

**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:

Monday, 23 August 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Peter Andersen denies spending US\$82million on Charles Taylor

Jonathan,

That can't possibly be true, because that works out to about \$128 million dollars, which is the great majority of what the Special Court has raised and spent since investigations started in 2002.

Where did you get that figure? Someone online must have been misled seriously. It just shows what can happen when people write without verifying their facts. Possibly someone thought that the Taylor trial is the only trial the court has conducted.

Obviously you are in a better position to get things correct than some of those abroad who might not be as familiar with the Special Court. My phone is with me 24 hours a day, so please check with me when these "facts" are strange.

I was sorry to learn of your fractured shoulder, and I wish you a speedy recovery.

Regards,

Peter C. Andersen

Chief of Outreach and Public Affairs,

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Peter,

I appreciate your timely reaction though we are publishing it 72 hours late. Nonetheless this was authoritatively reported by the BBC on the morning Mia Farrow appeared in court.

I was at home monitoring the trial live on SKY NEWS and CNN simultaneously from two different TV screens and at the same time had my radio tuned to the 7 am BBC News Hour programme.

A press release from the Human Rights Commission aired on CTN and which we reproduced on the same date as the story you are now contesting states..."The Human Rights Commission says while over US\$82 million has been spent so far on the Charles Taylor trial as at June 2010, less than US\$45,000 has been paid into the Sierra Leone War Victims Fund".

Your busy work schedule, I presume eats into much of your time that less time is sacrificed to listen to the radio.

Regards,

Jonathan Leigh

Publisher/Managing Editor

Independent Observer Newspaper

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Hirondelle News Agency

Friday, 20 August 2010

Last prosecution witnesses to testify against ngirabatware next week

The prosecution in the trial of former Rwandan Planning Minister Augustin Ngirabatware charged with genocide and crimes against humanity will call its last three witnesses next week before the International Criminal Tribunal for Rwanda (ICTR).

Hearing of the case resumes Monday when Trial Chamber II presided over by Judge William Sekule would hold a status conference before taking evidence of the witnesses on Tuesday, ICTR's Prosecution Counsel Wallace Kapaya, told Hirondelle News Agency Friday.

According to him, the prosecution is expecting to rest its case at the end of next week. So far, a total of 17 witnesses have already testified. In July 2010 the Trial Chamber accepted the prosecution's motion to call three additional witnesses to reinforce its case.

The indictment, among other things, alleges that Ngirabatware "forwarded to MRND public funds from his ministry to purchase weapons for the party's youth wing, the Interahamwe militiamen". It alleges further that Ngirabatware launched appeals to kill Tutsis during numerous meetings in his home region in 1994.

Ngirabatware hails from what used to be the Nyamyumba commune, Gisenyi prefecture (North of Rwanda). He is the son-in-law of a wealthy businessman on the run, Felicien Kabuga, the alleged sponsor of the 1994 genocide.

A doctor of economics from the University of Freiburg (Switzerland), Ngirabatware taught at the National University of Rwanda (1986-1990), before he became Minister of Planning (1990-1994).

The former minister fled Rwanda in July 1994 and subsequently worked in various research institutes in Gabon and France. He was arrested in Germany on September 17, 2007 and has been in ICTR custody since October 8, 2008.

FK/ER/GF

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Weekly Summary

Issa Sesay Distances Charles Taylor From The Creation Of The RUF, Says Taylor Did Not Promote RUF Commander To General

By Alpha Sesay

As his cross-examination moved into a second week, Charles Taylor's 19th defense witness, Issa Hassan Sesay, this week distanced the former Liberian president from the creation of the rebel group that waged a bloody civil war in Sierra Leone from 1991 to 2002. Mr. Sesay also denied allegations that it was Mr. Taylor who promoted a senior rebel commander in Sierra Leone to the rank of General.

Prosecutors have maintained that the Revolutionary United Front (RUF) was created with substantial support from Mr. Taylor. In addition, prosecutors allege the former president, while he served as leader of his own rebel group, the National Patriotic Front of Liberia (NPFL), helped train RUF fighters in Sierra Leone and equipped them to invade Sierra Leone in March 1991. Prosecutors further accuse Mr. Taylor of meeting with RUF leader Foday Sankoh in Libya, and the two men planned the invasion of Liberia and Sierra Leone respectively. Mr. Taylor has denied these allegations. On Monday, Mr. Sesay distanced Mr. Taylor from the creation of the RUF, insisting instead that the rebel group was created by its leader Foday Sankoh.

