

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



Cape Lighthouse at Aberdeen

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:

Wednesday, 14 January 2009

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

Tuesday, 13 January 2009

Taylor Trial: Horrible tales at The Hague

Mariama Khai Fornah reporting from The Hague.

Horrible tales of mental and physical torture continue to characterize the testimonies of the Liberian Prosecution Witness testifying against Indicted Former Liberian President Charles Taylor for the second day in The Hague. Hassan Bility, a Liberian Journalist testified to being detained for a total of six months and interviewed on one occasion by Former President Taylor for two hours thirty minutes and then thrown at the back of the pickup like a bag of rice. Mariama Khai Fornah reports from The Hague

FORNAH: Hassan Bility has told the Judges of the Special Court for Sierra Leone that he was detained at a total of 13 places in and out of Monrovia.

Hassan, who is a witness of fact, said some of his detention centers contained human faeces and water.

He said Charles Taylor's government did not find anything incriminating evidence against him.

On direct examination, Hassan said former president personally seized his check book and passport found in his journalist bag and declared them fruits of the crime, or F.O.C., for the charge of subversion.

The prosecution witness testified that he was dragged out of Mr. Taylor's White Flower Residence on June 24, 2002, and subjected to various forms on inhumane treatments in Caldwell, Monrovia, and other places.

BILITY: Whenever Benjamin Yeaten came to Clay, they would pull me out of the hole, or the underground cell. They would take me to what was an administrative structure building at Clay. They would bring me there, and Benjamin Yeaten would sit in the chair behind the desk. Joe Towah would sit next to him. Benjamin Yeaten would ask Joe Tuah in my presence, "Has he said anything yet?" and Joe Towah would say "no." Then he would tell Joe to [indistinct] "You are being very easy on this guy...to talk something, because I need to report back to the president to tell him exactly what he said. The president is impatient." They would take me out of the building to the back of the building and they would take a prisoner behind the building. They would shoot, pretend as if they were killing somebody. At some point I would hear - cause I didn't see if they actually shot and killed those people or not - and then they would come back to me and say "well, do you want to follow these guys, these guys we just sent to hell? If you don't speak, we're going to do exactly what we did to you."

FORNAH: Hassan said in his presence, Mr. Taylor instructed the then Special Security Service Director, Benjamin Yeaten, to extract confession from him through any means that was necessary.

Mr. Bility told the Court Yeaten later took him to Clay in Bomi County and threw him in a four-foot high prison cell that could not accommodate his height. The prosecution Liberian witness described to the court treatments given him in the town of Clay by one of Taylor's securities named Joe Towah under the directive of Benjamin Yeaten.

BILITY: I was electrocuted on my genitalia several times, probably over 20 times.

COUNSEL: Who was doing this to you?

BILITY: Specific instructions, I'm not sure whether the instruction was passed on to Benjamin Yeaten by the president, cause he instructed him to make me to talk. So Benjamin Yeaten in turn passed on instructions to a guy called Joe Towah. So Joe Towah was, like, the prison supervisor. He would come and ask if I were ready to talk about what they referred to as the truth. And on those occasions I would be [indistinct]. I was actually held in an underground cell.

FORNAH: The witness said whilst in detention, he also recognized a Sierra Leonean speaking fighter by the name of Gibril Massaquoi who told him that Benjamin Yeaten has ordered his torture.

Mr. Bility's testimonies in chief ended after one and the half days, and he came face to face with the head of Taylor's Defense team, Courtenay Griffiths, QC. Mr. Griffiths started on a rather emotional note by out-rightly declaring Mr. Bility as a liar.

GRIFFITHS: I make it clear, that so far as your testimony is concerned, I have the following suggestions to make. One, that you're a liar. Do you understand me?

BILITY: Yes sir.

GRIFFITHS: Secondly, that you are personally engaged in a crusade against former President Taylor. Do you understand that?

BILITY: Yes sir, I do.

GRIFFITHS: Thirdly, that that crusade upon which you have embarked is motivated, not by concerns about human rights abuses and Mr. Taylor's alleged involvement in Sierra Leone, but rather is motivated by ethnic and political loyalties held by you.

