

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



Alex Paredes-Penades slips the wedding ring on Jovana Ostojic's finger as the two took their marriage vows in Freetown on Friday.

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:

Monday, 7 July 2008

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Special Court for Sierra Leone

Press and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 4 July 2008

Justice Boutet Elected Presiding Judge of Trial Chamber I

Justice Pierre G. Boutet of Canada has been elected to a one-year term as Presiding Judge of Trial Chamber I. He succeeds Justice Benjamin Itoe of Cameroon.



Justice Boutet previously served as Presiding Judge of Trial Chamber I from 27 May 2005 to 19 June 2006. Prior to his appointment by the United Nations as a Special Court Judge in December, 2002, Justice Boutet had served in the Canadian Forces as a Legal Officer occupying various positions and completed his career at the rank of Brigadier-General.

He had graduated from Laval University in Quebec City in 1969 and was admitted to the Quebec Bar in 1971. He subsequently joined the military in 1973.

In 1982, Justice Boutet became a Military Judge, assumed the position of Deputy Chief Military Trial Judge in 1986 and was appointed Chief Military Trial Judge in 1987. As a Judge, he participated in and presided over numerous trials in Canada, in many other parts of the world more particularly in Europe and the Middle East.

In 1993, on promotion, he became the Judge Advocate General (JAG) of the Canadian Forces and was responsible for the provision of legal advice and legal services to the Department of National Defence and the Canadian Forces. He used his position to increase awareness of international humanitarian law in the Canadian Forces and in Canada.

He has received the Canadian Forces Decoration (CD) and was awarded for distinctive merit and exceptional service as JAG the Order of Military Merit in the highest rank, that of Commander (CMM).

Since 1996 and until recently, he was a member of the Board of Directors of the International Society for Military Law and the Law of War.

Trial Chamber I, consisting of Justice Boutet, Justice Itoe and Justice Bankole Thompson of Sierra Leone, delivered a Judgment in the trial of the CDF Accused (Fofana and Kondewa) on 2 August 2007, and is expected to hear closing arguments in the trial of the RUF Accused (Sesay, Kallon and Gbao) on 4-5 August 2008.

#END

Christian Science Monitor

Monday, 7 July 2008

Sierra Leone's 'family talk' heals scars of war

Inspired by childhood memories of community rituals, human rights activist John Caulker treks across Sierra Leone to reconcile war crime perpetrators and their victims.

By Jina Moore | Correspondent of The Christian Science Monitor

Kailahun District, Sierra Leone - John Caulker might know the rough, red-rock roads of rural Sierra Leone better than he knows the hallways of his own office in Freetown, the seaside capital.

There, streets are crowded equally by people and piles of trash – a sign, in its own unintentional way, of abundance. Kids hawk candies, shammies, pirated DVDs, and cellphone chargers. They tease you, in the heat, with cold Cokes and baggies of drinking water tied tight at the top. An hour in traffic – a rather common way to pass an hour in Freetown – and you can do a day's shopping from your car window.

Here, to the east, in the villages where Mr. Caulker has done human rights work for 10 years, neither goods nor income are disposable. Every kid's belly seems to sag for lack of food. All that can be found for sale are staples – cassava, mangos, rice. Then there are the signs of the brutal, decade-long civil war: Abandoned houses, some clearly shelled, stand apathetically along the road. In one village, a rusting tank, its cannons sometimes used as makeshift laundry lines, sits at a crossroad, inscribed hopefully, "For Sale!"

The farther Caulker goes on his cross-country trips, the farther away Freetown seems – geographically, existentially. In countries recovering from war, capitals have the edge. They're the places where political power is reestablished, aid projects are launched, and donor money flows. It's in the capitals that the "postwar reconstruction" agenda, engineered in good part abroad, begins.

"It's like they have this postconflict checklist: Truth commission, tick. Military assistance, tick. Trials, tick. Next. Go on to the next country," Caulker says. "But the people have answers. They have their cultural values."

Caulker wants to put those values on that checklist. For months, he has been traveling from village to village, reviving fambul tok – family talk in Krio (an English creole). It's a tradition with a long history – before the war; before, even, the white man – and a range of meanings. Villagers sat around nightly bonfires, telling jokes and recounting the day's events. Sometimes, fambul tok resolved disputes, adjudicating everything from petty theft to matrimonial discord. The practice made villagers more than neighbors; it united them as a fambul.

Caulker thinks these old ways may be Sierra Leone's best method for dealing with its newest problem: reconciling rural communities after a war felt most brutally in these villages he says fell through the gaps of the postwar checklist. Here, former soldiers live again alongside the women they raped or whose husbands they killed, or the men whose hands they cut off. They didn't apologize; didn't acknowledge the past. They just, Caulker says, moved back in.

