

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



**PRESS CLIPPINGS**

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

**as at:**

Wednesday, 20 January 2010

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

Wednesday, 20 January 2010

**On January 6, 1999 invasion of Freetown...**

## Another denial from Charles Taylor

Former Liberian president, Charles Taylor at the resumption of his trial, has denied using his position in the Economic Community of West African States (ECOWAS) to support the RUF rebels in attempts to overthrow the government of Sierra Leone.

The prosecution at the trial in The Hague accused Mr. Taylor of having knowledge of plans by rebel leader, Sam Bockarie, to attack the Sierra Leonean capital, Freetown in 1998 and 1999 unless president Kabbah resigned.

Monday was another day of tense exchanges between the lead prosecuting counsel, Brenda Hollis, and defendant Charles Taylor.

Ms. Hollis claimed that in October 1998 former president Kabbah of Sierra Leone officially complained to the United Nations that the Liberian government had deployed five thousand troops along the border with Sierra Leone. This followed Taylor's appointment as the chief peace negotiator or point president for the West African regional grouping, ECOWAS.

Brenda Hollis said Taylor's government had failed to inform the public that he was deploying troops along the Sierra Leone-Liberia border.

Hollis also persistently asked Mr. Taylor whether, as point president for peace, he was aware of threats made by Sam Bockarie in 1998 to kill in her words, "every living thing and destroy buildings in Freetown if the RUF leader Foday Sankoh were not released".

Taylor said he was not aware of those threats.

At this point the lead defence council Courtenay



Griffiths raised an objection about the prosecutor's line of questioning. Griffiths said the prosecution was trying to introduce new material into evidence through the back door.

However, the presiding judge Justice Julia Sebutinde ruled against Griffiths saying there would be time for the materials to be tendered as evidence and that at such time the defence's arguments could be heard. But that for the moment she would allow the prosecutor to continue.

The trial of the former Liberian leader continues in the Netherlands capital, The Hague.

The Exclusive  
Wednesday, 20 January 2010

# Taylor Denied Knowledge of Threats

Former Liberian President, Charles Taylor, today denied knowledge of threats by a Sierra Leonean rebel commander to kill fellow citizens if the group's leader was not released from jail during the country's brutal civil conflict.

Prosecutors dismissed his denial as impossible: Mr. Taylor had to have known about the threats, not only because he was anointed the point-person for peace by fellow African leaders, but because Mr. Taylor was also helping to plan the rebel attacks, prosecutors alleged. Mr. Taylor has denied all allegations against him.

In a day full of heated exchanges between Charles Taylor and prosecutors, Mr. Taylor's denial emerged as prosecutors questioned him about his stated role as a peacemaker dur-

ing the Sierra Leonean war - a role which has formed a central tenet of the former president's defense during his trial at the Special Court for Sierra Leone.

Mr. Taylor has long maintained that when he became Liberian president in 1997, the Economic Community of West African States (ECOWAS) made him the "point-person" for peace in Sierra Leone. After telling the court today that in his capacity as "point-person" for peace in Sierra Leone he was regularly briefed by his National Security Adviser on issues relating to Sierra Leone, Mr. Taylor was questioned by lead prosecutor, Brenda Hollis, about news reports which quoted Revolutionary United Front (RUF) commander Sam Bockarie threatening that he was ready to kill all living things in Si-

erra Leone if the government did not release RUF leader Foday Sankoh from jail.

"I was not aware of such statements," Mr. Taylor told the court today.

When asked whether Mr. Bockarie made such statements with his consent or whether it was possible for him to have known of such pronouncements in his capacity as "point-person" for Sierra Leone, Mr. Taylor responded that if he had known of such pronouncements he "would have told Bockarie that such statement was unacceptable."

Reading from a November 1998 news report on Sierra Leone, Ms. Hollis quoted Mr. Bockarie as saying that "I am a ruthless commander. I am ready to damage but I am waiting for something to happen to our

leader."

When asked whether Mr. Bockarie was in Monrovia when he made such pronouncement, Mr. Taylor said that "we have not even established whether he made this statement. How am I supposed to know that he made such statements? If he made such statements, he was definitely not in Monrovia."

Mr. Taylor further said that Mr. Bockarie was in Monrovia only in late November to early December 1998, en-route to Burkina Faso. "This news report is on the 19th of November, it does not say when he made the statement," he added.

Mr. Taylor also said that he was not aware of Mr. Bockarie's December 1998 threat to attack Sierra Leone's capital Freetown by the new year if RUF leader Mr. Sankoh was not released.

# Charles Taylor Denies Knowledge of January 6<sup>th</sup>

Former Liberian president, Charles Taylor at the resumption his trial, has denied using his position in the Economic Community of West African states (ECOWAS), to support the rebel RUF in attempts to overthrow the government of Sierra Leone. The prosecution at the trial in The Hague accused Mr Taylor of having knowledge of plans by rebel leader, Sam Bockarie, to attack the Sierra Leonean capital, Freetown in 1998 and 1999 unless President Kabbah resigned... John Kollie transcribes reports on the Hague trial of former president Taylor for the BBC World Service Trust.....