FORNAH: Mr. Griffiths accused Bility of being in constant contact with the American Central Intelligence Agency, the CIA, and the Federal Bureau of Investigation, FBI, during the presidency of Mr. Taylor, but the witness denied.

Hassan said Mr. Taylor set him free on December 7, 2002 through the intervention of the American Government, but he was not in constant communication with the U.S Embassy in Monrovia, neither the U.S. Government.

Hassan however, said the American FBI contacted him in 2004 after he had an interview with the Cable News Network, CNN, and was asked whether Charles Taylor was a member of the Islamic Terrorist Group, Al Qaeda.

Charlestaylortrial.org

Tuesday January 13, 2009

Prosecution Concludes Examination of Witness Hassan Bilitay, Defence Commences Cross-Examination of Witness

We are still facining technical problems with the live streaming of the trial and so cannot record all the details of the witness's testimony. We apologies for any inconviniene this may cause.

10:00am: Court resumed and prosecution counsel concluded his direct examination of witness Hassan Bilitay. Defence counsel for Charles Taylor, Mr. Courtney Griffiths QC commenced cross-examination of the witness.

Examination of the Witness

In his direct examination, witness Hassan Bilitay testified about tales of physical and mental torture which he underwent at the hands of Charles Taylor's security forces. Mr. Bilitay testified that he was detained for a total of six months and on one occassion, he was interviewed by Mr. Taylor for two and the half hours and then thrown at the back of a pick up truck. Speaking of his detention, the witness explained that he was detained at a total of 13 different places in and out of Monrovia. He said that some of his detention places contained human faeces and water. He said that during his numerous arrests and detentions, Taylor's government did not find anything incriminating against him. He further explained that Mr. Taylor seized his personal check book and his passport and declared them the 'Fruits of Crime' (FOC) for the charges of subversion. He said that on June 24 2002, he was dragged out of Mr. Taylor's White Flower residence and subjected to various forms of inhumane treatments at Caldwell, Monrovia and other places. He said that he was electricuted on his genitalia on several occassions, probably more than twenty times.

The witness told the judges that Mr. Taylor instructed Benjamin Yeaten to extract confession from him by whatever means necessary. He said that Yeaten took him to Clay in Bomi County where he was put in an underground four foot high prison that could not accomodate his height. He said that mistreatments were handed to him by Joe Tua, based on instructions from Yeaten. He said that on some days, they would move him from the cell to the administrative building where Yeaten would ask Joe Tua whether he had made any confessions. Once Joe Tua told Yeaten that the witness had not made any confessions, they would take him to the back of the building and torture him. He said that they would fire gun shots, saying they had just killed another prisoner and that if the witness did not make any confessions, he would be executed in like manner.

The witness concluded his direct examination and defence counsel for Mr. Taylor, Courtney Griffiths commenced the cross-examination of the witness.

Cross-Examination

Mr. Griffiths at the start of his cross-examination told the witness that he had several suggestions to make, which included:

1. That the witness is a liar
2. That he is personally engaged in a crusade against Mr. Taylor

3. That the said crusade is motivated not by concerns about human rights abuses and Mr. Taylor's alleged involvement in Sierra Leone but rather by ethnic and political loyalties held by the witness

4. That the witness was a spy for the United States of America

The witness denied all these suggestions. Mr. Griffiths further told the witness that he was in constant touch with the American Central Intelligence Agency (CIA) and the Federal Bureau of Investigations (FBI) during Mr. Taylor's presidency in Liberia. The witness also denied this assertion. Mr. Bilitay said that he was neither in touch with the US Government, nor the US Embassy in Monrovia. He said that on December 7, 2002, Mr. Taylor released him through the intervention of the US Government. He said that in 2004, the FBI contacted him after he was interviewed by CNN, and he was asked whether Mr. Taylor was a member of the Islamic terrorist group Al Qaeda.

On this note, the court adjourned for the day. Cross-examination of the witness is set to continue tomorrow Wednesday January 14, 2009.


