

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



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The Spectator
Wednesday, 24 June 2009

Another publicity stunt...

RUF heaps blame on SLPP

By Osman Larry Fofana



Former Leader of RUF, Is: a Sesay

The people of Sierra Leone will again unavoidably entertain the prospect of facing another publicity stunt. The virtually defunct Revolutionary United Front Party (RUF) which has seen itself in silence and obscurity for a period of seven years since the 2002 Presidential and Parliamentary Elections, has got a new lease of life. Their first umbrage as they break silence is to cast a damning indictment on the Sierra Leone People's Party (SLPP) as the agents for their on going

doom and gloom. Little do they realize they are yet again coming to the pardon and mercy of a people they mercilessly inflicted pains and sufferings. What will be their campaign strategy? The RUF unpardonable act will ever remain a thing more than flesh and blood could bear. The RUF itself entered into active politics in 2002 courtesy of an end of a dastardly Civil War they wrought in Sierra Leone but thoughtfully brokered by the Economic Community of West African States (ECOWAS), Britain, the Sierra Leone

RUF heaps blame on SLPP

Government, etc. The outcome of that brokered peace agreement gave this Rebel party proto-organisation, the RUF, the leeway to go ahead and register their party. Needless to waste one's precious time elaborating on the RUF's miserable performance in that 2002 election with their titular flag bearer, a misguided Almany Paolo Bangura, who later called it quit. Their founder and then leader, Alfred Foday Saybana Sankoh was then behind bars for breaking a valued embryonic peace agreement with government and ordering his rebels to launch an open firing of live bullets at peaceful Sierra Leoneans that marched to his Spur Road residence, demonstrating against his unwarranted misdemeanor. A couple of weeks ago, Eldred Collins, a founding member of the RUF-cum-RUF now acting as head, began a campaign along side with his members, moving in some parts of the four corners of the country in a bid to push the party forward. With shamelessness and brazen display of a memory like a sieve, Eldred Collins told the U.N. Radio that the RUF can play 'a

positive role in the democratization and political process of this country.' We only hope that if given the next try, they will not resort back to the bad deeds that have driven this country to the doldrums of untold suffering. The people are still reeling in the yoke of depression. I think Collins still forgets the fact that the hands of RUF members will still continue to drip with blood as long as they and that name exist. Will all the waters of the Atlantic, sorry the Pacific, wash off the blood from the hands of the RUF for the people of Sierra Leone to forget? Far from it! Collins was idly wasting words and usual listeners' time in that Tea Break programme by giving flimsy excuses and bandying words that the intimidation, harassment, molestation and marginalization they received from the SLPP in the run up and in the wake of the 2002 election dragged them to their silence for the past years. "All the same, we kept our cool because we know we will reactivate our party back..." said Collins in a remorseless mood. What a publicity stunt - a gambit to extract money from unpatriotic Sierra Leoneans who will fool themselves that the RUF will make

headways. Headways where? In Mama Salone! In a now highly informed nation, where the current dynamics no longer dictate blind loyalty? I almost lost my breath with never-ending laughter as he kept on explaining.

Did Collins expect a power thirsty government like SLPP to just aimlessly fold their arms allowing those RUF child soldiers slouching around the heart of Freetown wreaking havoc on electorates and undermined their interest? Collins' other blatant make belief account is the idea of RUF members quietly and peacefully though craftily, infiltrating major political parties thereby stealing their tactics and re-defect back to the RUF. A man like Collins wanting to endure the sands of time at the nick of time should not have made public such statements. If such statements were indeed true, then he had inadvertently put the other political parties on their guard to begin looking for the flies on the wall. I don't think if there is miracle in this world that can make RUF a decisive factor in the 2012 election even if they sold all the blood diamonds stolen during the long decade civil war.

Oxford Journals – African Affairs

Tuesday, 23 June 2009

The meaning of a militia: Understanding the civil defence forces of Sierra Leone

Danny Hoffman

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This article is an adapted, narrative version of an expert witness report the author wrote for the Defence of one of the accused before the Special Court for Sierra Leone. The case against the Civil Defence Forces militia was predicated in part on the argument that the CDF was a military organization with military-style command and control. Based on a close reading of the Prosecution's military expert witness report and the author's ethnographic research with the militia, the article outlines a case for understanding the CDF as the militarization of a social network rather than as a military organization. This framing has implications not only for post-conflict adjudication, but for how we think about and intervene in violent contexts throughout contemporary West Africa.

ON 14 JUNE 2005 COLONEL RICHARD IRON TOOK THE WITNESS STAND in the case against the Civil Defence Forces at the Special Court for Sierra Leone. The Court was trying those accused of bearing 'greatest responsibility for serious violations of humanitarian law and Sierra Leonean law' during the latter half of the country's ten-year war. Iron, a British officer, was in Freetown to answer the Defence's challenge to a report he wrote on behalf of the Prosecution. Iron's report did not speak directly to the ultimate issue, the Court's terminology for the guilt or innocence of the accused. Instead, his report addressed one of the key pillars of the Prosecution case: that the CDF should properly be considered a military organization with a system of military command and control. At stake was more than simple terminology. By arguing that the CDF was indeed a military outfit (though in his words 'not a very good one') Iron mapped a chain of command and a structure of responsibility that would make Chief Samuel Hinga Norman, Moinina Fofana, and Allieu Kondewa guilty of war crimes, crimes against humanity, and violations of the laws of war and of the Sierra Leonean state. Their culpability would be rooted in their responsibility as military commanders for the actions of those who served beneath them.

On 9 October 2006 I took the Special Court witness stand to respond to the Prosecution's challenge of my own expert report. The Defence team for one of the accused (Moinina Fofana) asked me to write what was in essence a counter-argument to Iron's military expert witness report. Much of my work as an anthropologist studying the CDF and other area militias dealt with exactly the question Col. Iron's report addressed: how was the CDF structured and what was the relationship between various individuals and organizational components? Like Col. Iron, I was not asked to speak to the ultimate issue, but clearly my findings were directly related. Unlike Col. Iron, I have never thought of the CDF as a conventional army. In my view, the CDF has always been better understood as the militarization of a web of social relations.

What follows is a narrative version of select parts of my expert witness report for the Defence.¹ I present this material for two reasons. First, because I believe the Special Court transcripts and archive will be the primary historical record of the war. Over the more than two years of the CDF trial, the Court amassed an extensive physical record of the militia's history. Though there are a number of excellent books, articles, reports, and websites dedicated to analyzing or documenting the CDF, no other body collected the sheer volume of data that the Special Court did. A great deal of this material is freely available online. In my view, much of the Prosecution's interpretation of that material was inaccurate. My report and the current article are therefore meant as a dissenting voice in the CDF archive.

My second reason for circulating the basics of my report is that I find Col. Iron's frame of analysis to be representative of the ways many observers conceptualize militia movements and violence in contemporary sub-Saharan Africa. Col. Iron's work exemplifies the conventional wisdom about post-Cold War violence and the discourses by which it is understood. This has profound implications not only for post-war prosecutions, but for how international actors – from the current Bush administration to the United Nations, from non-governmental organizations to entrepreneurs – deal with (and in) African conflict zones.

At the time of writing events in the Horn of Africa suggest that how we understand the nature and operation of violence by state, non-state, and extra-state actors will be critical to the direction of any international intervention in African conflicts. Unrest in Guinea and the continued bifurcation of Côte d'Ivoire have serious implications for the entire coastal stretch of West Africa. These events suggest that the call for international peacekeeping forces and emergency NGOs may again come to dominate discussions of the region. The militia movements which continue to gain strength in Nigeria's oil-producing regions are likely to become even more important players on the political scene of Africa's most populous nation and on the world stage as the politics of oil becomes more and more complex. Militias have already become a factor in how NGOs, multi-national corporations, and local, regional, and national governments interact in this region. In short, what we understand militia movements like the CDF to be, and how we frame the violence in which they are engaged, are crucial to how we approach interventions of every sort and at every level.

In what follows I briefly contextualize both the CDF as an organization and the military expert witness report. I then look more closely at each of three broad assumptions made in the report, and divide each of these into topical subsections. I conclude by suggesting some of the wider implications of these assumptions for how we understand violence in this region.

It is important to reiterate here that I do not offer this analysis as an apologia for the CDF or as an argument for the innocence of the three CDF members indicted by the Special Court. While I feel personally that Moinina Fofana (with whose case I was directly involved) should not have been charged under the terms of the Special Court, my role with the Court was to assist in understanding the dynamics of the movement. I was not asked to speak directly to questions of culpability. I do not do so here, either.

The Civil Defence Forces (CDF) of Sierra Leone

By one account, the term CDF originated in Monrovia among a group of expatriate Sierra Leoneans producing propaganda for the exiled Sierra Leone People's Party (SLPP) during the 1997–8 interregnum.² A compromise term meant to invoke both an armed mission and a commitment to democratic processes, 'Civil Defence Forces' served as an umbrella term for disparate militias previously referred to by ethnically coded titles: among them the Kuranko tamaboro, the Temne gbethis and kapras, and the Kono donsos.

By far the largest of these forces were the Mende kamajoisia, or, in its standard Anglicized form, the kamajors. Prior to the war, the Mende term referred to specialized hunters empowered to use both firearms and occult 'medicines' [hale] in the pursuit of big game and, more importantly, the various animal, human, and extra-human forces of the forest that threaten rural villages.³ In Mende mythology, the kamajors' very identity is predicated on the protection of villages. By the mid-1990s the specialized, exclusively male figures became both the symbolic and material centre of community defence mobilizations throughout south-east Sierra Leone when it became clear that the state military was largely unable or unwilling to defeat the rebel forces of the Revolutionary United Front (RUF).

Under the direction of key figures like the Mende nationalist academic Dr Alpha Lavalie and the National Provisional Ruling Council (NPRC) Secretary of State East, Lieutenant Tom Nyuma, various loosely organized community defence efforts adopted the kamajor title. With the election in 1996 of the Mende-dominated SLPP, these forces gained a greater degree of organizational coherence. The Regent Chief of Jiama-Bongor chiefdom, Sam Hinga Norman, became a key figure in the kamajor movement and was appointed the SLPP's Deputy Minister of Defence. The kamajors were widely perceived (most notably by the Sierra Leone Army) to be the SLPP government's de facto security force. The military overthrow of the SLPP in May 1997 brought the kamajors and other irregular forces into direct and open conflict with the army. Working with the Nigerian-led ECOMOG⁴ troops, these irregular forces (fighting under the banner of the CDF) helped to reinstate the SLPP by March of 1998. The CDF remained officially constituted until the war was declared over in January 2002, with combatants identifying themselves both as members of the umbrella CDF organization and as members of more localized units (kamajors, gbethis, donsos, etcetera and the various subsets of these collectives).