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## CharlesTaylorTrial.org (The Hague)

Tuesday, 19 January 2010

### **Liberia: Charles Taylor Denies Allegations That The Liberian Judiciary Was Not Independent Under His Presidency**

Alpha Sesay

As Prosecutors today described Liberia under Charles Taylor's rule as a country in which human rights abuses were rampant and the rule of law was undermined, the former president denied that he was politically interfering with the Liberian judiciary or that human rights abuses were rife under his leadership.

As his cross-examination continued into another week, prosecutors have sought to establish that Liberia, under Mr. Taylor's presidency, did not enjoy good governance, with widespread reports of human rights abuse, corruption and political interference with the country's judiciary. Questioning Mr. Taylor about his alleged judicial interference, lead prosecution counsel Brenda Hollis read a report of a conference at which lawyers and other judicial officials made statements that the "Liberian judiciary is rotten." Ms. Hollis quoted two Liberian lawyers who both alleged that there was a "strong influence of the government on the judiciary." She further read portions of the statement made at the conference by the then Chief Justice of Liberia that there was government interference in the judiciary and that the government's financial support to the judiciary was very low.

Mr. Taylor dismissed the allegations as "totally incorrect."

Referring to the report on the conference as read by Ms. Hollis in court today, Mr. Taylor said that "your conclusion of this entire document is ludicrous."

"The judiciary was rotten, I agree with the contents, but I met it this way and I'm trying to fix it. This is a conference where Liberians are trying to solve historical problems," Mr. Taylor said.

In her response, Ms. Hollis asserted that there was nothing mentioned in the statements by the various speakers at the conference that they were referring to historical problems.

"The interference into the judiciary continued during your presidency," Ms. Hollis insisted.

"No it didn't. The alleged interference didn't continue," Mr. Taylor replied.

As Mr. Taylor gave his responses to Ms. Hollis's questions, the lead prosecutor accused Mr. Taylor of using his responses to deliver speeches. To this, Mr. Taylor responded that

"I am not delivering speeches, except you are the audience, so stop referring to my comments as speeches."

During Mr. Taylor's direct examination, he said he brought good governance to Liberia and that he respected the fundamental human rights of his citizens. Prosecutors now seek to establish that Mr. Taylor was not a good president for Liberia. Prosecutors allege that as leader of Liberia's rebel group the National Patriotic Front of Liberia (NPFL), Mr. Taylor was involved in the commission of atrocities against the people of Liberia and that when he became president of the country in 1997, his system of governance did not reflect a democratic society. Mr. Taylor wanted the same system of governance to be reflected in

neighboring countries like Sierra Leone and Liberia and that is why he kept supporting rebel forces in these countries, prosecutors allege. Mr. Taylor has dismissed the prosecution accounts as "untrue."

"You did not act in a way to show the people of Liberia that your new order replaced the old order of violence," Ms. Hollis stated to Mr. Taylor.

"You are totally incorrect," Mr. Taylor responded.

Ms. Taylor also denied Ms. Hollis's assertions that "human rights abuses were rife" during his presidency.

In seeking to demonstrate the dire human rights situation in Liberia under Mr. Taylor's presidency, Ms. Hollis also read portions of a letter written to Mr. Taylor by former United States president Jimmy Carter on November 6 2000, explaining why his human rights organization, The Carter Center for Human Rights, was withdrawing from Liberia.

When first asked whether he was told why the Carter Center was withdrawing from Liberia, Mr. Taylor originally said "I don't know why they pulled out. I was not answerable to the Carter Center. I have great respect for President Carter but I don't know why they pulled out."

Ms. Hollis continued to read the contents of the letter, which indicated that the Carter Center was withdrawing from the country because of the actions of Mr. Taylor's government.

"Because of prevailing conditions and the actions of your government, you have made it difficult for the Carter Center and others to operate within democracy, human rights and the rule of law. Reports of serious human rights abuses are common, journalists and civil society members are suppressed. Liberia's role in the conflicts in the sub-region has become a destructive one," President Carter was quoted as writing in his November 2000 letter today.

"On reflection, I now see this," Mr. Taylor said.

Mr. Taylor is responding to charges that he was involved in a joint criminal enterprise with RUF rebels in Sierra Leone. Mr. Taylor has denied allegations that he supplied arms and ammunition to the rebels in return for Sierra Leone's blood diamonds and that he helped them plan certain operations during which atrocities such as rape, murder and amputation of civilian arms were committed. From July 14 to November 10, 2009, Mr. Taylor testified in direct-examination as a witness in his own defense.

Mr. Taylor's cross-examination continues tomorrow.