United Nations **Nations Unies**

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Complete Media Summaries
13 January 2009

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

Newspaper Summary

Dunn Commission Claims non-cooperation from Knuckles

(The News, Daily Observer, Heritage, New Democrat, The Independent, the Analyst, National Chronicle)

- The Dunn Commission report has cited the lack of full cooperation from the central figure in the email scandal, Willis Knuckles.
- President Ellen Johnson-Sirleaf told a news conference on Monday, as a result, the commission was unable to come up with clear recommendations.
- The commission instead called for further investigation of Knuckles, a recommendation the President assured she would implement.
- Mr. Knuckles was at the centre of the email scandal published by Front Page Africa, which linked him to a number of transactions in the name of the presidency.
- The President again rejected supporting the transactions as well as the segment of the report that refers to Knuckles as her current Advisor.
- On the issue of the US\$600,000.00 transaction linking the President's Legal Advisor, Madam Sirleaf maintained it has nothing to do with Liberia.
- The President disclosed she has asked her friend Finda Koroma whom she said carried out the transactions to submit all documents to the Anti Corruption Commission.
- President Sirleaf assured ECO Bank would be asked to ensure further investigation as recommended by the commission.

Senate to enforce Supreme Court's ruling Tuesday

(Heritage, New Democrat, National Chronicle The News, Daily Observer, The Independent, the Analyst)

- The Senate has confirmed that it would on Tuesday enforce the ruling of the Supreme Court to reinstate its suspended Pro Temp, Isaac Nyenabo.
- Senator Lahai Lassana who has been presiding over the Senate told reporters that the Upper House will respect the judgment as promised.
- Senator Lassana said the reinstatement of Nyenabo has been included on the Senate's agenda for discussion on Tuesday.
- Senator Lassana, said the reinstatement of Nyenabo is likely to be tied with the resolution seeking his removal.
- According to him, the Senators who sought the removal of Nyenabo would insist for the resolution to be discussed.
- Senator Lassana could not confirm as to whether he would formally surrender the post of acting leadership on Tuesday.
- During the re-opening of the Legislature Tuesday, Vice President Joseph Boakai asked the Senate to obey the laws that it makes.
- The President of the Senate said history will not treat the Senate kindly if it allows itself to be destroyed by the lack of respect for the rule of law.
- For the House of Representatives, Speaker Alex Tyler encouraged his colleagues to work for the well being of the Liberian people.

Radio Summary

Probe Commission Says Knuckles did not cooperate

Senate set to obey High Court's ruling Tuesday

Journalist Hassan Bility testifies against Taylor

- Exiled Liberian Journalist Hassan Bility has testified against detained President Charles Taylor in The Hague.
- Bility told the Special Court on Sierra Leone he was constantly in trouble for being critical of Taylor's government involvement in Sierra Leone.
- He told the Judges that he first got in trouble with the Taylor's regime in August of 1997 when he wrote an editorial entitled Who's the Judas in ECOWAS?
- The prosecution witness said the article questioned the sincerity of the Liberian Government under Taylor to resolve the Sierra Leone conflict in collaboration with ECOWAS.
- Bility told the court a band of Police Officers led by former Assistant Director of Police, Saah Gborlie stormed his office at the National Newspaper.
- The journalist recalled the Police squad was armed with rocket propelled grenade and other deadly weapons.
- Bility said he was taken to the headquarters of the Taylor's National Patriotic Party where he was seriously warned by Mr. Taylor himself.
- According to Bility, he was arrested the second time when he wrote a news article in the National Newspaper entitled: "In Sierra Leone, Whom is Government Supporting, Junta or Democracy?"
- Bility testified that he suffered a total of six arrests where he was tortured by state security for publishing several articles critical of the Taylor's regime.
- Report says Taylor's eyes were transfixed on Bility throughout the testimonies.

(Also reported on Star Radio, Sky F.M., Truth F.M. and ELBC)

Pres. Sirleaf identifies priorities for 2009

- President Ellen Johnson-Sirleaf has named the opening of forestry operations, agriculture concessions and mines as priorities for 2009.
- The president noted that a number of concessions have already been signed and will soon begin operating.
- She is hopeful that government will work to achieve the priorities to create jobs for young people.
- The President also expressed regret that government's development activities did not go as far as she wanted in 2008.
- She spoke of the slow pace in the road construction and rehabilitation, the beginning of the construction of the Vai Town Bridge.
- Madam Sirleaf attributed the situation to the delay in translation of commitments to cash as well as the national capacity problem.