• • •

Reuniting the fambul is more than theory for Caulker. Before the war, he lived with his mother, Annie Rosaline Caulker, in Songo, outside of Freetown. At first, his village was sheltered from the brutality of a

war that started, in the east, as somebody else's fight. The Revolutionary United Front (RUF), notorious for looting Liberia's diamond riches and terrorizing its people, brought its battle across the border in 1991, in search of neighboring Sierra Leone's mineral wealth. The instability eventually led to a coup d'état and the splintering of fighting forces, who competed for political power and control of the country's diamond mines. As the war dragged on, the list of military groups – and war atrocities – grew.

In 1995, the rebels reached Songo and forced Caulker's family to flee to his aunts' home in Freetown, which had been sheltered enough, on Africa's western coast, that the atrocities seemed mere rumor.

"Freetonians thought that people who lived in the village who want[ed] to migrate to the city ... fabricated these stories that there are rebels," Caulker says. "They'd say, 'Who are the rebels? You?' ... I remember my mother getting thrown out of her family house at 2 a.m. because her sisters didn't think rebels existed."

Caulker, his mother, and four children she'd taken in lodged in a basement down the street. But the slight – a personal cruelty and a cultural aberration – was too much. "She educated these people; she used her resources to bring them up. My mother was the eldest. And now her younger sisters and brothers did not come to her aid," Caulker says. "I realized she will die in Freetown if she stays."

He took his mother home to Songo, but Caulker himself made the risky journey to Freetown several times a week. He'd decided, in the middle of a war, to start Forum of Conscience, a human rights organization, and the only place to do that was the capital.

In 1997, Caulker became something of a human rights spy. He'd throw on his dirtiest pair of jeans and a long T-shirt and slip between guerrilla groups, pumping proud, often drunk, fighters for details of their war atrocities. Then he'd duck into an abandoned house, test the phone line, and make collect calls to Amnesty International, funneling out details that helped the world sort rumor from truth. The work was dangerous: He lived in RUF-controlled territory and slept in abandoned cars. But he had little trouble getting war criminals to talk.

"The rebels were very boastful," he remembers. "They said things happily.... 'I killed three people,' and another will say, 'Yeah, I killed five.' To them it was like a prize."

Eventually, that violence reached his mother's village, and Caulker brought her back to Freetown. Her death not long after, Caulker attributes to the war – not to the fighting, per se, but to the situation into which it forced his family. When his aunts bought an expensive casket and held an elegant viewing in the very home his mother had been turned out of, Caulker was furious. "But I was a little boy; I don't have any voice by then," he says; he was in his 20s – still too young, in a country with reverence for age, to do more than complain.

His mother's funeral was held the day Nigerian peacekeepers arrived in Freetown to defend the capital from the RUF. But no one in the church where Caulker's mother lay in her coffin knew what was happening when gunshots began.

"Everyone ran away from the church. Everyone," he remembers. "I just sat under the coffin [to] be with her until it died down, and people came in again." He crouched beneath the coffin for close to an hour; when the fighting broke briefly, they buried her. "Others were not buried.... There were corpses at the mortuary, and it was burnt down. It gave me some solace, that she was buried."

When the war ended, Caulker tried to cultivate that sense of solace in his country. He became, with others, a tireless advocate for a truth and reconciliation commission, today a common institution for dealing with the legacies of atrocities like those in Sierra Leone. For 10 years, combatants on all sides of the conflict

had moved from village to village, raping women, burning houses, even chopping off the limbs of civilians. Caulker traveled the provinces encouraging people to share their experiences with the Sierra Leone Truth and Reconciliation Commission (TRC). His views weren't always popular, but he persisted.

"John is not afraid to make himself unpopular with the powerful," says Jon Lunn, a senior research analyst in the British House of Commons who has worked with Caulker since 1998. "One of the characteristics of him really has been to speak truth to power ... to speak independently without fear or favor."

He's famous, in fact, for his advocacy on behalf of the war's amputees. "The war victims, they all know him all over the country," says Jamesina King, chairperson of the Human Rights Commission of Sierra Leone. Caulker has been pressing their case for reparations for nearly 10 years.

Though preaching reconciliation to his countrymen, Caulker still hadn't made peace with his mother's sisters. "I'm talking to people about forgiveness, about reconciliation – and I realized I have something to address within my family," he remembers. "I was so angry; these were people I thought I would never make peace with.... But I just thought, I'm doing it for my mother. The way she brought me up was not to keep things in my heart."