On 7 March 2003, the Special Court for Sierra Leone announced the indictment and arrest of Sam Hinga Norman, who after elections in 2002 had been reappointed as the SLPP's Minister of Interior Affairs. Soon after, two other high-profile CDF members were arrested and indicted by the Court: Allieu Kondewa, known as the CDF's High Priest, and Moinina Fofana, the CDF Director of War.

For the most part, charges in the CDF case depended on the argument that Norman, Fofana and Kondewa bore command responsibility for the activities of members of the CDF. Command responsibility has been a central tenet of post-Second World War war crimes tribunals, and the language of the Special Court indictment and the use of the military expert report attempted to establish that such control is based on military conceptions of authority. Iron writes in his report that he was tasked to 'assist in the determination of the extent to which the CDF and other organization in the Sierra Leone War were military organizations with military command and control.'⁵ In the indictment itself, 'individual criminal responsibility' for the three men is linked to their positions within the organization, where they 'individually or in concert, exercised authority, command, and control over all subordinate members of the CDF.'⁶ The description of Hinga Norman in the indictment states that:

he was the principal force in establishing, organizing, providing logistical support, and promoting the CDF. He was also the leader and Commander of the Kamajors and as such had de jure and de facto command and control over the activities and operations of the Kamajors.⁷

In the same vein, Moinina Fofana is described as 'leader of the CDF in the absence of Samuel Hinga Norman and was regarded as the second in command.'⁸ Central to command responsibility is the contention that the three accused did or should have known what their subordinates were doing in the field, and could and should have put a stop to abuses by CDF forces. As the indictment puts it:

Each Accused is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and each Accused failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.⁹

The indictment specifies eight 'counts' including murder, violence to life, looting and burning, and use of child soldiers. Though the mandate of the Special Court covered alleged crimes from as early as November 1996, the majority of the incidents presented at the CDF trial occurred during the period of the SLPP exile (May 1997 to March 1998).

Reading the report

Like a number of other European and North American governments, the United Kingdom donated not only money but personnel to the Special Court for Sierra Leone. Among these was Col. Richard Iron. As an expert witness for the Prosecution, Iron was asked to prepare a report in each of the three cases against the CDF, RUF and AFRC.¹⁰ The purpose of these reports was in each instance to establish whether the faction in question was in fact a military organization.

Iron wrote his CDF report based on interviews with seven Prosecution witnesses who were reasonably highly placed within the CDF. Over the course of fourteen days, Iron 'walked the ground'¹¹ with participants involved in a series of attacks on the towns of Bo, Koribundu and some of the surrounding villages.

My own expert witness report for the Fofana Defence and my testimony before the Court took issue with Col. Iron's military expert witness report on methodological, theoretical and empirical grounds. Leaving aside the methodological considerations, there are three broad theoretical and empirical arguments which I find problematic in the Iron report. Those three points can be summarized as follows:

1 War is an event unlike any other.

2 Unless it is aimless or anarchic, mass violence requires military organization.

3 The fighting which occurred during the so-called 'Bo/Koribundu campaign' was representative of the activities and organization of the CDF during the period covered by the Special Court indictment.

All three of these claims have both conceptual and empirical dimensions. They are important not simply for the role they (via Iron's report) played in the prosecution of the three CDF accused, but for how they reflect a more generalized discursive framing of the activities of the CDF and of other regional militias. The fact that they do not match the particulars of the CDF's activities suggests why it has been so difficult to understand the conflict and why it has been so difficult to craft meaningful interventions. I take each of these three points in turn.

War is an event unlike any other: Understanding the local

In a section of his report detailing the criteria by which he defines a military organization, Col. Iron writes the following:

Note that the nature of conflict is regardless of the type of conflict. General war and insurgency, whether today or two thousand years ago, have more in common with each other than any other kind of non-warlike activity. It should be no surprise, therefore, that military organizations tend to have recognizable hierarchies and structures (original emphasis).¹²

On the one hand this is a relatively minor point used to establish Iron's qualification to speak to a conflict about which he had little prior knowledge. Embedded within it, however, is a more profound claim. That claim is that war is, in essence, an ahistorical phenomenon. Its most important elements transcend local specificity. Conflict generates its own trans-historical and trans-locational culture, history, habitus, and social structure. There is a core of 'recognizable hierarchies and structures' that link fighting factions and their operations across contexts and which differentiate them from all non-wartime sodalities or socio-political processes. The specific requirements of mass violence necessitate disciplinary, command, and communication structures that develop along similar lines in any military outfit. As a result, one can understand many of the activities of the CDF with reference to Northern Ireland's Provisional IRA, the Polish resistance in the Second World War, or the anti-colonial struggles of ZIPRA in the Rhodesian/ Zimbabwean conflict. Indeed, each of these examples is used by Iron in his report.

Iron's positing of war and its agents as outside of historical, geographic, or cultural contexts is particularly stark, but it is by no means unusual. David Francis and his co-contributors in a recent volume on militias in Africa begin by calling for a 'context specific' Second Generation of thinking on militias.¹³ Their intervention is aimed at the fixed, universal definition of a militia as 'a kind of private army whose members are enrolled along military lines, are subjected to the same discipline as soldiers, like them wearing uniforms and badges, ready like them to meet the enemy with weapons in physical combat.'¹⁴ Military historian and occasional Bush administration adviser Victor Davis Hanson routinely draws direct analogies between battles from conflicts as disparate as the Peloponnesian War, the US Civil War, and the Second World War, and compares fighting forces from a range of geographic and historical contexts. As with Iron's military expert report, these comparisons exceed the level of tactical analysis and are meant instead to illuminate the trans-historical nature of war, fighting forces, and superior forms of military organization.¹⁵ And in a particularly poignant example of the supposed timelessness of military knowledge, the US Marine Corps's primary text on counter-insurgency a year into the occupation of Iraq was the Marine Corps Small Wars Manual, a text written in 1940 based on the US interventions in Central America.¹⁶

The history of the anthropology of war has, however, been a history of refuting exactly this kind of decontextualized reading of communal violence. As Paul Richards and others have recently pointed out, one of the greatest weaknesses in much of the analytics of violence is the unwillingness of observers to locate their understandings of conflict within specific local contexts and to recognize war as one social process among others.¹⁷ At the very least this suggests that a better place than the Second World War to look for insights into the particularities of the Sierra Leone war would be other meaningful local dynamics within Sierra Leone and the region.

The meaning of 'kamajor'

The very term 'kamajor' is a case in point. Even after the CDF moniker came into wide use, the most important identificatory titles for the majority of combatants remained those which predated the war (kamajor, gbethi, donso, or one of the subsets of these terms). For combatants these terms located their activities within a conceptual field of rights, responsibilities, and obligations that predate the war.¹⁸ The kamajors' very identity is predicated on the protection of villages. Throughout the war the name carried with it the same connotations of community defence,

entitlement to carry firearms, and the possession of secret ‘medicines’ (hale) that was embodied in the pre-war use of the term. This is not to say that kamajors did not also intend to benefit personally from their initiation into the movement. Yet it is not contradictory to say that they simultaneously maintained a sense of obligation to the community. This is expressed in part in the common kamajor slogan kamajor baa woteh. ‘Do not turn’ or ‘do not turn back’ was an injunction against retreat from the battlefield, but it was also a moral command not to betray the community one had been initiated to defend. The implicit contrast here was to the sobels, those who had been charged with defending the community but had instead allied themselves with its enemies for personal gain.¹⁹ In war songs, battlefield chants, and ritual settings, kamajor baa woteh was repeated as a way to express to themselves and to others that one of the ‘laws’ of the society was that a kamajor's responsibility to the community remained central to his identity.

In Iron's formulation, one of the principal characteristics that sets a military organization apart is its need to implement structures to discipline the uses of violence. Yet the figure of the kamajor suggests that there may not be such a clear distinction between the disciplinary apparatus for violence and other meaningful non-military social roles of combatants. Unlike, for example, the RUF, combatants with the CDF did not necessarily see themselves as outsiders to their social landscape. This has a number of potential consequences. For example, Amos Sawyer²⁰ has suggested that regional social institutions like the Poro men's ‘society’ need to be re-animated as governing structures. In contexts where the exercise of violence becomes synonymous with the demands of citizenship, adult manhood, or economic survival (all of which were true of the kamajors), these kinds of non-military, but temporarily militarized social institutions are a more logical entry point for both understanding and engaging the sodalities which constitute the conflict zone.

Local politics

Paying attention to pre-war social histories and political dynamics paints a picture of the war in Sierra Leone as the conglomerate of many more localized conflicts. Obviously this is true to some extent of any war – a war is comprised of individual encounters. But this localization is especially pronounced in conflicts in the Mano River region, where politics at the district, chiefdom, and town levels has a much greater impact on the average person's daily existence than do events at the national level.

The chieftaincy system in Sierra Leone concentrates a great deal of power at the local level. The result is often bitter, violent feuds between individuals, families, and even villages over ascendancy to local office. These political contests tend to preoccupy people outside the capital more than do national campaigns.²¹ The relationship between Hinga Norman and elders in Koribundu is a case in point, illustrating the extent to which chiefdom politics serves as the rubric for understanding even national events. Koribundu is the seat of the Jiama chiefdom which was amalgamated with Bongor chiefdom under Chief B. A. Foday Kai, Hinga Norman's predecessor. The seat of Bongor chiefdom, Telu, was made the seat of the joint Jiama-Bongor chiefdom, a move which angered some elders in Koribundu. When Chief Sam Hinga Norman became Regent Chief of Jiama-Bongor, he elected to keep Telu as the chiefdom seat. Since that time, there have been hostilities between Norman and some community members in Koribundu, a point raised by Hinga Norman in his testimony before the Court.²² Many within the CDF felt that the Prosecution witnesses from the southern region who testified about the Koribundu campaign were playing out personal animosities held towards Norman for privileging Telu as the chiefdom seat. Whether or not such partisanship was at the heart of witnesses' testimonies is somewhat beside the point for my purposes here. More important is how it suggests narratives of national healing, accountability, or intervention are always subject to more localized reinterpretation.