(Also reported on Star Radio, Sky F.M., Truth F.M. and ELBC)

Man, 35, held for sodomizing 2 boys

- The Monrovia Magisterial Court has detained a 35-year-old man for sodomy.
- Police sent Daniel Quansah to court for allegedly sodomizing two boys aged 13 and 14, an act confirmed by medical reports.
- Daniel Quansah, a resident of Saye Town in Sinkor was arrested on December 28.
- One of the victims said Quansah uses oil to lubricate their anuses before abusing them.
- Quansah denied the claims but admitted that the victims usually visit him in his bedroom. Police charged him with statutory rape.
- Still at the Temple of Justice, the 39-year-old school teacher accused of raping a 33-month-old girl has been released on bail.

- Criminal Court A released Nathaniel Wilson Monday after his lawyers filed a general bail for him.
- The court on Friday granted a motion to admit Mr. Wilson to bail after Grand jurors dismissed as non-sense, evidence presented by the state to indict him.
- His wife Victoria Wilson told Star Radio she was grateful to her neighbours and others who stood by them during their troubles.
- Mr. Wilson, for his part, thanked God for his release and maintained that he was innocent.
- The man and his wife hugged each other at the Temple of Justice amidst cheers from onlookers.
- Mr. Wilson spent seventy days in prison before he was released.

(Also reported on Star Radio, Sky F.M., Truth F.M. and ELBC)

Students Continue Protest at Liberia's main University

- A group of students at the University of Liberia Monday disrupted normal academic activities on the campus for the second time.
- The students' action was in response to the administration's refusal to allow them go through the "add and drop" process.
- The Acting President of the university told Star radio one of its security personnel was beaten and wounded in the process by the violent students.
- Prof. Ansu Sonnii however, said the UL administration would not bow to pressure from the students to extend the 'add and drop' process.
- Prof. Sonnii said it has instructed the student leadership to write a petition, accompanied by a letter of apology to the UL authorities.
- According to the UL Acting President, the petition is intended to provide justifications why the process should be extended.
- He clarified the first petition was rejected because of procedural error.
- Meanwhile, the President of the ULSU George Sie-Williams said the student leadership was considering whether to write the petition or not.
- He however, assured the student leadership remains committed to dialoguing with the UL administration for the amicable resolution of the problem.

(Also reported on Star Radio, Sky F.M., Truth F.M. and ELBC)

Public school teachers disqualified in Lofa County

- The Education Ministry has disqualified nearly twenty Public School Teachers in Lofa County.
- The teachers were disqualified for allegedly duplicating certificates to teach in the institutions.
- The teachers accused the principal of the Borlahun Public School, John Kollie of signing the certificates.
- But Mr. Kollie has not commented on the allegation.
- The teachers were arrested in connection with the act, but were later released. The ministry is currently evaluating the certificates and documents of teachers in the county to authenticate their stay in the classrooms.

ELWA donates equipment to F.J. Grant Hospital in Sinoe County

- The ELWA project in south-eastern Sinoe County has provided equipment to the F. J. Grant Hospital in Greenville. The equipment includes three oxygen machines, two microscopes, electro cutlery machine, lab equipment, among others. The Matron Mentor of ELWA Project in Sinoe, Naomi Olson said the project is funded by the European Community for Humanitarian Organization, ECHO.
- Miss Olson said more equipment are expected to arrive in the country soon for the use of the hospital. She said the ELWA project will train staff responsible to use those machines to make sure they use them correctly.

New American Media

Tuesday, 13 January 2009

Liberian Immigrants React to Taylor Conviction

The son of Liberia's former dictator was convicted of human rights crimes committed during his father's presidency -- 1997 to 2003.

The Liberian Journal, News Report, Wynfred Russell and Alex Redd, Posted: Jan 13, 2009 Review it on NewsTrust

Liberian immigrants from across the United States seemed delighted by the long prison sentence a Miami court handed last week to Charles "Chuckie" Emmanuel McArthur Taylor for his role in human rights abuses in the Liberian civil war.