He met his aunts again at his maternal grandmother's funeral in 2002, four years after his mother died. "We need to talk," he told them. He explained what he remembered and how he felt; his aunts argued. He can't remember the conversation precisely, but what matters, he says, is that they have accepted each other and the pain between them. "It will take time for us to really get to where we were before my mother died. It is a process," Caulker says. "You accept, and you continually accept, even when you think it's finished."

This, then, is how Caulker thinks national reconciliation – as a personal, one-on-one encounter he thinks Sierra Leoneans have never had – might finally begin. One gesture of acknowledgment at a time, relationships can be repaired. Unheard stories of suffering, and unvoiced pleas for forgiveness, can be shared. And in the morning, perhaps villagers, too, can leave the memory of a brutal war behind. Perhaps, he thinks, communities can be turned into fambuls again.

So, one village at a time, that's what Caulker set out to do.

- Tomorrow: John Caulker coaxes war crimes perpetrators out of the bonfire's shadows.

Afriquenligne

Monday, 7 July 2008

UNHCR ends Sierra Leonean refugee status 31 December

Freetown, Sierra Leone - The United Nations Refugee Agency (UNHCR) says it will end refugee status for Sierra Leoneans who fled their country during the decade-long civil war in December this year, because the root causes of the refugee problem have ceased to exist.

According to UNHCR spokesperson Jennifer Pagonis, "There have been fundamental and durable changes since peace was declared in January 2002."

"The cessation will take effect at the end of this year following consultations with the governments of the main countries of asylum and Sierra Leone," Pagonis said.

Those still in need of international protection will be able to remain in their current host country as refugees, while those who do not qualify for asylum after 2008 but do not wish to return home because of strong family, social or economic links with the host country, will be expected to legalise their stay there.

According to a statement issued here, "Significant improvements in the rule of law and respect for human rights have also been recorded throughout the country, and two sets of elections – in 2002 and in 2007 – have been determined free and fair by the international community."

During the height of the conflict, as many as two million of the country's six million citizens were displaced, with some 490,000 fleeing to Liberia and Guinea.

Under UNHCR's voluntary repatriation operation from September 2000 to July 2004, more than 179,000 Sierra Leonean refugees returned home while many others returned by their own means.

About 43,000 refugees from Sierra Leone continue to live in exile, mainly in neighboring countries, including the Gambia, Guinea, Liberia and Nigeria.

Sierra Leonean refugees in sub-Saharan African countries who want to repatriate voluntarily before the end of 2008 can benefit from UNHCR assistance.

The UN Mission in Sierra Leone completed its withdrawal from the country in January 2006, handing over to the UN Integrated Office there its responsibilities to consolidate peace, development and respect for human rights.

Individuals most responsible for atrocities committed during the civil war have been indicted and tried – or are in the process of being tried – by the Special Court for Sierra Leone.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

**UNMIL Public Information Office Complete Media Summaries
4 July 2008**

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

Newspaper Summary

Magisterial Court Denies Senator Kaine's motion for Separate trial

(The Informer, Public Agenda, The News, Heritage, The Analyst, The Inquirer)

- The Magisterial Court in Kakata, Margibi County on Thursday denied a motion for a separate trial in the murder case involving Senator Roland Kaine and 13 others. The defense team of Senator Kaine headed by Counselor Francis Galawolo filed a motion for the Senator to be tried separately from the rest of the accused. But the court denied the motion on grounds that said motion can only be made when the trial proper resumes at which time it would have been established whether or not the detained senator will go through the trial.
- The court however granted a motion for preliminary examination which The Informer and The Inquirer newspapers said is due to begin this Saturday.
- Senator Kaine and thirteen others are being held for murder following the killing of 14 young men in a land dispute. The land dispute was between Senator Kaine and a Ministry of Commerce official, Charles Bennie.

UNMIL Force Commander Warns Against Rearming of Liberian Police

(New Democrat)

- The outgoing Force Commander of UNMIL, Lt.-Gen. Isaac Obiakor, has warned against rearming personnel of the Liberia National Police (LNP). Lt.-Gen. Obiakor said Liberia could easily slip back into another round of conflict if the LNP is rearmed. "I will say the LNP do not necessarily need to be rearmed. Yes, except you want to start another war," the outgoing Force Commander told the New Democrat newspaper in an exclusive interview Tuesday. Lt.-Gen. Obiakor's warning contradicts continuing public recommendation for rearming of the Police to fight crime.

Lawmakers Summon Justice Minister over Wave of 'Insecurity'

(The News, Heritage, The Analyst, The Informer, Public Agenda, The Inquirer)

- The print media reflected security concerns raised by members of the House of Representatives over what they perceived as insecurity in certain parts of the country. The Analyst and The News newspapers among other publications said the lawmakers voted overwhelmingly during a regular session on Thursday to summon Justice Minister Philip Banks to answer inquiries regarding the wave of secret killings in Monrovia and surrounding communities.
- The decision follows a communication from Grand Bassa County Representative Byron Browne, requesting Plenary to summon the minister in order for him to give reasons for the present state of affairs.