Outside the Court, narratives of the war are generally made up of exactly these kinds of references to smaller-scale conflicts. The Ndogboyosoi rebellion is only the most commented on of a number of examples. Ndogboyosoi was a series of mid-1980s conflicts between APC and SLPP strongmen in the Pujehun District, motivated both by party politics and (allegedly) control over trade routes.²³ The RUF found some initial support in the Pujehun region by exploiting the factionalism and resentment still associated with Ndogboyosoi. This led many people in the region, both combatants and observers, to conclude that the RUF invasion was simply an extension of the Ndogboyosoi conflict. In an excerpt from an interview with a combatant who joined ULIMO in 1992 to fight the RUF on the Liberian border in Pujehun, Paul Richards records the following relevant exchange:

Question: ‘Why did lots of Pujehun people join the war?’

Answer: 'The earlier Ndogboyosoi War made them join.'

Question: 'Why?'

Answer: 'Because lots of people were killed, and the others were unhappy. This way they could gain revenge on their enemies.'²⁴

As Lansana Gberie has pointed out, even the Chief of Staff of the Sierra Leone Army declared in 1993 that the RUF invasion was an extension of Ndogboyosoi.²⁵

The examples which Col. Iron employs as qualitative equals to the CDF (the IRA, ZIPLA, and the Second World War national resistance movements) are invariably nationalist movements which privilege the future of the state as their primary objects and constitute their *raison d'être* as a military force. By contrast, the localization of violence in Sierra Leone would suggest that this kind of pan-organizational, national coherence is at best highly unlikely.

Decentralization

There is no doubt that as it grew over time, the kamajors organization that became the CDF changed dramatically. The organization's relationship to its founding figures and even its community emphasis shifted. So did its relationship to the SLPP. Iron's military expert report traces one version of this trajectory. In it he sees a centralized, military command structure superceding the eroding mechanisms for controlling violence. He claims that the movement went from one of tight, local territorial control to a more centralized, military command structure. In his report and in his testimony, Col. Iron implies that over time the chiefs' ebbing influence generated a kind of vacuum which needed to be filled by a military authority. 'After the coup,' he argues:

they were driven from many of their traditional areas; the chiefdom structure of the CDF broke down; they were under attack from the AFRC and RUF, who, at this stage, were much stronger than the CDF. So the CDF leadership recognized that they must first preserve their organization and then build up strength so as then subsequently to counterattack against junta forces.²⁶

This analysis misrepresents both 'phases' in the life of the militia. In historical accounts of the mobilization of the kamajors it is clear that the control of local chiefs was never dependent on them being resident in their 'traditional areas'. In his early account of the kamajors, for example, Patrick Muana writes that the self-Defence militias were organized in 'squalid refugee camps situated around the safe urban enclaves of Bo, Kenema and Makeni'.²⁷ A similar point is made by the anthropologist Doug Henry²⁸ in describing the origins of the kamajors around Kenema, and by the interviews Krijn Peters and Paul Richards²⁹ conducted with ex-combatants.

Testimony by both Prosecution and Defence witnesses who were CDF members also points toward the diasporic origins of the movement. For example, in his Special Court testimony, the Prosecution witness Albert Nallo states:

Q: Mr Witness, in your evidence-in-chief you said that each chiefdom to the south, so far as you knew, they had their own local hunters. Is that correct? Each chiefdom had local hunters?

A: Yes, My Lord. That does not necessarily mean you will be initiated in your chiefdom. You were born in Moyamba and your Paramount Chief was in Bo, you were initiated in Bo because the people were coming from afar [were dislocated].³⁰

In short, there was never a time when 'local' (in this case, chiefdom) control over the kamajors broke down as a result of their displacement from territories they controlled. Recruitment into the kamajors occurred while many chiefs and combatants were already displaced. The instabilities of the region did indeed have profound ramifications. But it is too big a leap to equate these dislocations with a 'vacuum' of leadership that needed to be (and could only be) filled by a centralized military structure. Iron's conceptualization of social structures is antiquated; sociality is not something that can be present or absent. Social relationships may be reconfigured profoundly in wartime but they do not simply deteriorate or break, only to be replaced by a universal military structure. This is particularly important for how we think about the second assumption in the military expert report. Violence requires a military organization: Patrons and commanders

The second assumption underlying the military expert witness report is derivative of the first. The report argues that the suspension of normal social functioning in wartime produces two possible results: a state of aimless violence, chaotic and anarchic, or the erection (intentional or organic) of military structures. ‘Military organization,’ Iron writes, ‘therefore exists in any conflict waged between recognizable groups; otherwise it is simply a state of aimless violence.’³¹

Patronage

Certainly the CDF did not operate in a state of aimless violence. But neither was it a military organization. Its principle organizational logic was one that organizes many spheres of social, political and economic life throughout sub-Saharan Africa: relations of patronage. What this means in practical terms for people living in the region is that social networks are crucial to everything from employment opportunities to ritual initiations to individual identity. Social action needs to be understood not in terms of individual activities but as the mobilization of social networks. ‘People here,’ writes the anthropologist Charles Piot, referring to West Africa generally, ‘do not "have" relations; they "are" relations.’³² The social being of an individual is measured by the people with whom one has relations of dependence or for whom one acts as a patron. The capacity to maintain a social network (a demonstrable ‘wealth in people’³³) is the mark of status.

In Mende the concept is expressed, for example, in terms such as ‘standing for’ others in the community (to ‘stand for them’ or ‘be for them,’ numui lo va). As the anthropologist Mariane Ferme writes in her ethnography of Mende social practices, ‘The crucial point, then, was that everyone must be accounted for by someone else – that everyone must be linked in a relationship of patronage or clientship.’³⁴ The person who stands for someone else is responsible for overseeing his or her behavior within a community and providing for his or her basic needs. In other words, for acting as a patron. In return, the patron can expect the performance of favours, a share of any wealth that the dependent or client might accumulate, and a level of respect, support, and privilege.

Patronage logic was embedded in the way the CDF employed terms associated with purely military organizations, terms such as ‘commander’. For a supposed military organization, the CDF had an overwhelming number of ‘commanders’ – and a concomitant paucity of privates or non-officer ranks. In my experience working with the CDF, a number of individuals claimed the title of ‘battalion commander’, ‘company commander’, or ‘platoon commander’, but these titles were not used systematically and did not automatically correspond to a list of duties or a fixed number of subordinate personnel. More often than not they were issued as rewards. Changes in rank did not necessarily signify a change in command. This suggests more than simply that the CDF ‘was just not a very good [military organization]’. It illustrates, rather, that the hierarchy of the CDF functioned according to a different system, one rooted in local understandings of patronage and responsibility.

A former kamajor put the relationship in the explicitly patrimonial terms common to patronage relations by drawing a familial connection between commanders and their dependents: ‘The same way I give [orders] to my son, I can give them to [my fighters].’³⁵

As a patron, a "commander" would be responsible for his "clients" in ways not defined by military necessity or protocol. In addition to food, shelter, weapons and ammunition, a patron/commander would be a resource in family emergencies or an arbiter for disputes among equals. He would be expected to "stand for" those beneath him in cases where allegations were made by local authorities or others within the movement. In return, a patron/commander's dependents would be expected to offer security for the "big man", share a portion of whatever wealth they might accumulate and tend to his needs as necessary.

Commanders

There are two simple illustrations of the primacy of patronage over purely military style command. First is the fact that so many "commanders" and other titled people within the CDF had no military experience whatsoever, but had been important or respected community members prior to the war. Their patron status, and their networks of dependence (their ‘wealth in people’) simply continued from peacetime into wartime. This was certainly the case with the majority of members of the Base Zero War Council, few if any of whom had a military background. In his testimony before the Court, for example, Samuel Hinga Norman notes that Alhaji Daramy Rogers ‘could be a useful member [of the War Council] at Base Zero’ because he was ‘an Alhaji and a politician’.³⁶ In the same vein, Brima Jolu Kenneh Sei in Panguma, one of the key figures in efforts to retake Tongo during the junta period, was

voted a commander by the chiefs and town council because he was section chief of one of Panguma's seven sections and therefore considered an 'upstanding citizen'. Prior to this, he had no military background or training.³⁷ This was also true of Moinina Fofana (the eventual Director of War), who had no military experience but had achieved a degree of status as a local businessman and benefactor for internally displaced persons. After 1995 Fofana was sometimes described as a Chief Kamajor, having assisted in the supply of food to refugees and combatants. Chief Kamajor was an honorific title sometimes given to Paramount Chiefs and other important persons;³⁸ it connoted no specific duties or responsibilities and was not used systematically.

There were no fixed definitions attached to specific ranks that codified the duties, obligations or spheres of command for specific positions. Terms like 'adjutant', 'platoon commander', or 'battalion commander' could mean different things in different parts of the organization or at different times in its history. Most important, it could mean different things based on who held the position. This is exactly the opposite of how such titles work in a strictly military organization, where rank implies fixed roles regardless of the individuals who fill them. Most combatants understood the use of these titles as a way to "map" patronage networks.

Take the use of the term "adjutant". This was a relatively common title that Eddie Massalley, a commander in Pujehun, gave to combatants with a small number of clients/dependents and to individuals who could read and write and were therefore useful organizers. "Adjutant" is indeed a rank in a number of professional militaries, with various duties depending on the service in question. Yet when asked what duties an adjutant was intended to perform, one of Massalley's former "adjutants" said he had no idea what the term meant or what duties it implied. Massalley, he said, used to give out titles liberally and named a number of combatants as his "adjutants". Nevertheless, because Massalley had given it to him, it became a nickname by which everyone at Bo Waterside knew him.³⁹

The fact that these titles did not correspond to designated community roles and did not imply for most people a fixed set of responsibilities also made them subject to a great deal of manipulation. Some combatants referred to "419" claims (after the Nigerian Internet banking scams), a process whereby combatants would claim a certain rank or title for themselves in the hopes of speaking the claim into reality. Titles in these cases were used to express an aspiration rather than an actual rank. One of the most notorious "generals" in the Bo area, a former Special Security Division officer under the APC, was widely said to have nominated himself to be a CDF general.⁴⁰ His "rank" became a reality because no one dared challenge him and he was able to cultivate clients/dependents by spreading around the resources he accumulated during the war.