Charlestaylortrial.org

Friday, 15 January 2010

**Breaking News: Former SCSL Prosecutor, David Crane, Will Answer Readers' Questions by Tracey Gurd**

Dear Readers,

We have some very exciting news – In response to readers' requests, the former Special Court prosecutor, David Crane, is willing to be interviewed and to answer your questions in relation to the Charles Taylor trial.

As many of you may already know, Mr. Crane was the first lead prosecutor at the Special Court and it was he who issued the original indictment for Mr. Taylor.

We're now seeking your questions for him, a selection of which we will ask him during a phone interview currently planned for January 29. The cut-off time for posting your questions is 24 hours in advance of the interview, and we will post the interview on the site during the following week.

To be clear up front: we will apply the same rule to this interview that we apply to all our posts. That is, the questions need to focus on issues arising from Mr. Taylor's trial, not on other readers (or in this case, Mr. Crane) as individuals. As always, we are trying to create a respectful space here for discussion and we ask all our readers to help contribute to that goal. So please note: We will only post comments, and ask Mr. Crane questions, which meet this criteria.

With that said, we warmly welcome your questions and look forward to seeing the issues you want to discuss with Mr. Crane.

Thanks so much to Mr. Crane for making himself available for us.

(Remember too, Mr. Taylor's lead counsel, Courtenay Griffiths, has also agreed to answer readers' questions when Mr. Taylor's testimony is finished).

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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## UNMIL Public Information Office Media Summary 19 January 2010

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

### International Clips on Liberia

#### **LIBERIA: Urban gardens to boost food security**

MONROVIA, 19 January 2010 (IRIN) - Farmers are turning to urban gardens as a way to boost food security in Liberia's Montserrado County, where just one percent of residents grow their own produce today compared to 70 percent before the war. Some 40 percent of Liberia's population lives in the capital, Monrovia – located in Montserrado – after years of fighting sparked rural communities to move to the city. Many new arrivals had no access to land and have crowded into slums. Over half of Monrovia's residents live on less than US\$1 a day, according to the World Bank. The Food and Agriculture Organization (FAO) is targeting 5,000 urban residents of Montserrado, Bomi, Grand Bassa, Bong and Margibi counties, to encourage them to start market gardens or increase the amount of fruit and vegetables they grow on their farms. Participants had to have access to tools and some land. The aim is to improve food security and nutritional status while boosting incomes, said project coordinator Albert Kpassawah.

### International Clips on West Africa

#### **Guinea**

#### **Guinea: Ban welcomes steps to restore constitutional order**

19 January 2010 (UN News Centre) – Secretary-General Ban Ki-moon has welcomed recent strides made towards restoring constitutional order in Guinea, which has been gripped by unrest since Government forces opened fire on unarmed protesters at a rally last year, killing at least 150 people. He commended President Blaise Compaoré of nearby Burkina Faso and others who facilitated the signing of last week's Ouagadougou agreement, which provides for the establishment of a Government of national unity, led by a consensus Prime Minister, and the holding of elections within six months. The new agreement is also supported by the UN-backed International Contact Group on Guinea, including Said Djinnit, the Secretary-General's Special Representative for West Africa, which met with top Guinean officials over the weekend in the capital of Burkina Faso.

#### **Guinea junta 'names civilian Dore as prime minister'**

**BBC** - Guinea's military rulers have chosen opposition leader Jean-Marie Dore to be prime minister, overseeing a return to civilian rule, officials say. Junta spokesman Idrissa Cherif said 70-year-old Mr Dore had "experience and understanding of Guinean politics". Mr Dore has been a prominent critic of army rule and was hospitalised after a military crackdown on 28 September. The junta seized power in December 2008 but leader Capt Moussa Dadis Camara was shot and seriously hurt last month. Interim leader Gen Sekouba Konate is due to return to Conakry on Tuesday, when he is expected to make a formal announcement of Mr Dore's appointment.

### Local Media – Newspaper

#### **President Sirleaf Accepts Dr. Bropleh's Resignation**

(The News, Heritage)

- President Ellen Johnson Sirleaf has accepted the resignation of former Information Minister Dr. Laurence Bropleh.
- Presidential Press Secretary Cyrus Badio said the President does not regret the resignation but is concerned about his departure from government.
- Mr. Badio said President Sirleaf also welcomes Dr. Bropleh's willingness to submit to any process including judicial as part of the investigation.
- The Presidential Press Secretary said the President is at present searching for a person capable of managing the affairs of the Information Ministry.
- Meanwhile, President Sirleaf is expected to make changes in government following a performance report that is in its concluding stage.

### **Water Feasibility Team Warns Of Outbreak Of Diseases**

(The Inquirer, The News)

- The team conducting a feasibility study on water supply and sanitation project for government has warned of an outbreak of diseases in the absence of adequate water supply.
- The study is being carried out in Monrovia and three county capitals including Buchanan, Kakata and Zwedru.
- An official of the team, Dr. Yemi Suleiman said there is a population increase in these areas and people could develop different ailments due to the lack of sufficient water supply.
- Dr. Suleiman said the feasibility study is now in its final stage and would come to an end in February this year.
- He said a donor conference to fund the project would be held in March with key international agencies represented.

