.

Dicker said the ICC prosecutor is also looking at crimes in Afghanistan and Colombia, South Africa.

He said even though the people of Darfur are starving, their suffering cannot be compared to the human rights violations that are being committed by the Sudanese government and its Janjaweed allies.

Daily Nation (Kenya)

Sunday, 13 July 2008

Truth Commission: Healing or bruising the nation?

Story by DAVID MUGONYI

Kenya faces a crucial test to find the truth and reconcile compatriots torn apart following the post-election violence. But even before that gets underway, fault lines are evident between the two main parties in last year's General Election.



Participants at a public hearing session by the Independent Review Commission in Nakuru.
Photo/FILE

The suspicious fight over claims of corruption in the cabinet between PNU and ODM leaders has injured the grand coalition and respective party supporters.

This compounded with a flawed law on the Truth, Justice and Reconciliation Commission, scholars, human rights officers and lawyers led by Prof Makau Mutua argue is likely to undermine the commission's efforts to find the truth and reconcile communities.

Interviews with experts on human rights issues reveal the timing of such a commission was not right, considering the political climate in the country.

Additionally, the emotive issue of amnesty for suspected perpetrators of the violence and also the divided partners in the coalition government, is likely to negatively impact the commission. Already, the government's effort to resettle victims of the violence has been dogged by problems of the country's fractious ethnic arrangement.

And renewed animosity between supporters of ODM and PNU at the ongoing hearings by the Independent Review Commission on post election violence led by retired South African judge Johann Kriegler appears to be a precursor to what the truth commission could face, says Ms Betty Murungi, a human rights activist.

Lack of implementation

Although most Truth and Reconciliation Commission's works have been praised, experiences from Sierra Leone, South Africa, Ghana, Democratic Republic of Congo and Liberia show that they have not been as successful as popularly thought.

The main problems in these countries, and which are likely to affect Kenya's process, include lack of implementation of the recommendations especially reparations to victims, which leaves the notion that they are tools to whitewash and clear perpetrators.

According to Law Society of Kenya chairman Okong'o Omogeni, Prof Mutua and Ms Murungi, Kenya is likely to falter and repeat these mistakes. The argument is that its proposed law on the truth commission is inadequate.

Their views are also shared by Central Imenti MP Gitobu Imanyara, former LSK chairman Ahmednassir Abdullahi and former chairman of the Parliamentary committee on the Administration of Justice and Legal Affairs Paul Muite.

Outgoing Kenya National Commission on Human Rights chairman Maina Kiai and his successor Florence Jaoko also hold the same views.

They argue that if the truth commission law is not amended, the country would be accepting a stage-managed process designed to sanitise criminals. Ms Murungi says: "The truth commissions should be victim centred. The victims should not only be compensated but supported as well."

Dr Kiai, Mr Omogeni and Mr Muite argue that the thrust of the truth commission law as currently drawn tends to lean on the issue of amnesty of the perpetrators ignoring the rights of victims.

According to Mr Muite: "The design of our law and motivation is amnesty while rights and compensation of victims is being given scant attention."

Seven pages

He points out that the Bill devotes seven pages to the issue of amnesty and a single page to the issues of reparation and rehabilitation. Prof Mutua says the focus on post-election violence will preoccupy the commission with emotive issues clouding other major crimes.

South Africa's truth commission is deemed to have failed because it did not fully compensate victims as proposed while in Sierra Leone, although a victim's fund was set up for survivors, women were not compensated.

In Rwanda, (although it was not called a truth commission) it failed because most victims felt perpetrators cheated their way out of jails to do community service. And in South Africa, perpetrators cleverly couched their statements to qualify for reparation and secure amnesty.

Kenya's record of failing to implement recommendations of commissions and task forces, to protect political interests, is likely to affect the work of not only the truth commission but also other bodies set up to investigate post-election violence.

Ms Murungi, Prof Mutua, Dr Kiai, Mr Imanyara and Mr Muite say several reports of commissions that were formed to investigate various crimes in the country are lying unimplemented.

They gave examples of the Akiwumi and Kiliku commissions which investigated land clashes in 1992 and 1997, the Goldenberg Commission of Inquiry and the recent Ndung'u commission on land grabbing.

Above all, failure by the government to form a truth commission as proposed by Prof Mutua's task force in 2003 when the climate was conducive points to lack of political will. The grand coalition government agreed to form a truth commission in line with recommendations by the Kofi Annan-led mediation team.