Further illustrating the primacy of patronage was the relative frequency with which captured RUF combatants were integrated into the CDF and established long-term, trusting ties with their new CDF commanders. A number of CDF fighters⁴¹ were former RUF combatants who switched sides, either voluntarily or when captured by the CDF. To be accepted within the CDF, a former RUF fighter required someone to "stand for" him – to vouch for him as a person worthy of joining the society and as someone for whom the new patron would be responsible. Describing a situation in which he "stood for" a captured RUF combatant, one former kamajor from Bo described how to this day the captured individual comes to visit him and pays him respect as a social elder: 'He is always my boy. He's just like my junior brother now. After I did that for him, his family took me to be part of them.'⁴² The upshot of the primacy of the patronage network is that, for most combatants, the person of most import was their immediate patron, rather than persons who might be of superior 'rank' but to whom they had little if any direct contact.

Reconfiguring the web of relations

At the same time, for many young people, the war offered a way to bypass the existing pathways by which one established patronage networks of one's own. Young men who were referred to as "commanders" at various levels claimed to have achieved that rank as a result of distinguishing themselves through their hard work, bravery and trustworthiness.⁴³ These are individuals who were able to challenge the standard routes by which young men achieved status (paying one's dues to a patron until reaching a certain age, marital status, or inheritance worthy of a "big man") by finding an alternative: attracting clients/dependents by establishing effectiveness on the battlefield. Because the patronage system which dominated the CDF overlapped so extensively with the patronage networks that operated prior to the CDF, this often meant that young commanders acted independent of more senior men if by doing so they could establish the means by which to secure client/dependents of their own.

The case of Brima Sei at Panguma is instructive here. A relatively junior person, Musa Junisa, was able to establish himself ahead of the commander at Panguma, Brima Sei, by securing ammunition from CDF patrons at two locations, Base One and Base Zero (see below). When the junta took power in 1997, kamajors at Panguma had enough weapons but not enough artillery to fight the AFRC/RUF in the Panguma and Tongo areas. Musa Junisa and a few other fighters went first to Gendema, where they were given approximately a dozen RPGs. They then proceeded to Base Zero, where they were given cartridges for AK-47s and G3 rifles. Returning to Panguma, Junisa was able to displace Brima Sei as commander in part through his ability to control this ammunition and therefore create a network of dependents. From February of 1998 his new authority allowed him to claim the title of Director of Operations, Eastern Region.

Within the CDF various individuals used the provision of weapons as a means by which to garner and maintain support. Important Mende political figures such as Daramay Rogers, George Jambawai, and Albert Nallo all travelled to CDF-held areas and dispensed weapons and ammunition. These activities should not simply be seen as carrying out duties attached to rank; rather, they were efforts to obtain 'clients' and establish patronage relationships in a highly competitive and diffuse field. Where a supply officer of a certain rank in the British military may be charged with distributing logistics, within the CDF an individual would as likely be considered an "officer" (a person of importance or rank) by first having demonstrated his ability to procure and distribute logistic supplies.

In short, the social logics which pre-dated the war remained salient for the CDF during the war. Rather than a military organization, the CDF is better thought of as the militarization of that dominant logic, or the militarization of a particular network of social relations. The organization did not simply come into being out of the necessity to control the violence around it and in the absence of other social structures. Instead it emerged from a conjunction of patronage demands and opportunities reconstituted by the contingencies of the Sierra Leone war-scape.

Kamajor mythology and the Koribundu/Bo campaign

The third assumption underlying the military expert witness report is that the efforts by the CDF during the junta period to retake Koribundu and Bo are representative of the entirety of CDF activities. This is the most empirically grounded claim in the report, though it, too, entails a theoretical proposition. Because the CDF is assumed to operate according to a universal military structural logic, understanding how it functioned in any given locale would suggest a template for how it functioned elsewhere in the country. What I wish to do here is trace some of the specificities at work in the Koribundu/Bo fighting to suggest that these are not, in fact, representative of how the CDF operated nationally. There were social, political, and logistical factors that made Bo and Koribundu unique. It is important to note, however, that this misreading is not simply a fault of the military expert witness report. The internal politics of the CDF generated a narrative which privileged the activities of the southern region. In the "mythology" of the CDF, the operations of kamajors at Base Zero in the Bonthe District were presumed to be synonymous with the organization as a whole.

The myth of Mende-ness

The kamajor faction of the CDF has quite rightly been associated in the scholarly and popular literature on the war in Sierra Leone with the Mende ethnic group of the south-east. While accurate, what this tends to occlude is the significant role played in the CDF's success by Liberians and individuals of mixed Liberian/Sierra Leonean heritage. In part this is because the figure of the kamajor is romanticized as a uniquely Mende figure with paramount importance to Mende identity. Hinga Norman illustrates this romanticization when he says of the kamajors in his Special Court testimony:

My Lords, in this country Kamajors are age old people. They had existed before my own great-grandfather. There is no issue of selecting who to become a Kamajor or who not to become a Kamajor. They're here permanently. They were, they are, they will continue to be.⁴⁴

This romanticism has real empirical consequences; namely, the minimization of the role played by ULIMO45 forces and the Special Forces group which operated out of Base One at Gendema on the Liberian border and in close coordination with ECOMOG.

A large number of Liberians or mixed-parentage youths with combat experience in Liberia joined the CDF. As noted in the No Peace Without Justice 'Sierra Leone Conflict Mapping Report', former ULIMO fighters assisted the kamajors throughout 1997 and 1998.⁴⁶ Few if any of these combatants were at Base Zero. The majority were recruited in Liberia or from Liberian refugee camps in Sierra Leone. They operated initially from Base One, which was easily accessible from the Liberian capital. Unlike most CDF kamajors, many of these veterans had been trained in the use of heavier weapons – RPGs, mortars, etc. They were more closely allied to ECOMOG, especially the late Maxwell Khobe. There was, for example, a company of 70–100 men who operated as a Special Forces unit from Base One throughout the junta period under the command of a former ULIMO fighter. Expatriate Sierra Leoneans living in Monrovia were actively recruiting Sierra Leonean and Liberian veterans to fight on the Sierra Leone side of the border. Highly mobile, these fighters could be deployed easily wherever needed. For example, they played an instrumental role in the capture of Freetown from the AFRC/RUF and during the 6 January 1999 Freetown invasion.⁴⁷ They were also directly involved in the capture of Zimmi and other parts of Pujehun, and operated throughout Kenema, Kono, and Kailahun districts. Informants in and around Bo stated that when they heard about the advances of loyal troops opposed to the AFRC, they heard first about joint ECOMOG/CDF movements coming in from Gendema and the Liberian border (Base One) rather than from Base Zero in the south.

A recent Human Right Watch report underscores the importance of such 'regional warriors' to the various phases of the war that has spread from Liberia to Sierra Leone, Guinea, and now Côte d'Ivoire.⁴⁸ They are a floating population of combatants, many of whom began fighting as children during Charles Taylor's first war in Liberia. Their allegiances tend to be to local warlords able to provide them with a cash payout, logistic support, and the opportunity for self enrichment. In short, they are not necessarily beholden to a central command structure, and are often both more highly trained and more violent than their allies in the various factions.

Base one and base zero

In the wake of the May 1997 coup, Eddie Massalley called for all loyal troops, including irregular militias, to assemble at Gendema/Bo Waterside.⁴⁹ This was the main concentration of kamajor and other combatants until the establishment of Base Zero at Talia in September 1997. Base Zero at that point became a more public face for the CDF and its efforts to restore the government, not least because Hinga Norman operated there and because a number of local and foreign journalists were brought to Base Zero to witness the CDF efforts. This public relations savvy may be one of the reasons why Col. Richard Iron incorrectly concludes that the mobilization at Gendema/Bo Waterside (sometimes referred to as Base One) was temporary and did not last beyond the establishment of Base Zero at Talia. In fact, for many groups of combatants in the field, Base One and Base Zero were primarily locations to which one could travel or send delegates in order to ask for supplies. These journeys are best thought of in terms of patronage networks: those at Base Zero and Base One had access to material that could help local commanders solidify their patronage networks or help those who hoped to become important commanders develop their own.

This ability to dispense material support, rather than to coordinate battlefield activity, made Base Zero and Base One important for the CDF as a whole. The case of the Panguma kamajors outlined above is once again illustrative. Local units in need of supplies would send delegates to one location (usually the closest) to ask for matériel. If it could not be secured at one location, a delegation would then be sent to the other. The RPGs which Musa Junisa received from Base One were clearly insufficient to retake Tongo or hold Panguma, and so he travelled to Base Zero with the same request.

The success of Hinga Norman and other CDF notables in popularizing Base Zero as the CDF headquarters raised the visibility of the organization's activities in the region. This hardly makes these activities representative. For example, Hinga Norman's relationship with the residents of Koribundu, described above, makes it a questionable location to be used as a template for all CDF activity. Similarly Bo occupies a rather unique position within the context of the war in Sierra Leone. As the nation's second largest city, it was a symbolically important target for all factions. The war in Sierra Leone was fought in large measure through spectacular demonstrations meant to convince the enemy of one's numbers, strength, and ferocity – regardless of the reality of one's actual military capability.⁵⁰ Capturing Bo is not the military equivalent of capturing even a town of moderate size, let alone a small village or hamlet. Bo is doubly important for the Mendes who made up the vast majority of the CDF as it is the major urban centre in the Mende-dominated south-east.

Conclusion: Wider implications

My reading of the military expert report in the CDF prosecution was occasioned by a specific historical circumstance – serving as an expert Defence witness for the Special Court. My own report was therefore structured by a certain juridical framework and was meant to address a limited scope of historical questions.

Nevertheless, the analysis presented in that report has wider implications for how we understand the nature and function of the CDF, the organization of African militias in general, and, perhaps most important, the difficulties of intervening in post-Cold War conflicts in this region. The military expert witness report against which much of my own analysis is framed reflects a range of common assumptions. Col. Iron's approach to contemporary African violence is consistent with how observers across spheres and disciplines approach war on the continent. By way of conclusion, I trace some of the implications of these misreadings here.