Radio Summary

Star Radio (News culled today from website at 9:00 am)

Senator Kaine's motion for Separate trial Denied

- The Magisterial Court in Kakata, Margibi County has denied a motion for a separate trial in the murder case involving Senator Roland Kaine and others.
- The defense team of Senator Kaine headed by Cllr. Francis Galawolo filed for the Senator to be tried separately from the rest of the accused.
- The court said that was not the place for defense team to ask for separate trial.
- According to the court, the appeal for separate trial can only be done at the level of the Circuit Court.

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

Grand Bassa Senator to be Arrested for Beating on his Niece

- Grand Bassa County Senator Nathaniel Innis has confirmed a Writ of Arrest against him in connection with the beating of his niece.
- Senator Innis said the writ of arrest is to be served on him at any time by the Magisterial Court at the Temple of Justice.
- The Grand Bassa Senator made the disclosure Thursday in a communication to the Senate drawing the body's attention on the writ of arrest.
- Senator Innis in his letter sought an advice from the Senate in the event where he is served the writ of arrest.
- During a discussion of the letter some Senators called on the Grand Bassa lawmaker to brief the body on his action which warranted the writ of arrest.
- Other Senators argued that it was against the Constitution for an arrest warrant to be served on a lawmaker on the charge of simple assault.
- Senator Innis could not explain his action in public, prompting a secret session of the Upper House to discuss the letter.

(Also reported on ELBC, Truth FM)

Traditional Leaders Report another Potential Land Dispute

- Traditional leaders and eminent persons along the Montserrado-Margibi border have reported a potential land crisis in the area.
- The group led by one Elder Morris Gaye alleged their land has been seized by for former Johnsonville Commissioner Joseph Berry.
- Elder Gaye told Star Radio the former commissioner seized their land and used tugs armed with spears and cutlasses to scare them away.
- According to him, the matter was brought to the attention of the Superintendent of Margibi but Mr. Berry has refused to withdraw from the area.
- Other citizens of Montserrado residing in Johnsonville have also complained of similar encroachment on their properties by former Commissioner Berry.
- The citizens called on government to intervene to avoid a repeat of the Tinbor incident where fourteen young men were butchered to death.
- When contacted former Commissioner Berry said the case has already been taken to court and was awaiting its outcome.

"Liberia cannot question Zimbabwe's democracy," says critic

- [sic] A prominent citizen of Maryland County says Liberia has no moral rectitude to question Zimbabwe's democracy. Mr. Thomas Bedell told Star Radio as far as he is concerned there is no democracy in Liberia. According to Mr. Bedell Liberia cannot boast of democracy when citizens are denied basic rights to life. Mr. Bedell said citizens are no longer secured in their own country as government has failed to protect them. He said as a result of lack of protection bodies are discovered everyday in the streets and the killers are never found. Mr. Bedell also said since he returned from the Unites States, he has not seen any good leadership in the country. He observed that family values are lost and the government does not have the ability to control prices; corruption remains the order of the day amongst several other issues.

Government Announces New Transport Fare – Warns against Violation

- Government in collaboration with the Transport Union has released a new approved transport fare for Monrovia and its environs.

- Under the new transport fares, anyone travelling from Central Monrovia to Red Light will pay 45 Liberian dollars and the bus fare is 30 Liberian dollars.
- From Duala to Central Monrovia will cost 30 dollars in taxi and bus will be 15 dollars while from Barnesville junction to Broad Street will cost 35 dollars in taxi and 25 dollars in a bus.
- Commerce Minister Frances Johnson Morris said the new transport fares take immediate effect.
- Speaking at a joint news conference, Minister Johnson-Morris clarified that the current fares being charged by commercial drivers are illegal.
- The joint news conference was hosted by the Ministries of Commerce and Transport.
- The Commerce Minister said the new fares structure reflects a twelve percent increase in the current price of petroleum products on the market.
- Transport Minister Jackson Doe warned of penalties for commercial drivers who will violate the new fares structure. Minister Doe said government took into consideration the necessary economic variables before announcing the new fares.