"You know that the RUF was created with the acquiescence and support of Charles Taylor," prosecution counsel Nicholas Koumjian stated to Mr. Sesay on Monday.

"Well, I cannot explain because I was not there when Mr. Sankoh and Mr. Taylor discussed," Mr. Sesay responded.

"Most of the RUF fighters I knew at the base [camp where RUF fighters were trained], it was Pa Kallon [Senior adviser to Mr. Sankoh] who took them to the base," he added.

Mr. Koumjian on Monday read several testimonies from previous witnesses before the Special Court for Sierra Leone in Freetown that explained how the RUF recruited fighters in Liberia. According to Mr. Koumjian, RUF fighters were recruited from among people who had been arrested by NPFL rebels in Liberia.

One of the testimonies read in court on Monday was that of Morris Kallon, a former RUF commander who, like Mr. Sesay, has been convicted by the Special Court for Sierra Leone judges in Freetown for his role in the Sierra Leonean conflict and is presently serving a 40 year jail sentence in Rwanda. Mr. Kallon explained in his testimony that RUF leaders removed him from the custody of NPFL fighters and took him to the training base at Camp Naama in Liberia. Prosecutors say that such a recruitment drive and training by the RUF inside NPFL territory could not have happened without Mr. Taylor's knowledge.

Mr. Taylor has denied knowledge of any such activities. When asked about these allegations, Mr. Sesay also told the court that he had no idea that the RUF had recruited fighters from NPFL controlled areas and that Mr. Taylor did not provide any support to the RUF while they underwent training at Camp Naama.

"It was obvious to you that the RUF was created and supported by Charles Taylor, but you just don't want to say that because you are here to protect Charles Taylor," Mr. Koumjian told Mr. Sesay.

"No. That is not true. It was Mr. Sankoh who created the RUF. It was Mr. Sankoh who trained the RUF, and he used to tell us that he was supported by his brother Pa Kallon and Pa Kallon told us the same thing at Pendembu," Mr. Sesay said.

Mr. Sesay, you are clever, it's clear to you that none of this could have been done without the consent of Charles Taylor," Mr. Koumjian put to Mr. Sesay again.

In response, Mr. Sesay said, “Well, if you assess it that way, but I have to believe what Mr. Sankoh told me...but Mr. Sankoh did not tell me that he had links with Mr. Taylor...according to him, he was Mr. Taylor’s friend and he was responsible for his own revolution.”

Mr. Sesay’s account of how and where Mr. Taylor and Mr. Sankoh met, however, contradicted what Mr. Taylor told the court in his testimony in 2009. According to Mr. Taylor, he never met Mr. Sankoh in Libya. Mr. Taylor explained in his testimony that when United Liberation Movement for Democracy in Liberia (ULIMO) rebels started attacking the NPFL with support from the government of Sierra Leone, he asked to meet the leader of the RUF because he realized the need to collaborate with the RUF to curtail attacks from ULIMO and the Sierra Leone government. Mr. Taylor said that was the first time he met Mr. Sankoh. On Monday, Mr. Sesay gave a different story.

When asked to tell the court what Mr. Sankoh told him about how he met Mr. Taylor, Mr. Sesay said, “According to Mr. Sankoh, he said he met Mr. Taylor in Libya and later in Liberia because Mr. Sankoh and his men were also training in Libya.”

Mr. Sesay, however, added, “Mr. Sankoh told us that he was not the leader in Libya, it was Allie Kabbah who was the leader.”

Before the RUF invasion of Sierra Leone in 1991, Mr. Sankoh made a satellite phone call to the BBC where he announced that the RUF will invade Sierra Leone in 90 days if the country’s then leader, Joseph Saidu Momoh, did not step down as president. While Mr. Sesay admitted that Mr. Sankoh did not have a satellite phone at this time, he said he could not tell whether the RUF leader had used the satellite phone that Mr. Taylor was using at that time to communicate with the international media.

When asked whether “Foday Sankoh’s threat, the 90 day ultimatum, was made on Charles Taylor’s satellite phone,” Mr. Sesay said, “I don’t know that.”

Mr. Sesay agreed that the RUF invasion in Sierra Leone was moved to an earlier date in March 1991 because of border clashes that took place between NPFL fighters and Sierra Leone Army (SLA) forces in Bomaru, eastern Sierra Leone. When these clashes between the NPFL and the SLA occurred, the RUF used that opportunity to immediately invade Sierra Leone, Mr. Sesay said. He explained that Mr. Sankoh and other NPFL commanders, including Anthony Menkunagbe and Oliver Varney, brought four trucks that were used to transport RUF fighters from Camp Naama to the Sierra Leone-Liberian border where they entered Bomaru.