The first and most obvious point is that we cannot continue to see war and mass violence as the antithesis of 'normal' social functions. The supposition that war is a universal, ahistorical phenomenon generates responses that are increasingly mismatched to the realities of contemporary conflict. Elsewhere I have suggested that the international apparatus of emergency assistance has become part of the logic of violence in the Mano River region.⁵¹ This is a consequence, at least in part, of the predictability of international responses to humanitarian crises and the reduction of crisis situations to a formulaic programme of managing the bare life of civilian populations.⁵² Because war is defined by the absence of routine social structures and because it is thought to generate its own unique (military) habitus, we tend to miss the ways in which wartime and peacetime processes are increasingly indistinguishable.⁵³

For example, the repeated failures of the various Disarmament, Demobilization, and Reintegration (DDR) campaigns in the region (Sierra Leone, Liberia, and the promised DDR in Côte d'Ivoire) can be traced in part to the one-dimensional approach taken toward combatants. In each case the DDR campaign has been structured around the presumption that the various armed factions function as military organizations which decommissioning weapons would effectively terminate. The cash and jobs training benefits which have been increased with each successive DDR are meant to allow ex-combatants to leave behind the military structures in which they operate and resume life in the 'normal' social landscape reconstituted by the end of war.

What this framework fails to recognize is that the patronage networks which dominate everyday existence have not been replaced in wartime, they have simply become militarized. Ex-combatants remain dependent on their commanders even after disarmament. In both Sierra Leone and Liberia, combatants were required to give up most of the DDR benefits to their patrons/commanders to even secure the opportunity to participate in DDR proceedings. This served to solidify the patron/client relation even further and effectively erased the fresh start that disarmament was supposed to entail.⁵⁴ Ironically, disarmament campaigns have helped to create a class of highly mobile young men who can be "deployed" to the various disarmament proceedings by their patrons in an effort to capitalize on the ever-increasing benefits packages.

A second consequence of assuming that war marks the end of routine sociality and the rise of purely military organizations is the possibility of misrecognizing those who might be in a position to wield influence over militia combatants. On the one hand, a network of rural Mende notables with no direct military role or official rank exerted a great deal of influence over the kamajors and CDF at various points in time and geographical location.⁵⁵ These are individuals who are all but invisible within a military chain of command framework and who might not be obvious interlocutors if the presumption is that military commanders are those best positioned to intervene in the activities of rank-and-file fighters. For the kamajors this included the initiators responsible for making the bodies of combatants bulletproof, but it also included prominent imams, business leaders, various Alhajis and local politicians. At the same time, the importance of the personalized patronage relationships at work within the organization meant that local commanders/patrons, many of them quite young, would have to be included in any discussion about the activities of various units that make up the organization. These are people whose nominal rank would not necessarily imply decision-making capability in a more structured military organization. But they are individuals with an expanded capacity to control the violence of those in their units and are individuals capable of acting with a great deal of autonomy.

Recognizing that mass violence need not require a military structure also allows us to understand what the theorist Paul Virilio has referred to as the dromological aspects of contemporary warfare – the use of speed as a weapon. Combatants in the region not only cycle between conflict zones (Sierra Leone, Liberia, Côte d’Ivoire, and now Guinea) but between forms of labour. Fighters with the CDF have alternated their ‘work’ as militia members with labour in the diamond fields, timber operations, and rubber plantations. Most do so in consultation with or on the direct order of patrons, who in many cases are also their wartime commanders. The result is that large numbers of young men can be called up quickly and deployed to various points in the region for different forms of labour (including fighting) with relative ease and at great speed. Most do not think of their labours on the battlefield as qualitatively distinct from their labours in other sectors of the economy, and shifting between spheres requires no fundamental reorganization of their social worlds.⁵⁶ Among other consequences, this means that any intervention into conflicts in the region cannot be predicated on waiting for a ‘military leadership’ to emerge or for the solidification of a militarily recognizable chain of command.

Although West Africa is generally excluded from contemporary theorization of the nature of war globally, there is an additional lesson to be drawn from the CDF example for how we think of contemporary militia activity worldwide. Especially in the light of the US experience with organizations like Al Qaeda and with the various forces in the ongoing Iraq war, a great deal of attention has been paid to what theorists have referred to as ‘netwar’⁵⁷ or to various cellular models of military organization. These are efforts to define military structure in the absence of a recognizable vertical hierarchy familiar from professional armies worldwide. In most instances, these network theorists have sought out micro-structural models with which to replace the familiar military macro-structure. They ask the question of how various cells or nodal points are organized to facilitate rapid deployment and to avoid concentrating resources, knowledge, and personnel. The activities of the CDF and other militias in the region suggest that the real problem for understanding (and intervening in) a great deal of violent activity today is not a more detailed model of military organization. It is, rather, an understanding of the way existing relationships become militarized and how they relate to the unique dynamics of local contexts. What an understanding of the nature and function of the CDF of Sierra Leone allows us to do is rethink the meaning of a militia.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 23 June 2009

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

International Clips on Liberia

Poll shows extent of civilian suffering in wars

GENEVA, June 23, 2009 (AFP) -

A Red Cross survey of eight war-torn countries has found that more than half of the civilians polled were forced to flee their homes -- while in Afghanistan and Liberia torture was a common experience. The opinion poll, released Tuesday, was conducted for the International Committee of the Red Cross among 4,000 people in Afghanistan, Colombia, Congo, Georgia, Haiti, Lebanon, Liberia and the Philippines. It is part of a campaign to highlight the impact of modern conflicts on civilians. Nowhere was the sense of direct suffering more acute than in Afghanistan, -- which has been gripped by conflict for three decades -- and in Liberia, where brutal civil wars ravaged the country between 1989 and 2003. In both nations, more than 40 percent of those polled said they had been tortured.

International Clips on West Africa

Ambassador Bangali Signs AU Treaties

Addis Ababa, Jun 23, 2009 (Concord Times/All Africa Global Media via COMTEX) -- Sierra Leone's Ambassador to Ethiopia and Permanent Representative to the African Union (AU) Thursday signed the AU African Charter on Statistics and the Protocol on the African Investment Bank. His Excellency Andrew Gbebay Bangali, who also doubles as Sierra Leone's Permanent Representative to the United Nations Economic Commission for Africa signed the two important instruments at the AU headquarters in Addis Ababa, Ethiopia. The signing of the treaties by Ambassador Bangali was an indication of the government of Sierra Leone's intention to ratify the two instruments. When the treaties would have been ratified by government, the rights and obligations of the agreements have to be legalized within the country. The purpose of ratification was to domesticate the legislations in accordance with the treaties.

Local Media – Newspaper

36th ECOWAS Summit Opens in Abuja, Nigeria

(The News, New Vision, Daily Observer, Heritage, The Analyst, The Informer,)

- The 36th Ordinary Summit of ECOWAS Heads of States and Governments has opened in Abuja, Nigeria, with President Ellen Johnson Sirleaf in attendance.
- An Executive Mansion release issued in Monrovia says at the opening ceremony, ECOWAS Chairman Nigerian President Umaru Yar'Adua called on member states to drive the peace process in Guinea and Guinea Bissau.
- President Yar'Adua said ECOWAS is already providing technical support to the election process in Guinea Bissau and would do the same in Guinea.
- The ordinary summit coincides with the Special ECOWAS-Spain Summit which is a new partnership with Spain and geared towards strengthening cooperation.

- Spanish Prime Minister Jose Luis Zapatero is leading his government's delegation to the special summit.

Maritime Commissioner Challenges Regional Auditors

(The Inquirer, The Parrot, Daily Observer)

- The Commissioner of the Bureau of Maritime Affairs (BMA), Commissioner Binyah C. Kesselly said he intends to prioritize training and capacity building.
- Delivering the keynote address at the opening of the Regional Training Course for auditors, Mr. Kesselly challenged regional auditors in the maritime industry to begin preparing for the global mandatory audit scheme as they move from the voluntary audit scheme.
- The five-day training course is being held at the Monrovia Regional Maritime Rescue Coordination Centre under the auspices of the International Maritime Organization (IMO) and the Bureau of Maritime Affairs.

Governance Commission Chairman Calls for Strong Security Sector

(The News)

- The Chairman of the Governance Commission, Dr. Amos Sawyer says a strong national security sector is cardinal to the sustenance of democracy in post conflict Liberia.
- Dr. Sawyer said there is a need for a strong security force to prevent the country from reverting to its bitter past stressing the need for the training of more security personnel to be deployed in every part of the country.
- The former Interim President spoke Monday when he served as keynote speaker at the launch of the Gabriel Baccus Matthews democracy Foundation who he described as a key figure in the creation of multi-party democracy in the country.
- The forum was launched under the theme: Liberia, Thirty Years of Popular Struggle for Participatory Democracy.
- Meanwhile, Grand Kru County Senator Blamo Nelson says the principles of multi-party democracy are yet to be fully realized in Liberia.

US\$87M Housing Contract Signed with Spanish Company

(Daily Observer)

- Government has signed an agreement with the Mamawa-Miguel Spanish Group for the construction of 10,000 housing units in the country.
- The US\$87 million housing project is expected to take place primarily in three locations namely: Robertsfield Highway, Brewerville and Virginia outside Monrovia.
- The Project Coordinator of the group, Mr. Alex Peacemann said the construction would begin in August with 4000 housing units being built simultaneously in the three locations.
- According to Mr. Peacemann, the Mamawa-Miguel Spanish Group would also venture in the areas of Agriculture, Energy, and Tourism among others.
- He said the group has already procured 1000 acres of land for the Agro-development project which would boost massive youth employment.

High Yielding Rice Seeds Arrive for Liberian Farmers

(Daily Observer, The News, The Inquirer)

- The first consignment of 26 metric tons high-yielding rice seed has arrived in the country from the West African Rice Development Association (WARDA), now called the Africa Rice Center. The second consignment of 24 metric tons is due in the country shortly.
- The seeds are mostly NERICA ("New Rice for Africa") and other improved varieties.
- The seeds will be multiplied by the Central Agricultural Research Institute (CARI) in Suakoko, Bong County and five NGOs, in collaboration with select farmers and Farmer Based Organizations (FBOs) that are part of a Seed Bank Program.
- The seeds were purchased by the United States Agency for International Development (USAID) as part of the U.S. government's Global Food Security Response Program (GFRP).

2 Arrested For 'Illegal Sale' of Mosquito Nets

(Daily Observer, The News)

- The Liberia National Police (LNP) over the weekend arrested two persons in Grand Bassa County for 'illegal sale' of treated mosquito nets intended for free distribution to pregnant women across the country.
- According to Police Spokesman George Bardue, the suspects, Timothy Davis and Jefferson Anthony, were caught at different locations in the County.