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

House summons Attorney General and NIC Boss

- The House of Representatives has summoned Justice Minister Philip Banks and National Investment Commission Chairman Richard Tolbert.
- Cllr. Banks is to appear before the plenary of the House on Tuesday in connection with the level of insecurity in Liberia.
- Grand Bassa Representative Baron Browne requested the appearance of Cllr. Banks to comment on what is responsible for the situation.
- For his part, Dr. Tolbert is to appear on Thursday to answer questions on the alleged violation of the Investment Incentives Law of Liberia.
- Representative James Binney of Maryland County complained to the House that Dr. Tolbert signed several investment agreements worth more than ten million U.S dollars. He said the investment agreements allegedly signed by Dr. Tolbert have not been ratified by the Legislature in accordance with the Investment Incentives Law. According to Representative Binney, the action by Dr. Tolbert has caused Liberia to loss millions of U. S dollars.

Star Radio (Liberia)

Friday, 4 July 2008

Prince Johnson prepares to face Truth Commission

Written by Julius Kanubah

Friday, 04 July 2008

Nimba County Senator Prince Johnson has finally agreed to appear before Truth and Reconciliation Commission.

Senator Johnson said he is now willing to testify before the Truth Commission in the spirit of peace and reconciliation.

The TRC wrote the Nimba lawmaker to appear before the Commission and explain his knowledge of the Liberian war.

The spokesman of the Senate said Senator Johnson would give testimonies on the root causes that give way to the military and political dimensions of the conflict.

According to Varney Gbessay, Senator Johnson would appear before the TRC next week upon his return from a workshop in Accra, Ghana.

Mr. Gbessay hoped that the appearance of Senator Johnson would encourage other Liberians who played active role in the war to appear before the TRC.

Senator Prince Johnson headed the Independent National Patriotic Front of Liberia that captured and killed former President Samuel Doe.

The former rebel commander turned politician has since apologized to the family and said "circumstances surrounding Doe's death can be expressed in one word and that word is regret."

Agence France-Presse

Friday, 4 July 2008

Former DR Congo rebel appears before warcrimes court

THE HAGUE (AFP) — Former Congolese rebel leader Jean-Pierre Bemba made his first appearance Friday before the International Criminal Court where he stands accused of war crimes and crimes against humanity.

Bemba entered the courtroom flanked by security guards, waving at his wife and other family members in the packed public gallery.

Wearing a dark suit and striped tie, he took his seat quietly behind his legal team, where he sat with eyes downcast for most of the short proceedings in The Hague.

Asked by judge Fatoumata Dembele Diarra to introduce himself to the court, Bemba stated his name curtly and listed his occupation as "senator". He declined a reading of the charge sheet.

Bemba's lawyer, Aime Kilolo Musamba, objected to alleged violations in the execution of his client's arrest warrant, and Bemba complained about his holding conditions.

"The conditions aren't the best, not what I had hoped for..." he told the court.

The judge set November 4 as an initial date for the start of a hearing for the confirmation of charges.

Bemba is accused of a range of crimes allegedly committed by his men between 2002 and 2003, when his forces fought a coup attempt in the Central African Republic at the behest of then president Ange-Felix Patasse.

He faces five counts of war crimes and three of crimes against humanity, with specific charges including murder, rape and torture.

Bemba was transferred to the detention unit of the court on Thursday from Brussels, where he was arrested on an ICC warrant on May 24.

He is the court's fourth detainee behind fellow DR Congo militiamen Thomas Lubanga, Mathieu Ngudjolo Chui and Germain Katanga.

In Bemba's arrest warrant, combatants of his Movement for the Liberation of Congo (MLC) are alleged to have attacked the civilian population, committing rape and torture on "a systematic or widespread scale".

As commander-in-chief, the prosecution seeks to hold Bemba criminally responsible.

Bemba's lawyer, Musamba, said Thursday his client welcomed the chance to prove his innocence.

"This provides us with the opportunity to go to The Hague and present the elements of defence that we have which will help establish that Mr Bemba has no legal responsibility in this affair," he told AFP.

ICC prosecutor Luis Moreno-Ocampo has welcomed Bemba's extradition to The Hague.

"Justice is coming for the victims, for the victims of the Central African Republic, for the victims of massive sexual violence worldwide," he said.

"This is a significant moment for Bemba's victims in Central Africa," said the Human Rights Watch's Geraldine Mattioli, who was present at Friday's proceedings.

"One hopes that the prosecution will expand the accusations to include crimes committed by the MLC in the Democratic Republic of the Congo."

A host of procedural matters will have to be settled before a trial date can be set.

This could take months or even years. Lubanga, the subject of the first case before the ICC, was transferred to the court in March 2006, but his trial has yet to start.

Bemba, 45, heads a vast business empire and had been living in exile in Portugal, where he fled under United Nations protection following a shoot-out with the presidential guard in Congo which killed more than 200 people in March 2007.

That followed defeat to his fierce rival and current DR Congo President Joseph Kabila in 2006 elections.