On Tuesday, Mr. Koumjian questioned Mr. Sesay about the friendship between Mr. Taylor and RUF leader Foday Sankoh – a friendship prosecutors say predates the invasion of Sierra Leone in March 1991.

Prosecutors say that the two men became friends while they trained their respective fighters in Libya in the late 1980s and that the basis of such friendship was to provide mutual assistance to each other in their respective invasions of Liberia and Sierra Leone. When he testified as a witness in his own defense, Mr. Taylor said that he did not know Mr. Sankoh prior to the RUF’s invasion of Sierra Leone in 1991. In his testimony on Monday, Mr. Sesay told the court that while they underwent training at Camp Naama in Liberia in 1990, Mr. Sankoh informed them that he was already friends with Mr. Taylor. On Tuesday, Prosecutors decided to dig further.

Mr. Koumjian put to Mr. Sesay that in a previous BBC interview, Mr. Taylor had announced, “It is known by everyone that I have been friendly with Foday Sankoh for many years before the revolution.”

During his testimony, Mr. Taylor responded to the statement above by saying, “I said it is known by everyone that I knew Foday Sankoh before the revolution when in fact I did not.”

“Was it known by all of you at Naama that Foday Sankoh was friendly with Charles Taylor or Charles Taylor was friendly with Foday Sankoh many years before the revolution?” Mr. Koumjian asked Mr. Sesay.

In response, Mr. Sesay said, “I cannot say what was happening before the revolution, but Mr. Sankoh told us at Naama that he was friends with Mr. Taylor...[He said so] at Naama and also in Sierra Leone.”

Prosecutors are seeking to establish that the friendship between Mr. Taylor and Mr. Sankoh before the wars in Liberia and Sierra Leone saw the commencement of a joint criminal enterprise between the two men, and the purpose of such enterprise was to capture and control political power in their respective countries. In the pursuit of this enterprise in Sierra Leone, prosecutors allege that the RUF committed heinous crimes in Sierra Leone, crimes they say that Mr. Taylor bears the greatest responsibility for. Mr. Taylor has denied the allegations against him.

On Wednesday, Mr. Koumjian questioned Mr. Sesay about allegations that Mr. Taylor promoted RUF commander Sam Bockarie to the rank of Two Star General in late 1998, a time when the Sierra Leonean rebels were actively pursuing the conflict in Sierra Leone. Mr. Sesay insisted that it was not Mr. Taylor who issued the promotion to the Sierra Leonean rebel commander.

Prosecutors allege that when RUF leader Mr. Sankoh was incarcerated by the government of Sierra Leone, Mr. Taylor had full control over the RUF and that the rebel group's commanders took all orders from the former Liberian president. According to several prosecution witnesses, sometime in 1998, RUF commander Mr. Bockarie returned from Liberia and informed them that Mr. Taylor had promoted him to the rank of General in the RUF. Prosecutors say this points at Mr. Taylor's control over the Sierra Leonean rebel group.

Mr. Taylor has dismissed these allegations as false. Mr. Sesay has told the court that Mr. Bockarie was promoted by Johnny Paul Koroma, then former leader of the Armed Forces Revolutionary Council (AFRC), a group of Sierra Leonean soldiers who overthrew the elected government of Sierra Leone in 1997 and teamed up with the RUF to establish a government. The joint AFRC/RUF junta regime was forcefully removed from power by Economic Community of West African States (ECOMOG) peacekeepers in 1998.

On Wednesday, Mr. Koumjian in cross-examining Mr. Sesay showed him individual pictures of Mr. Bockarie, Mr. Taylor's former vice president Moses Blah, and the former Director of Special Security Services Benjamin Yeaten who, according to Mr. Koumjian, all displayed their stars indicating their military ranks in the same fashion. In the picture, all three persons were wearing "red berets" with the stars indicating their positions as Generals on the front of their berets.

"The red berets are identical that Sam Bockarie, Benjamin Yeaten, and Moses Blah are wearing, correct?" Mr. Koumjian asked Mr. Sesay.

"Yes, I see them, but we too had red berets." Mr. Sesay responded.