Taylor, is the son of former Liberian President Charles Taylor, who ruled the West African country from 1997 to 2003. The elder Taylor is on trial in The Hague, Netherlands, for supporting and funding the Revolutionary United Front, an infamous rebel group that went on a rampage over diamonds in neighboring Sierra Leone, killing, chopping off limbs and raping during that country's civil war.

"I am glad that the Liberian people have finally received some justice," said Nyeah Ukatu, a Liberian immigrant living in Boston.

Federal immigration authorities arrested Chuckie Taylor in 2006 as he tried to slip into the U.S. from the Caribbean island of Trinidad & Tobago – a day after his father was arrested trying to flee Nigeria. Chuckie Taylor was initially charged with passport fraud and pleaded guilty. On the day before his sentencing for the passport fraud, he was indicted on human rights violations committed in Liberia.

Chuckie Taylor's case is the first of its kind in the United States and is based on a 1994 law that forbids U.S. citizens to commit torture overseas. Chuckie Taylor, 31, was born in Boston but claims Liberian nationality because of his father. He headed the paramilitary Anti-Terrorist Unit, which became notorious for carrying out heinous acts of violence against civilians, while his father ruled Africa's oldest republic.

Chuckie Taylor is the only person so far to have been tried and convicted for crimes committed during the violent 14 year Liberian conflict, which the United Nations said killed more than 300,000 people and displaced over a million more.

During trial in Miami, many of the victims Chuckie Taylor tortured testified against him from behind obscured screens to protect them from possible retaliation. They accused him of summarily executing four men and playing a direct role in beatings – using burning plastic, hot water and electric shocks to torture his victims. One victim testified that he was stripped naked and placed in a pit as fire ants were shoveled over his body.

In the end, Chuckie Taylor was convicted on five counts of torture, one count of conspiracy to torture, one count of using a firearm during the commission of a violent crime and one count of conspiracy to use a firearm during the commission of a violent crime.

Responding to the news, Rev. Father James Wilson, a priest of the Episcopal Diocese and former executive director of the Liberian Ministerial Association in Minneapolis, said Chuckie's successful

prosecution would send a message to the villains of Liberia's civil war and also serve as a deterrent to others who may want to consider committing atrocities.

"I think it is a very good example for perpetrators of the Liberian civil war," Rev. Wilson said. "We don't know who may be next."

In a written statement, Robin Philips, the executive director of Minnesota-based The Advocates for Human Rights, said the sentence sent an important message that those who commit human rights violations would be held accountable and that the United States was not a safe haven for people who had committed crimes against humanity.

"It is a great precedent and we hope that [Obama's] administration will continue to enforce the law against all those who have perpetrated these human rights abuses," Philips said.

But in a telephone interview, one Minnesota-based Liberian community leader, who preferred anonymity because of the sensitivity of this story, said Chuckie Taylor was singled out and that the 97-year sentence he received was too harsh.

"The punishment doesn't fit the crime; it is excessive and disproportionate," the community leader said. "Chuckie was not a central figure in the war. His crimes pale in comparison to the egregious acts committed by many warlords and their foot soldiers that are running around scot-free in Minnesota and Monrovia."

But that view didn't sit well with Yodusie Eddie Tarpeh, president of the Liberian Community of Northern California.

"Justice is being served," Tarpeh said. "This guy (Chuckie) is a desperado and he did a lot of stuff even more than his father."

Reuters

Monday, 12 January 2009

Congo's Bemba accused at Hague of ordering rape

By Reed Stevenson

THE HAGUE (Reuters) - International Criminal Court prosecutors accused former Congolese rebel warlord Jean-Pierre Bemba of ordering mass rape to terrorise civilians at a hearing on Monday to decide whether he will face trial.

Bemba, 46, faces three counts of crimes against humanity and five counts of war crimes, and is the highest-profile suspect to date brought before the world's first permanent war crimes court, set up in 2002.