### **Over One Dozen Student Leaders Forwarded To Court**

(The Inquirer, The News, Heritage, National Chronicle)

- At least 15 youths arrested during the violence at the just-ended Congress of the Federation of Liberian Youth (FLY) have been sent to court on charges of rioting, robbery and criminal mischief.
- They are believed to come mainly from the Liberia National Student Union (LINSU) and other youth groups.
- They were released on bail after their lawyers filed a five thousand nine hundred Liberian Dollars bond. The 15 young men will appear in court on January 22, 2010.

### **Central Bank Amends Cellcom's Deal To Reflect Investor Confidence**

(New Vision, Front Page Africa, The Analyst, Parrot, The Inquirer, The News, National Chronicle, Heritage)

- The Central Bank of Liberia (CBL) has intervened in the offering of what it calls convertible debentures by Cellcom communications to safeguard public interest.
- The CBL said it has adequately engaged the management of Cellcom to make the changes intended to enhance disclosure of information about the nature of the debentures being offered.
- CBL Executive Governor Mills Jones said Monday Cellcom has made a commitment to change the tile guide of its investment from private placement of five hundred thousand dollars to simply 'placement' of up to five hundred thousand.
- Governor Jones said the removal of the word 'private' would obligate the company to augment the level of disclosure to the public.
- Cellcom's Board Chairman Avi Zaidenberg said he was grateful for the banks' intervention as it would help enhance public trust and confidence in the company's initiative.
- Convertible debentures are convertible bonds or bonds that can be converted into equity shares of the issuing company after a predetermined period of time.

### **Foreign Service Employees To Receive Salary Arrears Soon**

(New Vision, The Analyst, In Profile Daily)

- The Liberian government has announced that it will soon commence the payment of arrears of Foreign Service workers who were recalled.
- Foreign Minister Olubankie King Akerele says vetting process is underway by relevant government functionaries.
- Mrs. Akerele said an initial group of 40 Foreign Service employees have been vetted and submitted to the Civil Service Agency and the Finance Ministry.
- She said government will be paying US\$113,000 representing 30 percent owed the Foreign Service employees.

### **Firestone, Operation Smile Launch Special Help For Underprivileged Children**

(New Democrat, The Analyst)

- The Firestone Medical Centre at Du-side will be hosting volunteer doctors from Children's Surgery International (formerly Operation Smile) to perform cleft- lip and cleft palate reconstructive surgery and treatment for underprivileged children in Liberia.
- Firestone Liberia will provide the facilities and assist with the logistics of transporting, housing and feeding patients, while CSI doctors will also provide training for Du-side surgeons in specialized procedures.
- The operations will be free of charge to the children and their parents. In anticipation of the trip, teammates from the Bridgestone Americas family of companies have provided donations of toys, children's books and clothing for distribution during the mission.
- CSI doctors will be arriving in Liberia from January 30 - February 6, 2010.

### **State's Motion To Admit Into Evidence Denied**

(Heritage)

- State lawyers Monday suffered a serious setback in the ongoing Angel Togba murder case when their request to admit into evidence a document brought to court by their tenth witness, Dr. Servillano B. Ritualo of the JFK Medical Centre was denied by the court.
- Judge Blamo Dixon of the Criminal Court "B" said before the commencement of the trial, a pre-trial conference was held between the parties at which time the prosecution ordered to produce all documents it had to be used for the case.
- He said all the instruments needed by the court to be used for the trial were submitted to the court and the defense team.

### **In Fostnight's Case, Johnson Jolo Wanted**

(National Chronicle)

- The Liberia National Police (LNP) says it is in pursuit of the main suspect in the case of Fostnight, the man who reportedly committed suicide after his "deed of filming young Liberian girls was exposed."
- According to police source, the main suspect, Johnson Jolo, who allegedly resides in Europe, is wanted by the LNP for the speedy trial of the case.
- The source further noted that the LNP is in contact with the international police group Interpol to arrest suspect Jolo through any means.

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

#### **President Sirleaf Accepts Dr. Bropleh's Resignation**

*(Also reported on Radio Veritas, Sky FM, and ELBC)*

#### **Population Threshold Bill Occupies Senate Agenda Today**

- The Senate would today open discussion on the controversial population threshold bill for a possible passage into law.
- The pending discussion comes amidst a letter by 17 senators calling for a concurrence vote on the threshold bill.
- The Senators want the threshold bill set at 40,000 in line with the version passed by the House of Representatives.

- They argued that the passage of the threshold bill is a Constitutional imperative and conditional precedent to the conduct of the 2011 elections.