When the prosecution noted that "[i]t's the same uniform, the same type of khaki uniform that Sam Bockarie has with the Liberians," Mr. Sesay explained that "this is a US camouflage that the Nigerians used to wear, we used to capture them."

"When we joined the AFRC, [Corporal] Gborie used to supply those red berets to the RUF. Even when we fought ECOMOG, we used to capture these camouflage, we captured lots of red berets," he added.

Mr. Koumjian pointed out that the difference between the Sierra Leone Army (SLA) and Mr. Taylor's forces was that in Sierra Leone, the soldiers displayed their stars on their military uniforms while Mr. Taylor's forces displayed theirs on their berets, as done by Mr. Yeaten and Mr. Blah. Mr. Sesay agreed with Mr. Koumjian on this.

"It's correct, isn't it, that the Sierra Leone Army would not wear stars on the beret?" Mr. Koumjian asked again.

In response, Mr. Sesay said, "Yes, the Sierra Leone Army, they put their ranks on their uniform."

"This is just further evidence that the promotion of Sam Bockarie was done by Mr. Taylor, not Johnny Paul Koroma," Mr. Koumjian challenged Mr. Sesay.

"No," Mr. Sesay said. "He was promoted by Johnny Paul. They can promote you and you'll remove the star from the uniform and put it on your beret. That's what Sam Bockarie did."

On Thursday, Mr. Sesay made considerable effort to distance the RUF from the 1999 invasion of Freetown, an attack which saw the commission of heinous crimes including murder, rape, amputations of the arms and limbs of

civilians, and the looting and destruction of civilian property. Mr. Sesay insisted that the invasion of Freetown was solely an operation undertaken by the AFRC soldiers.

“It was an AFRC operation, it was an independent operation that they carried out,” Mr. Sesay told the court in reference to the January 1999 invasion of Freetown.

Mr. Sesay explained that “they [AFRC] fought from Koinadugu [Northern Sierra Leone] right up to Freetown on their own.”

According to Mr. Sesay, the action of the democratic government of President Ahmed Tejan Kabbah to execute members of the Sierra Leone Army (SLA), who had been found guilty by a Court Martial for their involvement in the coup, was the main reason why the AFRC decided to attack Freetown.

“That is why they attacked Freetown, they said their colleagues had been killed,” Mr. Sesay told the court.

Prosecutors on the otherhand have insisted that the 1999 Freetown invasion was a joint operation undertaken by the AFRC and the RUF in pursuit of their joint criminal enterprise in Sierra Leone. Prosecutors hope that by proving the RUF’s involvement in the Freetown invasion, Mr. Taylor would be held liable because according to prosecutors, when Mr. Taylor allegedly provided arms and ammunition to the RUF to attack the diamond rich town of Kono in December 1998, the rebels used that operation and the same arms and ammunition to advance to the northern part of the country before they proceeded to Freetown in January 1999.

Mr. Sesay has denied these allegations, telling the court instead that the AFRC troops that attacked Freetown took off from Koinadugu under the leadership of Solomon Anthony James Musa (SAJ Musa) but that when SAJ Musa died before the troops entered Freetown, Alex Tamba Brima, aka Gullit, (also now convicted by the Special Court and serving a jail term in Rwanda) took over the leadership of the troops. It was at that time that he made contact with RUF commander Mr. Bockarie.

“According to [my radio] operator, it was Gullit’s name that was mentioned to Sam Bockarie’s operator. He said Gullit told Sam Bockarie that SAJ Musa was dead. Then Sam Bockarie told Gullit that they should wait for reinforcement to come so that they will attack Freetown,” Mr. Sesay explained.

Mr. Sesay added that Gullit did not wait for the reinforcement to arrive when he led his troops into Freetown.

When asked whether it was Mr. Bockarie who offered to send reinforcements to support Gullit’s troops, Mr. Sesay said, “That is what my operator told me...based on the instruction he gave Gullit to wait to get reinforcement for us to attack Freetown, but Gullit did not wait, he did not go ahead with what he was told.”

Mr. Sesay told the court that the RUF was not involved in the plan to attack Freetown because the AFRC’s SAJ Musa and the RUF’s Mr. Boackarie were not on speaking terms. When asked why Mr. Bockarie was “offering to send reinforcement to this renegade group,” Mr. Sesay said that “when Gullit told Bockarie that SAJ Musa was dead, since Gullit was his friend, Bockarie was ready to work with him.”

Mr. Sesay said that the RUF fighters who moved to reinforce the AFRC could not enter Freetown because ECOMOG forces stopped them at Waterloo outside Freetown.