Bemba is accused of leading rebels from Democratic Republic of Congo in a campaign of torture, rape and murder in neighbouring Central African Republic. He was arrested in Belgium last May.

The hearing on Monday was to decide whether there was enough evidence to proceed with a trial. Bemba denies the charges.

The charges focus on the period between 2002 and 2003 when Ange-Felix Patasse, president of the Central African Republic at the time, asked Bemba's Congolese Liberation Movement to put down coup attempts in his country.

"Bemba's men went from house to house, pillaging and raping mothers, wives and daughters," said prosecutor Petra Kneuer.

Bemba's troops were instructed to "traumatise and terrorise" the population to prevent them from supporting any resistance against Patasse, the prosecution said.

"To do this, he (Bemba) chose rape as his main method," Kneuer said.

A representative of victims described in detail how a district chief in the capital of Bangui was raped for four hours in front of his wife and children before troops turned to them.

Defence lawyer Karim Asad Ahmad Khan rejected the prosecution's claims against Bemba, arguing that he cannot be held responsible for crimes committed by his troops because they were under the "command and control" of Patasse's government.

"Uniforms, food and money were all provided to MLC troops, not by authorities in the Democratic Republic of Congo, not by Mr. Bemba, ... but by the head of state of the Central African Republic," Khan said, adding the prosecution "failed to establish intent and knowledge."

After the four-day pretrial confirmation of charges hearing, the three-judge panel led by Ekaterina Trendafilova has 60 days to decide whether to go forward with the trial.

Bemba, who served as a vice-president to Joseph Kabila in the post-war transition after Congo's 1998-2003 war, is being held at a detention centre near The Hague.



Former Congolese rebel warlord and vice-president Jean-Pierre Bemba (L) appears before the global war crimes court in the Hague January 12, 2009. (REUTERS/Michael Kooren)

Bemba fled into exile in Portugal in 2007, saying he feared for his life in Congo. His fighters had battled in the streets of Kinshasa with Kabila's presidential guards in clashes that killed several hundred.

Bemba, appearing in court in a navy suit and blue tie, occasionally took notes and passed messages to defence lawyers sitting nearby as he chewed gum.

He joins former Congolese militia Leader Thomas Lubanga and two other alleged Congolese warlords also indicted by the ICC. Former Liberian President Charles Taylor, who is being held in the same detention centre but tried by the separate U.N.-backed Special Court for Sierra Leone.

Last month, Central African Republic's President Francois Bozize agreed at talks to negotiate with rebel and opposition leaders on a consensus government. Patasse, ousted by Bozize in a 2003 coup, was among those who took part in the discussion.

Inter Press Service

Wednesday, 14 January 2009

<http://www.ipsnews.net/news>

POLITICS: Gaza Killings Trigger Call for War Crimes Probe

By Thalif Deen

UNITED NATIONS, Jan 13 (IPS) - With hundreds of civilians, mostly women and children, killed during nearly three weeks of fighting in Gaza, there is a growing demand either for an international tribunal or an international commission to investigate charges of war crimes committed by Israel.

But there are fears that any such move may be shot down by the United States, and possibly by other Western nations, which continue to politically temper their criticism of Israel despite violations of all the known international conventions protecting women, children, the wounded and the dying in war zones.

"On an inter-governmental level, the war crimes process is essentially subject to geopolitical control, which means in practice that the criminal wrongdoing of the most powerful [the U.S. government] and its closest friends [Israel] get a free pass," Richard Falk, a professor of international law and a U.N. human rights expert, told IPS.

Despite widespread condemnation, this practice of "geopolitical impunity" is likely to shield Israel from formal scrutiny with respect to the alleged crimes of war and crimes against humanity associated with its military operations in Gaza since Dec. 27, he added.

Falk, who is the U.N. Special Rapporteur for Human Rights in the Occupied Palestinian Territories, was detained and expelled from an airport in Tel Aviv last month when he was on a U.N.-mandated assignment to probe human rights in the occupied territories.

As of Tuesday, the Palestinian death toll had risen to more than 900, mostly civilians, compared with over 10 Israelis, including those killed by Hamas's rocket fire.