#### **NEC Begins Consultative Meeting On Administrative Boundary**

- The National Elections Commission Monday began a two-day consultative meeting to discuss issues concerning administrative boundary for rural Montserrado County.
- NEC says the meeting is in continuation of its ongoing nationwide revalidation exercise, which has already taken place in 14 counties.
- According to a NEC release, the Montserrado meeting convening in Bensonville is bringing together local authorities throughout the county.
- NEC said the revalidation exercise is intended to cross check technical errors from the previous boundary harmonization conducted by the Special Joint Stakeholders' Collaborative Committee.

*(Also reported on Radio Veritas, Sky FM, and ELBC)*

#### **Over One Dozen Student Leaders Forwarded To Court**

*(Also reported on Radio Veritas, Sky FM, and ELBC)*

#### **Water Feasibility Team Warns Of Outbreak Of Diseases**

#### **Two Key Government Ministers Summoned**

- The Ministers of Finance and Education would today appear before the House of Representatives for questioning.
- Ministers Augustine Ngafuan and Joseph Korto are to brief the House on the status of US\$150,000 placed into government's accounts by Firestone Rubber Plantation.
- The funds in question belong to Margibi County and were intended to rehabilitate and upgrade the Harbel Multilateral High School.
- The appearance of the two cabinet ministers was triggered by a letter from Margibi District-Number-three Representative, Saah Gbollie who complained that since the funds were placed in government's accounts it remains unclear why they have not been utilized.

#### **Central Bank Amends Cellcom's Deal To Reflect Investor Confidence**

**Radio Veritas** *(News monitored today at 09:45 am)*

#### **Foreign Service Employees To Receive Salary Arrears Soon**

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## Leadership

Tuesday, 19 January 2010

### International Criminal Court: Justice and politics



A key institution of modern justice, the International Criminal Court (ICC) must learn to speak to the world it inhabits. Much unease about the court boils down to one issue: how should its prosecutor decide, among thousands of crimes and perpetrators within his jurisdiction, which ones to charge, writes James A. Goldston in an article on the open Democracy website.

In its short life, the ICC in The Hague has indicted 14 persons, launched two trials, and provoked controversy across the globe. Kofi Annan hailed the court's birth in 2002 as "a great victory for justice and for world order". Muammar al-Qaddafi, Libya's president and chair of the African Union, branded the arrest-warrant issued to his Sudanese counterpart Omar al-Bashir an act of "first-world terrorism". John R. Bolton, before he became United States ambassador to the United Nations, famously called the ICC "a product of fuzzy-minded romanticism that is not just naïve but dangerous".

Prosecutorial discretion is a common method of triage in overcrowded legal systems. But it is unusually contentious at the ICC, given the epic scale of the crimes at issue (including genocide and crimes against humanity), and the court's limited capacity (three courtrooms and no police force) to address them.

In order to make the court more than a pawn of the UN Security Council yet forestall 'rogue' prosecutions, its governing statute grants the prosecutor substantial freedom to pursue cases on his own initiative, but subject him to judicial review. As indictments have been issued against rebel leaders in the Congo and Uganda and government figures in Sudan, complaints have grown that, notwithstanding this careful balance, the court is targeting Africa or currying favour with individual states.

Much of this criticism represents the predictable reaction of those who have never reconciled themselves to the idea of legal accountability for mass murder. As such, it simply confirms that the court is doing its job.

But other disenchanted voices – among civil society and victim communities, particularly – merit a response.

It is regrettable then that a number of court officials and non-governmental organisation allies have thought it sufficient to proclaim that the role of the prosecutor is to "apply the law. Nothing more. Nothing less." Such formulations may sound principled and appealing, but they ring hollow to anyone familiar with the way courts function in practice. For the law and its institutions can never be divorced entirely from their surrounding environment.

The ICC's first trial – of a former warlord in the Democratic Republic of Congo (DRC), Thomas Lubanga – can illustrate the point. The friends of the court have been at pains to explain why a case, arising from a war in which millions were killed and countless numbers raped, should focus on the (comparatively) narrow matter of child-soldier.

Why not acknowledge that both the target and the nature of the indictment were convenient, even

attractive – because Lubanga was already in detention in the DRC (enabling the ICC to secure custody over its first defendant), and because conscripting child-soldiers is a heinous act that exerts powerful hold on public attention?

Such an acknowledgement may lead to a more inclusive approach that nonetheless accepts the limits of the courts capacity – for example, focus on particular categories of crimes, as does an ongoing prosecution of widespread rape in the Central African Republic. The inadequate attention historically accorded to crimes against women and children means that it would surely be appropriate for the prosecutor to highlight them in his charging strategy and case selection.

It is essential to be guided by “the law” and “the evidence”. But in many situations, doing so may not sufficiently narrow the range of possible charges or perpetrators. The prosecutor may have to consider other factors as well in deciding how to proceed.

These may include the need to demonstrate the court’s viability (for example, by charging at a level or in a manner that prevents states from simply ignoring the court’s orders); its efficacy (by charging persons who may readily be apprehended); its efficiency (by limiting the number of charges, and thereby the length of trails); or its independence (in appropriate circumstances, by charging officials of governments that have referred situations to the court).