“ECOMOG was in Hastings and Jui and so they [RUF] could not go to Freetown,” Mr. Sesay said.

He agreed that their purpose was to enter Freetown.

Mr. Koumjian then played in court a January 1999 audio clip of a BBC interview by a Colonel FAT Sesay in which the Colonel told the interviewer that “we have again overthrown the SLPP [Sierra Leone People’s Party]...the combined forces of the AFRC and the RUF forces.”

In response to this, Mr. Sesay said, “I knew that he was lying because at that time, the RUF were in Makeni.”

Mr. Sesay insisted, “I was not part of the planning, nor was I part of the execution of the attack on Freetown.”

When told that RUF's Mr. Bockarie had "called his papay [Mr. Taylor]" to inform him that the rebel forces had entered Freetown, Mr. Sesay said, "I didn't know about that."

CNN

Friday, 20 August 2010

Thai court rules arms-dealing suspect Bout can be extradited to US

From **Kocha Olarn**, CNN



Alleged Russian arms dealer Viktor Bout arrives for a hearing at the Criminal Court in Bangkok on August 20.

Bangkok, Thailand (CNN) -- A Thai appeals court ruled Friday that suspected international arms dealer Viktor Bout can be extradited to the United States.

The court ruled that the extradition process must be completed within three months, otherwise Bout will be released.

Bout, a former Soviet military officer, was shackled in chains during the hearing. His wife and daughter were also in the courtroom. After the ruling, they stood up and cried.

Friday's ruling came after heavy lobbying from U.S. officials.

"We are extremely pleased that the Appeals Court in Thailand has granted the extradition of Viktor Bout to the United States on charges of conspiring to sell weapons to a terrorist organization for use in killing Americans," said a statement by acting U.S. Deputy Attorney General Gary Grindler. "We have always felt that the facts of the case, the relevant Thai law and the terms of our bilateral extradition treaty clearly supported the extradition of Mr. Bout on these charges."

Russian Foreign Minister Sergei Lavrov described the Thai appeals court's ruling as an "unlawful, political decision" that was "taken under a very strong pressure from the outside," Russian state-run news agency RIA Novosti reported.

"I can assure you that we'll do everything necessary for his return to his home country," Lavrov told reporters, according to RIA Novosti.

Bout had been indicted by U.S. federal authorities on a series of charges, including counts of illegally purchasing U.S. cargo planes to ferry weapons to warring parties and regimes in Africa and the Middle East.

Thai courts had previously balked at extraditing Bout to the United States on the basis of the original charges against him, which centered on his alleged efforts to send millions of dollars worth of weapons to arm guerrilla fighters in Colombia. Last year, a Thai court rejected the U.S. government's request for extradition.

Bout was arrested in Bangkok in March 2008 after a sting operation led by agents of the U.S. Drug Enforcement Agency, posing as members of the Revolutionary Armed Forces of Colombia (FARC). Bout, widely regarded as a prolific arms dealer, has been in Thai custody since. Bout has repeatedly said he has not broken any laws and the allegations against him are lies. He is accused of supplying weapons to war zones around the world -- from Sierra Leone to Afghanistan.

In February, a federal indictment charged Bout and an alleged co-conspirator with the illegal purchase of a Boeing 727 and a Boeing 737, money laundering and wire fraud. The United States charged Bout in 2008 with agreeing to sell surface-to-air missiles, armor-piercing rocket launchers, "ultralight" airplanes, unmanned aerial vehicles, and other weapons to FARC. Justice Department officials have sought his extradition since then.

Federal authorities accused Bout of four terrorism offenses: conspiracy to kill U.S. nationals, conspiracy to kill U.S. officers or employees, conspiracy to acquire and use an anti-aircraft missile, and conspiracy to provide material support or resources to a designated foreign terrorist organization, the designation given to FARC by the U.S. State Department.

A former Soviet air force officer who speaks six languages, Bout allegedly began building his arms business as the Soviet Union disintegrated in the early 1990s. He acquired surplus Soviet planes and, according to the U.S. Treasury Department, started shipping arms and ammunition to various conflict zones.

It is widely believed that he inspired the character of Yuri Orlov, the arms dealer played by Nicolas Cage in the 2005 film "Lord of War."

UN News Service (New York)

Friday, 20 August 2010

Liberia: Political, Social Divides Threaten Strides in Shoring Up Peace, Says Ban

Although Liberia continues to make considerable progress in consolidating peace and security, enduring political and social divides, among other factors, could roll back the strides made so far, Secretary-General Ban Ki-moon cautions in a new report.