Government Launches “Back-To-Soil” Campaign, Targets Traditional Communicators

(The Inquirer, Daily Observer)

- The Ministry of Agriculture (MOA), in collaboration with Liberian Crusaders for Peace, United Nations Mission in Liberia (UNMIL), Food and Agriculture Organization (FAO), World Health Organization (WHO), has officially launched “Back-To-Soil” Campaign in Monrovia.
- At a news conference in Monrovia the committee on the “Back to Soil” said it has embarked on a more vigorous approach by sensitizing traditional communicators on how to use standardized messages.
- Some of the messages to be used during this year’s campaign include, “No Food For Lazy Man”, The Soil is a Bank; Invest in it, Agriculture will put Money in Your Pocket among others.

Local Media – Star Radio (*culled from website today at 09:00 am*)

Government to Pay Guthrie Workers US\$180,000 Salary Arrears

- Government says it has reached a consensus with aggrieved workers of the Guthrie Rubber Plantation in Bomi and Grand Cape Mount Counties.
- According to Deputy Information Minister Cletus Sieh, the workers will receive one month salary arrear each as of tomorrow.
- Minister Sieh put the total amount to be paid out to the workers at US\$180,000.
- He said the agreement was reached Monday following a consultative meeting with the leadership of the Guthrie workers.
- The Minister government’s action was to avoid another riot at the plantation.
- The striking Guthrie workers had threatened disturbance in demand of three-month salary arrears allegedly owed them by the management.

US\$87M Housing Contract Signed with Spanish Company

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

Governance Commission Chairman Calls for Strong Security Sector

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

ECOWAS Summit Opens in Abuja, Nigeria

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

Twenty Traditional Midwives Graduate in Greenville, Sinoe County

- The Ministry of Health has graduated twenty trained traditional midwives in Greenville, Sinoe County.
- The training which lasted for a little over five months was funded by the United Nations Children’s Education Fund (UNICEF) and supported by the Health Ministry.

E.L.B.C. (*News monitored today at 9:00 am*)

Maritime Commissioner Challenges Regional Auditors

The Informer (Monrovia)

Tuesday, 23 June 2009

Liberia: Boakai Upbeat By TRC Process -Frowns At Brawl Among TRC Commissioners

Roland Perry

The Vice President of Liberia Joseph N. Boakai has applauded commissioners of Liberia Truth and Reconciliation Commission (TRC) for what he described as hard work and devotion they have put into process.

He said public hearings, county conventions and the just ended National Reconciliation Conference have all provided the needed forum to enlighten the public and authorities about happenings during the civil conflict and set a guide for Liberian to take necessary precautionary measures to ensure that the bitter past is not repeated.

According to Boakai, he has placed a premium on the TRC process for a very long time like all other Liberians and was aware of the dividends of peace and the resulting consequences of war, stressing the TRC process is the only way forward to sustainable peace, stability and democracy.

He said as the reconciliation process comes to an end, few instances where the demeanor of some of those testifying portrayed attitudes that remain "questionable".

He said one of the core elements of reconciliation is honest acknowledgment of the harm each party has inflicted on the other, adding that it was observed during the testimonies that some perpetrators reportedly failed to acknowledge the injuries they inflicted on victims.

The Vice President further stressed that the disharmony among Commissioners was disturbing and has marred the effectiveness of the Liberian TRC.

He said it is unfortunate to see Commissioners who are to make Liberians laugh and smile as a nation do not know how to laugh and smile themselves.

The seven commissioners of the TRC have all not been unanimous on policy issues during the course of their work over the last two years. At some point in time some Commissioners reportedly engaged in fist fight while two of the commissioners are said not to be on speaking term.

Meanwhile addressing a press conference yesterday at his Capitol Building office, Vice President said the government is fully committed to implement recommendations coming out of the TRC process.

He said the government has been supportive of the TRC process since it began, and it will remain committed to the process until the end, with the ultimate aim of reuniting Liberian to rebuild their country after years of war.

United Nations News

Tuesday, 23 June 2009

Liberia: expert panel urges Security Council to extend UN mission



Diamonds

23 June 2009 – A group of experts monitoring United Nations sanctions on Liberia has called for the extension of the world body's peacekeeping mission in the West African country to assist the Government in regaining control of its natural resources.

The mid-term report of the Panel of Experts on Liberia recommended that the UN Mission, known as UNMIL, help Monrovia re-establish administration of its natural resources and authority over mining and forestry.

The group also said that efforts to ensure that rough diamonds from Côte d'Ivoire do not enter Liberia must be intensified through strengthened internal controls over diamond mining and trading, as well as continued collaboration with the Kimberley Process – an international initiative joining governments, industry and civil society to stem the flow of conflict diamonds – and with neighbouring countries.

The panel of experts was appointed by Secretary-General Ban Ki-moon in July 2007 to renew investigations of whether UN sanctions against Liberia are enforced after learning of allegations that former president Charles Taylor may still have access to considerable wealth.

In its report, the group reviewed the lifting of embargoes on the export of diamonds and timber, along with the Council's travel ban and assets freeze imposed on certain individuals associated with Mr. Taylor, who's currently on trial in The Hague on charges of war crimes and crimes against humanity.

The panel said that it is investigating allegations of unapproved travel by individuals under the Council's ban amid reports that the Liberian Government has issued at least four passports, including a diplomatic one to listed individuals.

Among its proposals, the panel suggested that enforcement of the travel ban could be strengthened with greater collaboration with organizations such as INTERPOL.

BalkanInsight.com

Wednesday, 24 June 2009

Serbia War Crimes Court Sentences Croat Serb



Vukovar

Serbia's war Crimes Court on Tuesday sentenced a Croatian Serb to 20 years in prison for killing Croat prisoners of war in the eastern Croatian city of Vukovar in 1991.

Damir Sireta, alias Sico, was indicted for taking part in the killing of some 200 Croatian soldiers and civilians at the Ovcara farm outside of Vukovar.

In 1991, when war broke in Croatia, Sireta was a member of Vukovar's Territorial Defense, a formation within the former Yugoslav People's Army, JNA. Sireta was indicted for being a member of the platoon that had executed Croat prisoners at Ovcara in late November 1991.

After a three-month siege, Serbian forces took control of the devastated city and rounded up victims from a hospital, taking them to a nearby pig farm where they were tortured, killed and buried in a mass grave.

According to the indictment, Serbian paramilitary forces tortured the men before separating them into groups of seven or eight, killing them and dumping their bodies into a mass grave. Those showing signs of life were shot in the head.

Even though during the trial Sireta denied being at the farm, witnesses had confirmed that he was at the scene of the crime when the prisoners were killed.

Croatian-born Sireta, whose trial started in December last year, was arrested in Norway in December 2006 and extradited to Serbia in May 2008. Croatia also demanded his extradition from Norway, as he was sentenced there to 12 years in absentia for the same crimes.

In March this year, the Belgrade court sentenced seven Serbian soldiers to 20 years in prison each for the Ovcara farm war crimes and another six men were sentenced to jail terms ranging from five to 15 years. Sireta was also part of this case, but he was tried separately due to his pending deportation from Norway.

Former JNA Generals Mile Mrksic and Veselin Sljivancanin were given 20 and 17 years in prison, respectively, by the Hague-based International Criminal Tribunal for the former Yugoslavia, ICTY, in 2007.

Ka-set

Tuesday, 23 June 2009

<http://cambodia.ka-set.info/khmer-rouge/news>

The president resumes his role, while the prosecution loses theirs

By Stéphanie Gée



Kambol (Phnom Penh, Cambodia).
22/06/2009: A journalist reads a newspaper in the ECCC press room while Duch's trial goes on
©Vandy Rattana

The hearing on June 22nd 2009 highlighted the weakness of the prosecution in Duch's trial. Between repetitive questions and off-topics, the examination of the accused by the co-Prosecutors on the functioning of S-21 and Choeung Ek left more than an unfinished taste. The court president,

Nil Nonn, started directing the debates again, with a timely reminder to the parties of the rules of the game.

Co-Prosecutors' interrogation misses its target

The Cambodian co-Prosecutor started interrogating Duch and several of his questions were rejected by the president: "I request that the accused not answer this question. It is repetitive." The documents, drawn from the introductory submission, succeeded one another on the screen. They manifestly had great value for the case file. Unfortunately, an unclear presentation and mediocre translation limited their reach and understanding. Duch did not contest he was the author of the notes written on the archive documents, which shed light on the role played by the accused in the direct orders to torture and execute. He was also led to repeat that all the power was in Pol Pot's hands and he was only following orders, etc.

The international co-Prosecutor took over. Straight away, he stated to the accused: "During the last two weeks, you have appeared to be more honest with the ECCC [Extraordinary Chambers in the Courts of Cambodia]." And, according to him, inconsistencies appeared, which Duch challenged him to point out. William Smith then went on a series of perplexing questions. "Why did you decide to get married on December 20th 1975?" After reminding that the minimum age authorised to get married under the Khmer Rouge was 25 years old, Duch referred to "the state of human necessity." The president intervened: "We are discussing today the functioning of S-21 and Choeung Ek... Please limit your questions to the facts being debated and reserve these questions for when we discuss the personality of the accused."

The Australian resumed: "And you had two children during the time you worked at S-21?" Duch agrees. Interrogated on his wife's occupation, the accused explained she was initially part of a sewing unit in the provinces and he obtained that she stay in Phnom Penh, where she was posted in the military hospital. "We would spend one night together every ten days," he noted. Asked to describe his working day, Duch reported he started work at 7am, took a lunch break followed by a nap from 11am to 2pm, and worked until 5pm. After dinner, he would resume work from 7pm to 11pm, a day that could sometimes go on until 1am. The president carefully made sure the debates went smoothly, and made himself heard as soon as a question

led the accused to repeat what he had already said in court.

After lunch break, while the speaking time allocated to the co-Prosecutors by the court –three hours – was nearly over, pertinent questions had still not been asked. As for Duch, he complied by giving short answers. Yes, he did not have the time to do everything and had to delegate; yes, he would go frequently to the sculpture studio within the high school compound as soon as he started being “overwhelmed by a feeling of despair”; yes, he was the one who would generally summon his deputy Hor to his office adjoining his house to “manage daily affairs” such as the arrival of new prisoners.