It would be wise and valuable in itself for the ICC to take such issues into account at this stage of its evolution. But it would also be of great practical benefit at a time when the ICC’s very existence remains under challenge. More broadly, it would help the court and its underlying mission overcome the atmosphere of polarised discussions that still surrounds it, which does little to educate and inform.

If the ICC is eventually to command sustained public support, there must be an effort to move beyond platitudes in explaining the nuanced nature of the prosecutor’s discretion: grounded in law and evidence, but of necessity considering issues of institutional strategy and policy while refraining from partisanship of bias.

The court’s president, Judge Sang-Hyun Song, has rightly called the ICC “a judicial institution operating in a political world”. That is no easy feat, even in the best of circumstances. To speak with greater candour about the prosecutor’s role is one way to help.

## Capital News (Kenya)

Tuesday, 19 January 2010

### FIDA Kenya defends ICC process

BY ROB JILLO



NAIROBI, Kenya, - The Federation of Women Lawyers (FIDA) Kenya has criticised two American law professors who are seeking to block the International Criminal Court (ICC) from investigating Kenya's post election violence, saying that the move was an insult to Kenyans.

American jurists Max Hilaire and William Cohn have filed a suit at The Hague in which they intend to raise seven legal issues that include questioning whether the case qualifies to be heard at the ICC.

But in a statement on Tuesday, FIDA said that the American lawyers never consulted any Kenyan on the matter.

"In calling for the ICC intervention, Kenyans are seeking an end to impunity and to ensure accountability and justice for the over 1,000 Kenyans who lost their lives, the over 300,000 IDPs who lost their homes and the over 5,000 women who were sexually assaulted," read the statement signed by FIDA Chairperson Naomi Wageraka.

She said that recent polls in Kenya indicate that majority of Kenyans want the perpetrators of the post election violence tried at the ICC.

In their application, the American professors – who claim to be holding brief for nobody - want the court to grant them the status "Amicus Curiae" (friends of the court) after which they propose to raise issues concerning "the threshold requirements for exercise of jurisdiction and authorisation to commence investigations under article 15 (of the Rome Statute)."

They want to know why the case should go to The Hague since Kenya is not a failed State and efforts have already been made by the President and the Prime Minister to set up a local tribunal.

"The cumulative effect of the efforts to set up a local tribunal and actions of the President and the Prime Minister on the complementarity principle and the interests of justice in allowing commencement of an investigation," states the lawyers. "The extent of and progress in investigations and prosecutions of crimes against humanity in Kenya and the effect thereof on the complementarity principle under the ICC statute."

However, ICC reads malice in their intentions.

“One wonders then, whose interests are these American professors serving. Now that it has become impossible to establish the special tribunal, how do they expect Kenyans to get justice?” Ms Wagereka posed.

She wondered why the two professors were interfering in the process while America is not a signatory to the ICC and called upon the two to withdraw the suit. FIDA vowed to make presentations to ICC to counter their positions. “We wish to remind these professors that America is not a signatory to the ICC. We therefore urge them to leave Kenya alone and concentrate their energies in trying to get their country sign the ICC statute,” she added.

Prof Hilaire is the Associate Professor and Chair of the Department of Political Sciences at Morgan State University while Prof Cohn has practiced as an Attorney in San Francisco, California.

There is also another case by a Brussels-based international lawyers Non Governmental Organisation announced its intentions to block the International Criminal Court.

The organisation has accused the ICC of selective intervention of African countries.

According to its resolution: “The IADL opposes the current request of the ICC Prosecutor Moreno Ocampo for authorisation from the Pre-Trial Chamber to open the investigation into the crimes allegedly committed in Kenya during the post election violence.”

“The violence in Kenya did not fall within the framework of the ICC Statute and did not meet the criteria for admissibility articulated in the Rome Statute and considering no UN body has been seized of the Kenya case, neither the General Assembly nor the Security Council.”

The group of lawyers also accused Mr Ocampo of being politically motivated to act on Kenyan perpetrators.

## Scoop

Wednesday, 20 January 2010

<http://www.scoop.co.nz/stories/WO1001/S00386.htm>

### **International Arrest Warrants Requested**

International Criminal Court Complaint Filed Against Bush, Cheney, Rumsfeld, Tenet, Rice, Gonzales

Professor Francis A. Boyle of the University of Illinois College of Law in Champaign, U.S.A. has filed a Complaint with the Prosecutor for the International Criminal Court (I.C.C.) in The Hague against U.S. citizens George W. Bush, Richard Cheney, Donald Rumsfeld, George Tenet, Condoleezza Rice, and Alberto Gonzales (the "Accused") for their criminal policy and practice of "extraordinary rendition" perpetrated upon about 100 human beings. This term is really their euphemism for the enforced disappearance of persons and their consequent torture. This criminal policy and practice by the Accused constitute Crimes against Humanity in violation of the Rome Statute establishing the I.C.C.