The ICC was set up six years ago as a permanent world court mandated to try war crimes, crimes against humanity and genocide.

International Herald Tribune

Friday, 4 July 2008

Opinion

WARRANTS FOR WAR CRIMINALS

When peace talks undermine justice

By Richard Dicker

Diplomats, judges, lawyers, human rights activists and members of nongovernmental organizations are currently marking the 10th anniversary of the completion of the treaty that established the International Criminal Court. The court's creation was an extraordinary step in extending the reach of law to those responsible for the mass slaughter of civilians and the use of rape as a weapon of war.

But what may not get much mention during the celebrations are the difficulties the court has encountered in making arrests. The ICC has no police unit to execute its warrants. It is totally dependent on the assistance of governments - sometimes the very governments that are linked to the crimes charged. And unlike other tribunals, the ICC is mandated to investigate crimes that are committed during ongoing conflicts.

This is a distinction with consequences that may have undercut the ICC's effectiveness. The court's "real time" mandate means that it investigates crimes even as other important diplomatic objectives like peace negotiations or the deployment of peacekeeping forces are underway.

The result: Some in the diplomatic community are suggesting that the quest for justice can prove to be an obstacle to peace. Already, this has diminished the robust diplomatic and political support the ICC needs to succeed. Both the United Nations itself and individual governments have dragged their feet when asked to act forcefully in pressing for arrests.

For example, when members of the UN Security Council traveled to Khartoum in June 2007 for meetings with the Sudanese leadership, the Council failed to include Khartoum's blatant obstruction of the ICC's arrest warrants in its talking points - even though the Council itself had requested that the International Criminal Court investigate the situation in Darfur.

UN officials apparently feared that mentioning the ICC's arrest warrants would deepen the Sudanese leadership's opposition to the much-needed deployment of UN peacekeeping forces in Darfur. Sudanese officials took note of the silence and responded with emboldened resistance not just to the ICC warrants but also to the prompt deployment of peacekeeping forces and the unfettered delivery of humanitarian assistance. (Indeed, Khartoum gave one of the two ICC suspects, the minister for humanitarian affairs, more human rights responsibilities and released the other from custody.)

To its credit, on its mission to Sudan last month, the Council did raise Khartoum's repeated obstruction of justice as one of several pressing items. And on June 9, the Security Council adopted a statement calling on Sudan to cooperate with the international court.

But the tendency to jettison justice has not been limited to interactions between governments. There has been a similar impulse in UN dealings with the Lord's Resistance Army, an insurgent group that has ravaged northern Uganda for 20 years.

Led by Joseph Kony, the rebel group's trademark practice has been kidnapping thousands of children and turning the boys into child soldiers and the girls into sex slaves. Prodded in part by arrest warrants issued by the ICC for him and his senior commanders, Kony agreed to take part in peace talks. But he insisted that lifting the ICC arrest warrants was a condition for obtaining his signature on an accord.

The UN Security Council was reportedly ready to succumb to the Lord's Resistance Army's demands by suspending the ICC warrants if Kony had signed an agreement, but he failed to appear. It turns out that the rebel group used the talks as a screen to beef up its depleted ranks, spreading havoc across three African countries as it abducted more children.

Other courts have faced similar difficulties. For example, a warrant issued by a joint UN-Sierra Leone court for the arrest of Charles Taylor when he was president of Liberia got nowhere because he was involved in peace talks to end the country's civil war.

Incidents like these should bring home an important lesson: Downgrading justice to achieve other objectives does not work well. It undermines the rule of law and slights the victims of injustice. Moreover, a peace based on impunity is unlikely to be durable. The peace-justice nexus must be examined carefully and objectively because the issue will surface again and again.

At events marking the ICC treaty's 10th anniversary, diplomats need to do more than congratulate themselves for having done the right thing 10 years ago. They must align peace negotiations with the commitment to justice articulated when the treaty was first codified in Rome. They must work to manage the short-term tensions that can occur while pursuing peace negotiations without denigrating justice.

Richard Dicker is director of Human Rights Watch's international justice program.