The London-based Amnesty International has asked the Security Council "to take firm action to ensure full accountability for war crimes and other serious abuses of international human rights and humanitarian law."

The U.N. High Commissioner for Human Rights Navi Pillay told a special session of the Human Rights Council (HRC) in Geneva that accountability must be ensured for violations of international law.

"I remind this Council that violations of international humanitarian law may constitute war crimes for which individual criminal responsibility may be invoked," she said.

At the special session Monday, the HRC adopted a resolution calling for an "urgent independent international fact-finding mission" to investigate all violations of international human rights and humanitarian law by Israel.



U.N. High Commissioner for Human Rights Navi Pillay says that Israel's violations of international humanitarian law may constitute war crimes.

Credit: UN Photo/Jean-Marc Ferré

Asked specifically about charges of "war crimes" in Gaza, Secretary-General Ban Ki-moon refused to express his view on the unbridled killings of civilians.

"That's something which the International Criminal Court (ICC) or other international organisations will have to determine," he told reporters Monday, on the eve of his weeklong peace mission to the Middle East.

But the Paris-based International Federation for Human Rights (FIDH), which is calling for an international commission of investigation, points out that Israel has not ratified the statute of the ICC.

"Activating the ICC jurisdiction for these crimes implies for the U.N. Security Council to refer the situation to the ICC," in order for the ICC prosecutor to initiate an investigation, FIDH said in a letter to the 15-member U.N. body.

But any such Security Council action will most likely be vetoed by the United States, a longstanding ally of Israel.

Besides the ICC, which was established in 2003, there have been special criminal tribunals or special courts created to prosecute war crimes or genocide in the former Yugoslavia, Rwanda, Sierra Leone, Lebanon, Cambodia and East Timor.

"There certainly should be a tribunal," Michael Ratner, president of the New York-based Centre for Constitutional Rights, told IPS.

While it would look at war crimes committed by all parties, Hamas's actions pale in comparison to the murders committed by Israel, he said.

"The continued impunity of Israel for crimes it has committed encourages it in perpetrating gross violations of humanitarian law," said Ratner, who is also adjunct professor law at Columbia University.

"A tribunal is essential, [but] the United States will likely veto such a Security Council resolution. By doing so, it is enabling and condoning war crimes," he warned.

Stephen Zunes, professor of politics and international studies at the University of San Francisco, said: "A strong case can be made for an investigation into war crimes committed by Israeli armed forces."

Since the Gaza Strip is legally a non-self-governing territory, the United Nations has a particular responsibility to ensure that those guilty of war crimes are prosecuted, he added.

"Such prosecution, however, would be more appropriate if pursued through the International Criminal Court, which did not exist at the time special tribunals were set up for Yugoslavia, Cambodia and Rwanda," Zunes told IPS.

By pursuing cases through the ICC rather than a special tribunal, it would lessen the likelihood of charges that the United Nations was once again unfairly singling out Israel for violations of international humanitarian law, he added.

Falk said "the most that we can expect are fact-finding and investigative missions" established by the Human Rights Council in Geneva (as proposed in its Special Session) and by the General Assembly (as an outcome of an upcoming Ninth Special Session).

"I think these symbolic steps are important, and they will undoubtedly be opposed by the United States and Israel, and Israel will in all likelihood not allow such initiatives to enter Gaza," he said.

This will confirm concealment, a virtual admission of guilt, and will still enable authoritative reports and recommendations for a criminal accountability mechanism to be established, which the General Assembly has the authority to do under Article 22 of the U.N. Charter, Falk said.

There are some other possibilities for establishing legal responsibility and criminal accountability, especially well-organised civil society initiatives.

He pointed out that one model would be the tribunal process associated with the Iraq War, with sessions in some 20 countries, and a culminating Iraq War Tribunal held in Istanbul, Turkey in June 2005.

"There exists the political climate to organise such a tribunal process for Gaza, and it will have worldwide resonance."

In the course of such a democratically conceived grassroots tribunal process, there would also be an opportunity to consider the implications of the U.S. role in providing vast military assistance and unconditional diplomatic support to Israel, as well as to consider the relative passivity of Europe, Arab neighbours, and others, he added.

(END/2009)