The United States is not a party to the Rome Statute. Nevertheless the Accused have ordered and been responsible for the commission of I.C.C. statutory crimes within the respective territories of many I.C.C. member states, including several in Europe. Consequently, the I.C.C. has jurisdiction to prosecute the Accused for their I.C.C. statutory crimes under Rome Statute article 12(2)(a) that affords the I.C.C. jurisdiction to prosecute for I.C.C. statutory crimes committed in I.C.C. member states.

The Complaint requests (1) that the I.C.C. Prosecutor open an investigation of the Accused on his own accord under Rome Statute article 15(1); and (2) that the I.C.C. Prosecutor also formally "submit to the [I.C.C.] Pre-Trial Chamber a request for authorization of an investigation" of the Accused under Rome Statute article 15(3).

For similar reasons, the Highest Level Officials of the Obama administration risk the filing of a follow-up Complaint with the I.C.C. if they do not immediately terminate the Accused's criminal policy and practice of "extraordinary rendition," which the Obama administration has continued to implement.

The Complaint concludes with a request that the I.C.C. Prosecutor obtain International Arrest Warrants for the Accused from the I.C.C. in accordance with Rome Statute articles 58(1)(a), 58(1)(b)(i), 58(1)(b)(ii), and 58(1)(b)(iii).

In order to demonstrate your support for this Complaint you can contact the I.C.C. Prosecutor by letter, fax, or email as indicated below.

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The Honorable Luis Moreno-Ocampo Office of the Prosecutor International Criminal Court Post Office Box 19519 2500 CM, The Hague The Netherlands Fax No.: 31-70-515-8555 Email: [OTP.InformationDesk@icc-cpi.int](mailto:OTP.InformationDesk@icc-cpi.int)

Dear Sir:

Please accept my personal compliments. I have the honor hereby to file with you and the International Criminal Court this Complaint against U.S. citizens George W. Bush, Richard Cheney, Donald Rumsfeld, George Tenet, Condoleezza Rice , and Alberto Gonzales (hereinafter referred to as the “Accused”) for their criminal policy and practice of “extraordinary rendition.” This term is really a euphemism for the enforced disappearances of persons, their torture, severe deprivation of their liberty, their violent sexual abuse, and other inhumane acts perpetrated upon these Victims. The Accused have inflicted this criminal policy and practice of “extraordinary rendition” upon about one hundred (100) human beings, almost all of whom are Muslims/Arabs/Asians and People of Color. I doubt very seriously that the Accused would have inflicted these criminal practices upon 100 White Judeo-Christian men.

The Accused’s criminal policy and practice of “extraordinary rendition” are both “widespread” and “systematic” within the meaning of Rome Statute article 7(1). Therefore the Accused have committed numerous “Crimes against Humanity” in flagrant and repeated and longstanding violation of Rome Statute articles 5(1)(b), 7(1)(a), 7(1)(e), 7(1)(f), 7(1)(g), 7(1)(h), 7(1)(i), and 7(1)(k). Furthermore, the Accused’s Rome Statute Crimes Against Humanity of enforced disappearances of persons constitutes ongoing criminal activity that continues even as of today.

The United States is not a contracting party to the Rome Statute. Nevertheless, the Accused ordered and were responsible for the commission of these I.C.C. statutory crimes on, in, and over the respective territories of several I.C.C. member states, including many located in Europe. Therefore, the I.C.C. has jurisdiction over the Accused for their I.C.C. statutory crimes in accordance with Rome Statute article 12(2)(a), which provides as follows:

Article 12

### **Preconditions to the Exercise of Jurisdiction**

2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:

(a) The State on the territory of which the conduct in question occurred ...

So the fact that United States is not a contracting party to the Rome Statute is no bar to the I.C.C.’s prosecution of the Accused because they have ordered and been responsible for the commission of Rome Statute Crimes against Humanity on, in, and over the respective territories of several I.C.C. member states.

Consequently, I hereby respectfully request that the Court exercise its jurisdiction over the Accused for these Crimes against Humanity in accordance with Rome Statute article 13(c), which provides as follows:

Article 13

### **Exercise of Jurisdiction**

The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if:

...

(c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.

Pursuant to Rome Statute article 13(c), I hereby respectfully request that you initiate an investigation proprio motu against the Accused in accordance with Rome Statute article 15(1): “The Prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court.” My detailed Complaint against the Accused constitutes the sufficient “information” required by article 15(1).

Furthermore, I respectfully submit that this Complaint by itself constitutes “a reasonable basis to proceed with an investigation” under Rome Statute article 15(3). Hence, I also respectfully request that you formally “submit to the Pre-Trial Chamber a request for authorization of an investigation” of the Accused under Rome Statute article 15(3) at this time. Please inform me at your earliest convenience about the status and disposition of my two requests set forth immediately above.