Media for Freedom

Sunday, 6 July 2008

<http://www.mediaforfreedom.com/ReadArticle.asp?ArticleID=10413>

Ten Years of the International Criminal Court: The Slow but Sure Growth of World Law

René Wadlow*

For nearly a half a century — almost as long as the United Nations has been in existence — the General Assembly has recognized the need to establish such a court to prosecute and punish persons responsible for crimes such as genocide. Many thought that the horrors of the Second World War — the camps, the cruelty, the exterminations, the Holocaust — could never happen again. And yet they have. In Cambodia, in Bosnia and Herzegovina, in Rwanda. Our time — this decade even— has shown us that man’s capacity for evil knows no limits. Genocide is now a word of our time too, a heinous reality that calls for a historic response

Koffi Annan, then UN Secretary-General

July 17 marks the 10th anniversary of the Diplomatic Conference in Rome that established the International Criminal Court — a major step in the creation of world law. Citizens of the world have usually made a distinction between international law as commonly understood and world law. International law has come to mean laws that regulate relations between States, with the International Court of Justice — the World Court in The Hague — as the supreme body of the international law system. The International Court of Justice is the successor to the Permanent Court of International Justice that was established at the time of the League of Nations following the First World War. When the United Nations was formed in 1945, the World Court was re-established as the principal judicial organ of the UN. It is composed of 15 judges who are elected by the UN General Assembly and the Security Council.

Only States may be parties in cases before the World Court. An individual cannot bring a case before the Court, nor can a company although many transnational companies are active at the world level. International agencies that are part of the UN system may request advisory opinions from the Court on legal questions arising from their activities but advisory opinions are advisory rather than binding.

Citizens of the world have tended to use the term “world law” in the sense that Wilfred Jenks, for many years the legal spirit of the International Labour Organization, used the term the common law of mankind: “By the common law of mankind is meant the law of an organized world community, contributed on the basis of States but discharging its community functions increasingly through a complex of international and regional institutions, guaranteeing rights to, and placing obligations upon, the individual citizen, and confronted with a wide range of economic, social and technological problems calling for uniform regulation on an international basis which represents a growing proportion of the subject-matter of the law.” It is especially the ‘rights and obligations’ of the individual person which is the common theme of world citizens.

The growth of world law has been closely related to the development of humanitarian law and to the violations of humanitarian law. It was Gustave Moynier, one of the founders of the International Committee of the Red Cross (ICRC) and a longtime president of the ICRC who presented in 1872 the first draft convention for the establishment of an international criminal court to punish violations of the first Red Cross standards on the humane treatment of the sick and injured in periods of war, the 1864 Geneva Convention. The Red Cross conventions are basically self-enforcing. “If you treat my prisoners of war

well, I will treat yours the same way.” Governments were not willing to act on Moynier’s proposition, but Red Cross standards were often written into national laws.

The Red Cross Geneva conventions deal with the way individuals should be treated in time of war. They have been expanded to cover civil wars and prisoners of civil unrest. The second tradition of humanitarian law arises from the Hague Conventions of 1899 and 1907 and deals with the weapons of war and the way war is carried on. Most of the Hague rules, such as the prohibition against bombarding undefended towns or villages, have fallen by the side, but the Hague spirit of banning certain weapons continues in the ban on chemical weapons, land mines and soon, cluster weapons. However, although The Hague meetings made a codification of war crimes, no monitoring mechanisms or court for violations was set up.

After the First World War, Great Britain, France and Belgium accused the Central Powers, in particular Germany and Turkey of war atrocities such as the deportation of Belgian civilians to Germany for forced labor, executing civilians, the sinking of the Lusitania and the killing of Armenians by the Ottoman forces. The Treaty of Versailles, signed in June 1919 provided in articles 227-229 the legal right for the Allies to establish an international criminal court. The jurisdiction of the court would extend from common soldiers to military and government leaders. Article 227 deals specifically with Kaiser Wilhelm II, underlining the principle that all individuals to the highest level can be held accountable for their wartime actions. However, the USA opposed the creation of an international criminal court both on the basis of State sovereignty and on the basis that the German government had changed and that one must look to the future rather than the past.

The same issues arose after the Second World War with the creation of two military courts — the International Military Tribunal at Nuremberg and the International Military Tribunal for the Far East. Some have said that these tribunals were imposing ‘victors’ justice on their defeated enemies, Germany and Japan. There was no international trial for Italians as Italy had changed sides at an opportune time, and there were no prosecutions of Allied soldiers or commanders.

In the first years of the United Nations, there was a discussion of the creation of an international court. A Special Committee was set up to look into the issue. The Special Committee made a report in 1950 just as the Korean War had broken out, marking a Cold War that would continue until 1990, basically preventing any modifications in the structure of the UN.

Thus, during the Cold War, while there were any number of candidates for a war crime tribunal, none was created. For the most part national courts rarely acted even after changes in government. From Stalin to Uganda’s Idi Amin to Cambodia’s Pol Pot, war criminals have lived out their lives in relative calm.

It was only at the end of the Cold War that advances were made. Ad hoc international criminal courts have been set up to try war crimes from former Yugoslavia, Rwanda, and Sierra Leone. Just as the Cold War was coming to an end, certain countries became concerned with international drug trafficking. Thus in 1989, Trinidad and Tobago proposed the establishment of an international court to deal with the drug trade. The proposal was passed on by the UN General Assembly to the International Law Commission, the UN’s expert body on international law. By 1993, the International Law Commission made a comprehensive report calling for a court able to deal with a wider range of issues than just drugs — basically what was called the three ‘core crimes’ of genocide, crimes against humanity and war crimes.