“Did you have no scruples sending members of your own staff to death?”, the co-Prosecutor asked him as the screen displayed a chart of arrests in S-21, which showed 34 interrogators out of a total of 155 staff members were thus eliminated. “That is not true,” Duch answered. “I was not happy. But if an incident occurred, we were responsible for it. [...] And when a young man raped a female detainee, I would not have spared him if that had been a crime...” Why did he give in to fear only from the moment when Vorn Vet – former Khmer Rouge Minister of Industry and former superior of Duch – was arrested, in November 1978, and not before, when some of his subordinates were?, the co-Prosecutor continued. Because the S-21 staff members who had been incriminated until then did not originate from M-13, the centre Duch previously directed, and he therefore saw no reason to worry, he explained. Early January 1979, as the noose was tightening around him, Duch claimed he then took refuge in sleep, day and night, out of despair. “I was waiting for death,” he said.

Overrunning speaking time, the defence objects

The time allocated to the co-Prosecutors came to an end. William Smith requested a 20-minute extension. François Roux, Duch’s international co-lawyer, reacted strongly: “You could observe that a number of questions appeared to be off the topic. It fell upon the co-Prosecutors to ask pertinent questions in the time they were given. [...] The co-Prosecutor cannot complain about time lost because the answers [of the accused] were too long. Your Honour, I request the end of the interrogation.” In his defence, the co-Prosecutor recalled that the issue being debated represented the “heart of the trial” and claimed that “given the amount of time, efforts and money spent on this trial,” and “if the accused came before this Chamber with remorse and to say the truth,” then he believed his request for a 20-minute delay could not be objected to. The president deemed the defence’s remark “pertinent” but authorised the co-Prosecutor to continue, whilst observing he should have selected essential questions.

William Smith then attempted to make the accused recognise that he was an essential link in the implementation of the policy of the Communist Party of Kampuchea (CPK). Duch highlighted the fact he only obeyed orders and claimed again that he was not at the origin of the policy. “You played a very important role within the CPK, didn’t you?” “It is difficult for me to position myself,” Duch answered. “Haven’t you inflicted fear upon innocent Cambodians?” “Fear existed everywhere,” Duch replied. “But it is the party’s Central Committee who initiated this terror. And if we did not follow the orders, death awaited us.” Then, showing Duch the picture of a female detainee sitting next to her baby, the co-Prosecutor asked him: “How could you think in your soul that they were the faces of the enemy?” “Nobody can answer that... The Central Committee decided who the enemy was. [...] It wasn’t up to me, but to the superior echelon, to decide who had to be smashed...”

This time, the co-Prosecutors gave up. It was revealed that the co-lawyers for the four civil party groups did not retain the suggestion made to them during the last trial management meeting to appoint a Cambodian and an international lawyer to speak in the name of all. They preferred to keep one representative per group.

“To each their role,” the defence reminded

Hong Kim Suon, co-lawyer for group 4, asked the accused how he could be sure that the use of poisonous

insects did not take place in S-21 or that the practice of ripping prisoners' nails was ended once he became aware of it and forbade it. "If those orders were not respected, I had told Hor [my deputy] that he would be responsible for it before the party." A few questions later, François Roux intervened to clarify things: "I would like the civil parties to be invited not to carry out an examination as if they were prosecutors" but to ask questions directly related to the victims and civil parties. "I would like the role of each and everyone to be reminded." Alain Werner, co-lawyer for group 1, lamented that the defence had not raised this point during the last trial management meeting.

François Roux argued: "I am not seeking in any way to limit the civil parties' role, but to give it its full meaning. [...] They do not have to continue the prosecutors' role. The civil parties have an autonomous role," which is not to lead the prosecution, he added, referring to the principles established in a "mixed procedural regime that is mainly inquisitorial." "Those are the texts. You cannot stand in for the prosecutors." He added that an illustration of this drift was the request recently made by the civil party lawyers to be able to intervene on the sentence.

The Chamber finally allowed the interrogation by the civil parties in a way to support the co-Prosecutors' work, a green light assorted with recommendations: to avoid asking questions already asked by others, to make short ones "to avoid confusing the accused" and to abstain from any off-topic.

The lawyers intervened the one after the other. Invited to discuss specific detainees, Duch answered he did not recall the more than 10,000 victims who came to S-21. As for the medical experimentations and anatomy lessons carried out on prisoners, Duch claimed he had barely any information on the subject, which mattered little to him, and recalled that his concern was to "try and avoid any mistake in the implementation of the party line."

The interrogation on the functioning of S-21 and Choeung Ek will be followed by that of the accused on S-24 by the judges and parties. Then, from June 30th to July 14th, the Trial Chamber announced, nine survivors of S-21 will be heard (at last), with one every day.

United Nations Regional Information Centre for Western Europe

Tuesday, 23 June 2009

Rome Symposium on Children and Armed Conflict

Statement by Radhika Coomaraswamy

Special Representative of the Secretary-General for Children and Armed Conflict

Your Excellencies, Ladies and Gentlemen

I would like to take this opportunity to thank the Italian Government for hosting today's event to raise awareness about issues related to children and armed conflict. The Government has been a champion for children affected by war and a strong supporter of my Office over the course of the last ten years and particularly during the period Italy served in the Security Council. Italy has always fought for the maximum protection of children and is an important partner in current international efforts to strengthen the protection framework. I would also like to thank the Municipality of Rome for hosting the exhibit on the prestigious Piazza Campidoglio as well as our partners, particularly UNICEF, DPKO, the Innocenti Center, War Child Holland and Save the Children. Organizing the Symposium has been a multi stakeholder effort and points to the complementarities of our work. As Graça Machel said in her historic report that led to the setting up of my office, "Everyone has a role to play".

Today we are hearing voices of young people who have been in the midst of armed conflict and who have had to bear the brunt of the worst aspects of war's brutality. Their courage and resilience will be an inspiration to us all. Their stories only highlight the terrible things that happen to children during armed conflict. With the changing nature of armed conflict, the impact of war on children and young people has become more brutal than ever.

Children are often direct victims of war, killed and maimed, often caught in the crossfire. Some perpetrators directly target children to strike fear in the heart of the population. This intentional targeting is a serious breach of international law that calls for strict separation between civilians and combatants as well for the protection of the most vulnerable in times of war, especially children. Children can also be subject to indirect violence. The indiscriminate and disproportionate use of force often results in children becoming victims under the euphemism "collateral damage". This has posed special problems in modern wars, which often make use of long-range bombardment.

Children are also recruited into fighting forces, in contravention to international law. Children are sometimes abducted from their homes and made into fighters and sex slaves. Grace's experience in Uganda is a grim reminder of this reality. But in other parts of the world, children join armed groups for ideological reasons or are forced due to poverty. Today we are also witnessing the specter of child suicide bombings in Iraq and Afghanistan. These are alarming developments which must be challenged and stopped through global advocacy.

Advocacy must be reinforced by real action. Perpetrators of grave violations against children have to be held accountable and impunity must end. Recently, the Special Court for Sierra Leone condemned war lords for the recruitment and use of child soldiers. The International Criminal Court and the Security Council have moved toward setting milestones as well. The Security Council adopted the ground breaking resolution 1612 in 2005. Parties that recruit and use child soldiers are listed by name and can be subject to sanctions. The resolution also sets up a monitoring and reporting mechanism to follow situations on the ground and a Working Group of the Council that meets on a bimonthly basis to review country specific

reports. The mechanism is unique but a great deal remains to be done to make the promise of 1612, tangible protection for children, a reality.

Sexual violence against children is yet another brutal reality that children endure in the midst of conflict. Rape is often a tool of war to terrorize and intimidate communities. Sexual violence also flourishes in the context of impunity that often accompanies war, when social and political institutions no longer function and perpetrators are not punished or held accountable. These crimes have been documented from Bosnia to the Democratic Republic of Congo to Darfur. The international community is mobilized on this issue. The Special Tribunals for the Former Yugoslavia and Rwanda have created international precedents for the prosecution of sexual violence. The Security Council has passed resolution 1820 asking for reporting in this field. There is a possibility that sexual violence will also be added as a trigger for listing under the children and armed conflict resolution 1612. But these developments are only the tip of the iceberg. In the near future, we hope to have a new resolution on children and armed conflict, which addresses these issues.

During armed conflict, children often find refuge in schools. For this reason schools and hospitals are considered safe zones and must be protected during fighting. Attacks on schools are particularly disturbing. Recently, in some wars we have seen girls schools being attacked and targeted along with girl students and female teachers. It is important to keep schools as zones of peace and to make education key to children's survival during war. Emergency planning, especially of IDP sites, should include education. Staff and resources must be mobilized to this effect.

Finally humanitarian access is crucial for child survival during war. Denial of that access has a disproportionate impact on children. In this context we must think of IDP children, their right to basic services such as water, sanitation, education and health. IDP children should not be discriminated against and should be given the relevant documentation so that they are fully protected. IDP camps should be made secure to avoid recruitment and sexual violence in the camps or near their vicinity. Humanitarian partners on the ground struggle with these realities on a daily basis and it is our duty to support them.

All the war crimes that I have outlined above constitute the six grave violations against children that the Security Council monitors. The violations are based on an analysis of international humanitarian law and give us a framework for understanding the suffering of children and for undertaking actions to stop them, including strengthening national capacities and accountability mechanisms. In parallel, we and our partners must deliver appropriate responses. We must ensure that all children, their families and communities receive immediate assistance and tailor-made services such as psycho-social support and long term reintegration programs for ex-child combatants and victims of sexual violence. We must support the children in their healing process for them to be able to resume their lives. At the same time, we must also support efforts to give children and young people a space for action in longer term peace and reintegration efforts.

Children are resilient. They can play a major role in building their future and inspiring others. Grace, Kon and all NYPAW members are deeply committed to make a difference. They are speaking to you from their heart to inspire you to work toward protecting children in conflict. We must let the world know children's stories and we must take effective protective, legal and political actions to ensure that as many children as possible are spared the brutalities of war. Our joint action has, and will, make a difference, if only we make the effort.

The Canberra Times

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<http://www.canberratimes.com.au/news/opinion/editorial>

War laws need an upgrade

STEVEN FREELAND

This week marks the 150th anniversary of the Battle of Solferino, a small town in what is now northern Italy, which took place on June 24, 1859, during the Austro-Italian War. More than 200,000 soldiers fought in the battle, in which the army of Napoleon III eventually prevailed over the Austrian forces led by Franz Joseph I. The cost in terms of human lives was staggering.