Based upon your extensive human rights work in Argentina, you know full well from direct personal experience the terrors and the horrors of enforced disappearances of persons and their consequent torture. According to reputable news media sources here in the United States, about 100 human beings have been subjected to enforced disappearances and subsequent torture by the Accused. We still have no accounting for these Victims. In other words, many of these Victims of enforced disappearances and torture by the Accused could still be alive today. Their very lives are at stake right now as we communicate. You could very well save some of their lives by publicly stating that you are opening an investigation of my Complaint.

As for those Victims of enforced disappearances by the Accused who have died, your opening an investigation of my Complaint is the only means by which we might be able to obtain some explanation and accounting for their whereabouts and the location of their remains in order to communicate this critical information to their next-of-kin and loved-ones. Based upon your extensive experience combating enforced disappearances of persons and their consequent torture in Argentina, you know full well how important that objective is. The next-of-kin, loved-ones, and friends of “disappeared” human beings can never benefit from psychological “closure” unless and until there is an accounting for the fates, if not the remains, of the Victims. In part that is precisely why the Accused’s enforced disappearances of about 100 human beings constitutes ongoing criminal activity that continues as of today and will continue until the fates of all their Victims have been officially determined by you opening an investigation into my Complaint.

Let us mutually suppose that during the so-called “dirty war” in Argentina the International Criminal Court had been in existence. I submit that as an Argentinean human rights lawyer you would have moved heaven and earth and done everything in your power to get the I.C.C. and its Prosecutor to assume jurisdiction over the Argentine Junta in order to terminate and prosecute their enforced disappearances and torture of your fellow Argentinean citizens. I would have done the same. Unfortunately, the I.C.C. did not exist during those darkest of days for the Argentine Republic when we could have so acted. But today as the I.C.C. Prosecutor, you have both the opportunity and the legal power to do something to rectify this mass and total human rights annihilation, and to resolve and to terminate and to prosecute the “widespread” and “systematic” policy and practice of enforced disappearances and consequent torture of about 100 human beings by the Accused.

Unfortunately, the new Obama administration in the United States has made it perfectly clear by means of public statements by President Obama and his Attorney General Eric Holder that they are not going to open any criminal investigation of any of the Accused for these aforementioned Crimes against Humanity. Hence an I.C.C. “case” against the Accused is “admissible” under Rome Statute article

1 (complementarity) and article 17. As of right now you and the I.C.C. Judges are the only people in the entire world who can bring some degree of Justice, Closure, and Healing into this dire, tragic, and deplorable situation for the lives and well-being of about one hundred “disappeared” and tortured human beings as well as for their loved-ones and next-of-kin, who are also Victims of the Accused’s Crimes against Humanity. On behalf of them all, as a fellow human rights lawyer I implore you to open an investigation into my Complaint and to issue a public statement to that effect.

Also, most regretfully, the new Obama administration has publicly stated that it will continue the Accused’s policy and practice of “extraordinary rendition,” which is really their euphemism for enforced disappearances of human beings and consequent torture by other States. Hence the Highest Level Officials of the Obama administration fully intend to commit their own Crimes against Humanity under the I.C.C. Rome Statute – unless you stop them! Your opening an investigation of my Complaint will undoubtedly deter the Obama administration from engaging in any more “extraordinary renditions” -- enforced disappearances of human beings and having them tortured by other States. Indeed your opening of an investigation into my Complaint might encourage the Obama administration to terminate its criminal “extraordinary rendition” program immediately and thoroughly by means of issuing a public statement to that effect. In other words, your opening an investigation of my Complaint could very well save the lives of a large number of additional human beings who otherwise will be subjected by the Obama administration to the Rome Statute Crimes against Humanity of enforced disappearances of persons and their consequent torture by other States, inter alia.

The lives and well-being of countless human beings are now at risk, hanging in the balance, waiting for you to act promptly, effectively, and immediately to save them from becoming Victims of Rome Statute Crimes against Humanity perpetrated by the Highest Level Officials of the Obama administration as successors-in-law to the Accused by opening an investigation of my Complaint. Otherwise, I shall be forced to file with you and the I.C.C. a follow-up Complaint against the Highest Level Officials of the Obama administration. I certainly hope it will not come to that. Please make it so.

Finally, for reasons more fully explained in the Conclusion to my Complaint, I respectfully request that you obtain I.C.C. arrest warrants for the Accused in accordance with Rome Statute articles 58(1)(a), article 58(1)(b)(i), article 58(1)(b)(ii), and article 58(1)(b)(iii). The sooner, the better for all humankind.

I respectfully request that you schedule a meeting with me at our earliest mutual convenience in order to discuss this Complaint. I look forward to hearing from you at your earliest convenience.

This transmission letter is an integral part of my Complaint against the Accused and is hereby incorporated by reference into the attached Complaint dated as of today as well.

Please accept, Sir, the assurance of my highest consideration.

Francis A. Boyle Professor of International Law