By the mid-1990s, a good number of governments started to worry about world trends and the breakdown of the international legal order. The break up of the federations of the USSR and Yugoslavia, the genocide in Rwanda, the breakdown of all government functions in Somalia, the continuing north-south civil war in Sudan — all pointed to the need for legal restraints on individuals. This was particularly

true with the rise of non-State insurgencies. International law as law for relations among States was no longer adequate to deal with the large number on non-State actors.

By the mid-1990s, the door was open to the new concept of world law dealing with individuals, and the drafting of the statutes of the International Criminal Court went quickly. There is still much to be done to develop the intellectual basis of world law and to create the institutions to structure it, but the International Criminal Court is an important milestone.

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BBC

Friday, 4 July 2008

Congo ex-leader appears in court

The former Congolese Vice-President, Jean-Pierre Bemba, has appeared at the International Criminal Court (ICC) in The Hague for the first time.

Mr Bemba, who fled the Democratic Republic of Congo last year, was arrested in Belgium in May.

He is accused of atrocities allegedly committed by his forces during a coup attempt six years ago in the Central African Republic.

The former rebel leader has always denied the charges against him.

Correspondents say Mr Bemba appeared at the initial hearing dressed in a dark suit, and waved to his wife in the public gallery as guards led him into the courtroom.

He confirmed that he was born in 1962 and gave his profession as "senator".

He also complained about his conditions.

"The conditions aren't the best, not what I had hoped for," he said.

Coup attempt

Mr Bemba went into exile after being accused of high treason in his home country for refusing to disarm his militia after his defeat in presidential elections in 2006.

The successful businessman was one of four vice-presidents in a transitional government in the war-torn African nation between 2003 and 2006.

He was leader of a rebel group, the Movement for the Liberation of Congo, which later became a political party.

In 2002, the former president of the Central African Republic, Ange-Felix Patasse, asked Mr Bemba's group to help put down a coup attempt.

While there, Mr Bemba's forces were accused of widespread rights abuses.

The case comes at a time of crisis for the ICC as the case against another Congolese warlord risks collapse, the BBC's World Affairs correspondent Mark Doyle reports.

On Wednesday, the court ordered the release of Thomas Lubanga, a former militia leader, after judges said he would not be given a fair trial.

A prosecution appeal over his release is due to be heard next week.



Jean-Pierre Bemba was sent to The Hague on Thursday

BBC

Thursday, 3 July 2008

Rwanda suspects' conjugal rights

By Jamhuri Mwavvombo
BBC News, Arusha

The UN war crimes tribunal for the Rwandan genocide has granted suspects and prisoners at its detention centre in Tanzania conjugal rights.

The International Criminal Tribunal for Rwanda, set up to try the most high-profile cases, says the decision was taken to uphold basic human rights.

The detainees are now free to have sexual relations with their spouses.

But the move is likely to be criticised by Rwanda, which says the tribunal treats suspects like hotel guests.

The ICTR was set up by the United Nations in the Tanzanian town of Arusha, in 1997, to try those accused of involvement in the Rwandan genocide.

An estimated 800,000 Tutsis and moderate Hutus were killed in 1994.

Excitement

The decision on conjugal rights was taken quietly by the ICTR registrar in May, but the change of policy was confirmed on Thursday.

News of the decision was leaked to the BBC's by various sources.

It is reported there has been excitement and increased visits to the UN detention facilities by spouses of the suspects and prisoners.

But only recognised wives, husbands and girlfriends, whose names are registered with the prison office are allowed to come for the visits.

There is only one female suspect at the detention facility.

The move is seen as a big win for the detainees, who have been fighting for these rights for several years.

The detainees had demanded to be accorded similar rights as their counterparts at the International Criminal Tribunal for Yugoslavia in The Hague, who have enjoyed the rights since the inception of the court more than 15 years ago.



Some 800,000 people were killed in the 1994 genocide

The ICTR had previously denied the detainees the rights, saying it was not a common practice in the region.

The decision has been taken as the tribunal is about to wind up its work after almost 14 years, but the registrar says it is never too late and that the matter has been under consideration for some time.

The ICTR has defended the move, saying it is an independent body and makes its own decisions.

The tribunal said all suspects are presumed innocent until proven guilty, though it acknowledged that the conjugal rights are also extended to prisoners in its custody.

The tribunal has convicted 28 people and acquitted five so far.