Mr Omogeni, Mr Muite, Mr Abdullahi and Dr Kiai say only a clear commitment by the government beforehand to implement recommendations and follow-up could salvage hope in the commission.

Similar views have been expressed by Mr George Wachira, a senior researcher and policy advisor who is the immediate former executive director of NPI-Africa, and researcher Prisca Kamungi.

Mr Wachira and Ms Kamungi propose that the truth commission Act should make provisions for an independent follow-up mechanism with a clear mandate to spearhead the implementation of the truth commission's recommendations.

Similar views

Mr Wachira and Ms Kamungi warn: "Kenya has to weigh carefully what the primary purpose of the truth commission is to be. Past truth commissions have been expected to deliver on 'justice' - variously assumed to mean compensation for victims, prosecution of perpetrators, resettlement, land re-allocation, psychological counselling, physical rehabilitation and return of stolen wealth."

The two say that evidence from post-truth commission countries in Africa, and from Kenya, shows expectations of material compensation as the greatest motivation for people's participation.

However, reparation programmes in each of the post-truth commission countries have proceeded with minimum success due to inadequate resources or waning political will after the truth commission.

"In South Africa, the compensation amounts paid are only a fraction of what the truth commission recommended. Due to this failure, the phrase 'a waste of time' has been used repeatedly to appraise the impact of the truth commission in Ghana, Liberia and Sierra Leone, and in South Africa many say that, in retrospect, the truth commission was a hoax, a tool to hoodwink the nation into allowing the beneficiaries of apartheid to keep what they had without organised resistance," they add.

LSK also shares similar views that the truth commission is unlikely to add value to the quest for truth and justice, unless it has the power to enforce the implementation of recommendations of its findings and those of earlier bodies.

And this is why Human Rights Watch Africa director, Georgette Gagnon says the independence of the commission is severely compromised in the current draft because it gives the minister for Justice and Constitutional Affairs the power to scrutinise and approve the commission's expenses, allowances, and budget thereby giving the government control over its activities.

Ms Gagnon and Mr Omogeni argue that failure to give the commission immunity from being sued for its actions as a court could obstruct its work.

The amnesty provisions as proposed, HRW and LSK state, are inconsistent with Kenya's obligations under international law, which rejects impunity for serious crimes such as genocide, war crimes, crimes against humanity and torture.

"If the proposed Truth, Justice and Reconciliation Commission is to achieve its ambitious goals and not simply become another whitewash, the loopholes in its mandate must be closed by parliament," Gagnon adds.

Another pitfall that has affected operations of the truth commissions in other countries is turning the commissions into forums for victims to recount their ordeals and letting the perpetrators and their sponsors, mainly people of high social standing, off the hook.

In Liberia for instance, the failure by the President to testify for atrocities committed against the people left a sour taste in the victims' mouths, creating the impression that the truth commission was a forum for "small people".

Although the Kenyan truth commission law is borrowed largely from the South African experience, Ms Murungi who participated in a similar commission in Sierra Leone says it cannot work in the country.

She argues that the Kenyan case is quite different from the South African one where the truth commission was formed because the country was undergoing a transition from Apartheid to democracy.

"We have to examine our fault lines. Questions of ethnicity, inequality, poverty, youth unemployment and gender are very different from the South African case," Prof Mutua says.

According to Ms Murungi, unless the issue of inequality and unemployment is addressed comprehensively, Kenya was on the precipice of Sierra Leone where jobless youths only needed \$500 (about Sh32, 500) to take up arms.

The experts argue that the issue of amnesty for perpetrators of the post-election violence could stall the reconciliation process.

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New breed replaces old-school dogs of war

Sebastien Berger, Foreign Correspondent

Simon Mann (right), a British mercenary, in court in Equatorial Guinea. He was sentenced to 34 years for his role in a failed coup. Ceiba News Magazine via Reuters

PRETORIA // Simon Mann, the Old Etonian and former SAS soldier turned mercenary who began a 34-year sentence last week in the heat and humidity of Malabo for trying to overthrow Equatorial Guinea's oil-rich but despotic ruler, epitomises the old image of mercenaries in Africa.

Guns for hire, they moved from conflict to conflict, most notably in the secessionist struggles of Biafra in Nigeria and Katanga in Congo, with the occasional coup attempt thrown in – the Frenchman Bob Denard mounted four in the Comoros islands, while Colonel “Mad Mike” Hoare tried and failed in the Seychelles in 1981.