Approximately 40,000 men perished, many of whom had been wounded and left to die in horrific circumstances on the battlefield due to a lack of available medical services. A Swiss businessman, Henri Dunant, who witnessed the aftermath of the battle, was horrified at the carnage he saw, and arranged some volunteer medical rescue and relief services. He subsequently recorded his experiences in the book *A Memory of Solferino*. His ideas and efforts ultimately led to the creation of the International Committee of the Red Cross in 1863 and the 186 national Red Cross societies that exist today.

Shortly afterwards, the first international treaty to impose rules on the conduct of warfare the 1864 Geneva Convention was finalised. Dunant received the first Nobel Peace Prize in 1901.

These events were to have very significant effects on the development of the international rules that regulate armed conflict, now known as international humanitarian law. The work of Dunant and the Red Cross galvanised an evolving process of lawmaking, both due to humanitarian concerns and concerns about the growing military capacity of other states. This process took a major step forward at two peace conferences in The Hague in 1899 and 1907, out of which several additional treaties dealing with warfare were agreed.

Yet, these were not enough to prevent the onset nor the horrors of two World Wars, in which countless millions of people were slaughtered, often in appalling circumstances. After World War II a series of landmark treaties, including the 1945 Charter of the United Nations, the four Geneva Conventions of 1949 (which were further supplemented in 1977) and the 1948 Genocide Convention, were concluded. Other treaties followed, including those dealing with the protection of cultural objects during warfare and the use of chemical and biological weapons. As the consciousness of the world awakened to the need to regulate both the method and means of warfare and to protect the victims of armed conflicts, the use of land mines, incendiary weapons and, more recently, cluster munitions also became the subject of international agreements. Finally, it seemed, there had emerged a comprehensive set of legal rules that would not only control the conduct of hostilities but, equally importantly, protect the rights of civilians and prisoners of war.

Sadly, and despite the efforts of many people and the work of organisations like the Red Cross, the world still continues to be wracked by armed conflicts during which many of these rules are violated, particularly those relating to the protection of civilians. During the period 1990-2003, 59 wars were fought around the world. Over that period, 16 of the world's 20 poorest countries suffered from violent conflict. In 1900, it was estimated that civilians represented approximately 5percent of the casualties of conflict. By World War II this figure had risen to about 65percent.

Human rights groups now calculate that approximately 90percent of all casualties in armed conflicts are civilians, of which 40percent are children. Summary executions, torture and widespread rape and killings still occur on a daily basis in many conflicts.

With regards to restricting the use of certain destructive weapons, the rules do not go far enough.

There is, for example, still no comprehensive ban on the use of nuclear weapons in conflict situations each of the five permanent members of the Security Council, plus countries like India, Pakistan and Israel, already have nuclear capability and fears exist about Iran and North Korea.

Between 1945 and 1996, when the Nuclear Test Ban Treaty was finalised, more than 2000 nuclear tests were conducted, but still the treaty is not in force.

We have recently witnessed another such test in North Korea. Remarkably, in 1996, the International Court of Justice left open the possibility the use of nuclear weapons in extreme circumstances may be legal (although it is likely the decision would be different if a similar case were brought before the court today).

Moreover, many victims of conflicts fall through the cracks of these international rules, which are primarily directed towards "traditional" conflicts between countries. Although there are some rules relating to internal conflicts, these are far less comprehensive and adequate, compared to the rules that apply to an international conflict between states. National sovereignty is at play here. This itself is a problem, since the vast majority of armed conflicts in the world today could arguably be classified as internal, and thus beyond the express reach of some fundamental international rules restraining the conduct of hostilities.

Added to these complications are the phenomena of the so-called "non-state actors" like al Qaeda and other terror groups, which typically would not regard themselves as being bound by traditional principles governing the conduct of armed conflict indeed such is the nature of many tactics of terror.

So, even as we celebrate the remarkable progress over the past 150 years, we must not be complacent. Improving compliance with the existing rules is a crucial step towards limiting human suffering, but equally important is the need to upgrade international law in order that it remains relevant to contemporary modes of conflict. Naturally, political will to allow this to happen is crucial too many countries have a vested interest in maintaining the vagaries and gaps that exist in the present legal regime.

For this situation to improve, it is incumbent on us to regularly remind our political leaders we are interested in the fate of victims of conflict and we support Australia's unflinching involvement in international debates on human rights.

While warfare has been an inherent trait of human existence since time immemorial, this is no reason not to find ways to minimise its adverse impact and to tackle the circumstances that lead people to fight rather than live in peace.

Each one of us owes this to the next generation of innocent people.

Steven Freeland is associate professor of International Law, University of Western Sydney and a visiting professional at the International Criminal Court, The Hague. These are his personal views.

IRIN

Wednesday, 24 June 2009

GLOBAL: Do the Geneva Conventions still stand up?



Photo: [Sri Lankan Government Information](#)

Department

Civilians are casualties of armed conflict in Sri Lanka (file photo)

DAKAR, 23 June 2009 (IRIN) - One hundred fifty years ago the battle of Solferino left 40,000 soldiers and civilians either wounded or killed. With too few doctors on hand, Swiss civilian Henry Dunant helped villagers care for the victims. Underscoring the direct and dire impact of war on civilians, his experience led him to found the International Red Cross Movement, which celebrates its anniversary on 24 June.

The Red Cross Movement initiated a convention to establish the laws of war, which was eventually passed in 1949 as the Geneva Conventions, which set out to protect combatants, prisoners and non-combatants in conflict. Additional protocols in 1977 stipulated protection of civilians in international and internal conflict.

Ambiguity has grown over what constitutes a war and what is a criminal attack, over who is a party to conflict and who is a civilian. IRIN asked humanitarian and legal experts how conflict has changed in the 21st century and whether the Geneva Conventions and the additional protocols still hold when it comes to protecting civilians in conflict.

How has conflict changed in the 21st century?

Mary Kaldor is a professor and director of the Centre for the Study of Global Governance at the London School of Economics and Political Science. Her books include *The Imaginary War* (1990), *New and Old Wars: Organized Violence in a Global Era* (1999) and *Global Civil Society: An Answer to War* (2003).

The battle of Solferino was very different from contemporary conflict – warring parties then tended to be armies that attacked each other and the main parties to conflict were states.

Now the main violence is committed against civilians.

Now wars are sometimes not even declared to be wars, so people could argue the Geneva Conventions do not necessarily even apply. We see a mixture of organized crime, wars and human rights violations – the Sierra Leone conflict being a typical example of that.

In current counter-insurgency wars in Iraq or Afghanistan, the United States has said it cannot distinguish between combatants and civilians.

Knut Doermann is a legal adviser at the Legal Division of the International Committee of the Red Cross headquarters in Geneva and is author of *Elements of War Crimes under the Rome Statute of the International Criminal Court*.

Perhaps it is true to say that the complexity of situations has increased today. When you have non-state armed groups splintering into different groups for instance, how do you interact with each of them? Do they have sufficient knowledge of the law?

Distinction [between a civilian and a party to the conflict as outlined in Additional Protocol 1 in 1977] is increasingly complex. Civilians lose their protection when they take direct part in hostilities, but what does this mean? Between giving food to a soldier and killing a soldier there is a vast grey zone.

Hugo Slim is a humanitarian scholar and visiting fellow at the Institute of Ethics, Law and Armed Conflict at Oxford University and author of the 2008 book, *Killing Civilians: Method, Madness and Morality in War*.

People have been hurting each other in war in much the same way for thousands of years. As technology changes we will need to continue to adopt new conventions and protocols on new weaponry. This is already the case as we can see with the new cluster munitions treaty [passed in December 2008], the 1997 international treaty to ban landmines and the 1997 chemical weapons convention.



Photo: [Abdullah Shaheen/IRIN](#)

A child injured in conflict in Afghanistan (file photo)

Do the Geneva Conventions and protocols go far enough to protect civilians in conflict, or does the 21st century need something different?

Knut Doermann: The Geneva Conventions are an indispensable tool to protect civilians in international conflict. Their great benefit is that they are universally ratified and so recognized by all. Their core provisions – such as the obligation not to attack civilians – are undisputed, even for non-state parties. When the additional protocols were negotiated in 1977 it was against a backdrop of guerrilla warfare which by its nature involves intermingling with the civilian population, so this is not new.



Photo: [Manoocher Deghati/IRIN](#)

Cluster bombs in Lebanon (file photo)

What is more challenging is respect for the conventions. Too often you see lack of political will [or] lack of knowledge or training to respect the rules. International tribunals can create a deterrent effect and bring perpetrators to justice, but states must first meet their obligations.

International scrutiny of conduct in an armed conflict situation is an important aspect with a view of improving compliance with international humanitarian law. In order to be effective and credible, such scrutiny must not be – or be perceived as being – selective.

The principle of distinction may require more clarity. To try to clarify the grey zone, the ICRC has put out guidance on what it means to take direct part in hostilities.

And we worked with 17 states to develop the 2008 Montreux document which describes international law as it applies to the activities of private military and security companies.

Mary Kaldor: The last thing we want to do is throw away international humanitarian law (IHL), but it has to be complemented by international criminal and human rights law to capture some of the aspects that IHL cannot. For instance, you can argue that it is a military necessity to kill a civilian in war to bring about a greater good; but under human rights and domestic law the only justification for killing a civilian would be self-defence.

Hugo Slim: The Geneva Conventions go far enough. The spectrum of violence has always been murky – the ICRC uses the terms “international conflict”, “internal conflict” and “internal disturbance” to qualify them – these should cover most murky areas.

But we do need more clarity on the question of civilian ambiguity and what constitutes direct participation in conflict. This could require an additional protocol, or a new guidance note.

The truth is, when the Geneva Conventions do not work it is not because people are trying to find a loophole in the law, but because they are rejecting values of distinction and proportionality.

***Francoise Saulnier** is legal director of Médecins Sans Frontières and has been framing the NGO's legal responsibility in conflict for 18 years. She is author of *The Practical Guide to Humanitarian Law*.*

Any criticisms [of] humanitarian law that derive from the war against terror are unfair. Asymmetrical conflicts – international and internal, guerrilla warfare and terrorism – have been a part of...conflict for centuries. These international conventions have already taken into account and arbitrated the various dilemmas experienced during decolonization wars and the civil wars that occurred after independence in many developing countries. As such, they tackle all forms of insurgency and counter-insurgency military operations.