Africa has never been short of demand and supply for mercenary services. The continent has huge natural resources, plus the ready availability of weapons and fighting men from a succession of wars in its post-independence era. And the prospects of wealth and power have enticed many.

Nowadays, though, the industry has been transformed by the conflicts in Iraq and Afghanistan, and by western governments' need to slim down their militaries and privatise support functions in the face of budget pressures. The US government has 180,000 contractors working in Iraq, most of them working in logistics, with the defence department having almost 10,000 armed private security contractors in Iraq and Afghanistan combined.

In the 1990s, by contrast, the South African firm Executive Outcomes was instrumental in ending the decades-long civil war in Angola and in breaking the brutal, diamond-funded Revolutionary United Front (RUF) in Sierra Leone, which made a speciality of chopping off civilians' arms. After the company left under the terms of a peace deal, the RUF rose again, and Sandline, a British firm led by Lt-Col Tim Spicer, played a key role in its second defeat.

Such offensive war-fighting capabilities are no longer what private security companies (PSCs) boast of – few are happy with the perhaps more accurate term “private military companies” (PMCs), and all deny they are mercenaries – instead focusing on their defensive, protective abilities.

Lt-Col Spicer himself is an example of the change: since Sierra Leone, he has founded a new company, Aegis Defence Services, which provides security services to the United Nations, the US government and the private sector, particularly in Afghanistan and Iraq, and including counter-terrorism services.

There is even a trade group for private security companies, an industry worth billions of dollars worldwide: the Washington-based International Peace Operators Association. According to its most recent annual survey, 70 per cent of its members operate in Iraq and 65 per cent in Afghanistan. But Africa remains a key market, with 43 per cent active in Sudan, 35 per cent in the Democratic Republic of Congo, and 30 per cent in Nigeria.

“It’s a growth industry in Africa, but it’s nothing compared to Iraq and Afghanistan,” said Doug Brooks, the association president, who described the Mann escapade as “so out of date” and argued that private security companies can be legitimate and effective contributors to humanitarian interventions, especially as western governments become less willing to commit their highly trained forces to such places as Somalia.

“What Executive Outcomes did was unique and it was a unique organisation,” he said. “You were renting the former special forces of South Africa. Is that appropriate for today? It doesn’t look like it. Most companies say no and the international community says no. But what about a Rwanda-type situation? Why not?”

“We have better accountability in the private sector than your typical peace operation. When someone screws up, they get fired. That beats the hell out of the UN. Ninety per cent of the problems the UN faces, at the most they just get reassigned. From an industry perspective, we don’t have a problem with accountability. We think it’s a good thing. We have a legitimate industry here, bigger, more ethical and more utilised than in the past.”

Writing in the *African Security Review*, Leslie Hough, of Yale University, described a United Nations operation in Sierra Leone as “hapless” and an “abject failure”, while a regional West African force was hampered by lack of equipment, poor training, conflicts of interest and abuse of human rights on its part.

“The failure of multilateral peacekeeping forces in peace-enforcing roles suggests that small contingents of elite special forces, whether donated unilaterally by governments or hired in a competitive PMC market, are likely to be more effective in bringing violent conflict to a halt,” he wrote.

Nonetheless, campaign groups are ambivalent. John Hilary, executive director of War on Want, a British charity that has carried out research on private military companies, said: “It’s quite clear you can’t have the same people mopping up an insurgency at the point of a gun and then delivering aid the next moment.

“There’s no doubt they are very, very efficient, but should there be a privatisation of war? Should we be contracting out something as important as military force?”

“The problem is they act outside any form of legal parameters,” he said, citing the killing of 17 Iraqi civilians in Baghdad by employees of the US firm Blackwater last year as the worst example of many incidents of abuse.

“Most companies are staffed by mercenaries of old,” he said. “Simon Mann’s fate is probably enough to tell them that’s not the way to go. Reinventing themselves as being these new-style above-board security companies is the way to go.

“Why take those risks when you can make the same benefits or even more on official contracts?”

Coincidentally, the fate of Executive Outcomes’ former headquarters, a house on a large plot of land south of Pretoria, is evidence of the change. Now overgrown with scrub, the site is being redeveloped by a firm called Louis Pasteur Investments. As its name suggests, it has its origins in medical equipment.

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