He also warns that limited gains on national reconciliation and the far-reaching perception of the prevalence of impunity are also obstacles to progress in his most recent report to the Security Council on the UN peacekeeping mission in Liberia, known as UNMIL.

While the West African nation's overall security situation is stable, it is fragile due to ethnic and communal tensions, disputes over access to land and a lack of confidence in the criminal justice system, the report notes.

Rape, armed robbery and other forms of serious criminal activity, it says, continue to be prevalent, expressing concern that more than 70 per cent of reported rapes between February and August have involved victims under the age of 16.

"Relatively minor disputes continued to rapidly escalate into major destabilizing incidents," Mr. Ban writes.

He points to the example of widespread violence in Lofa County in northern Liberia between the predominantly Christian Lorma and Muslim Mandingo communities triggered by allegations of a ritual killing and aggravated existing tensions.

Armed with cutlasses, shotguns and other weapons, the two sides attacked each other and property, including places of worship, resulting in four people being killed, 18 others sustaining injuries, and many churches, mosques and homes being destroyed.

UNMIL, along with the Emergency Response Unit of the Liberian National Police, stepped in to restore order.

In Maryland country in Liberia's southeast, UNMIL and the national police prevented violence in April when a witch doctor identified those allegedly behind a ritual killing, leading to the arrest of 18 people - including influential figures in the area - and sparking a community protest.

"As events in Lofa and Maryland counties demonstrate, low public confidence in the State's capacity to deliver justice frequently leads to rapid flare-ups, threatening overall law and order," the Secretary-General notes.

He also says that although security institutions are continuing to make progress, they have yet to reach the capacity to respond independently of UNMIL, especially outside the capital, Monrovia.

"It is crucial that the development of the security sector becomes a main priority for the Government and the international community so that those institutions become independently operational, and are fully resourced," Mr. Ban writes.

He stresses that next year's elections will be a "critical milestone" for Liberia, testing the capacity of national institutions, and urges the Government and others to create a plan on how to take the recommendations made by the Truth and Reconciliation Committee forward.

UNMIL was set up in 2003 to bolster a ceasefire agreement ending a war that killed almost 150,000 Liberians, mostly civilians, and sent 850,000 others fleeing to neighbouring countries.

In this report, the Secretary-General says that he is pleased that the Government and its international partners have started planning for the eventual handover of security responsibilities from UNMIL to national authorities.

The mission has entered that its third stage in its drawdown, with the repatriation of more than 2,000 troops and dozens of armoured personnel carriers and three attack helicopters.

The police component has maintained its authorized strength of 1,375, and Mr. Ban recommends that UNMIL's current military and police levels be maintained until after the 2011 elections, "a core benchmark for UNMIL drawdown and withdrawal."

He also called on the Council to extend the mission's mandate for an additional year until 30 September 2011.

Star Radio (Liberia)

Saturday, 21 August 2010

TRC indictees may go free ... reputable lawyer warns

Written by Julius Kanubah

Six of the seven nominees of the Independent National Human Rights Commission say they are not responsible to implement recommendations of the TRC report.

The INHCR nominees however said they are only tasked to ensure the full implementation of the TRC recommendations.

They made the statement Friday at a confirmation hearing before the Senate's Committee on Judiciary, Claims, Human Rights and Petition.

The INHCR Chairperson-designate Cllr. Punchu Leonard Bernard said it is the responsibility of government to implement recommendations of the TRC.

During the hearing, Cllr. Bernard described herself as a senior lawyer, a reference to protest by a citizen that she was not qualified to head the INHCR as per its Act.

Cllr. Bernard however failed to say which Month of 2010 she was admitted into the Supreme Court as counselor-at-law, saying she has forgotten.

One of the nominees, reputable Human Rights lawyer Cllr. Dempster Brown said it will be difficult to prosecute individuals listed in the TRC report because the Act was meant for reconciliation.

According to Cllr. Brown, there are no laws in Liberia to prosecute people indicted in the TRC report of war crimes and crimes against humanity.

He warned unless legislations are passed by the Legislature to establish a special war crimes court in Liberia, war crimes indictees cannot be prosecuted under Liberian laws.

Other nominees who appeared for confirmation include James Torh, Thomas Bureh, Ms. Macdilla Howard and Ruby Johnson-Morris.

The other nominee Boakai Dukuly did not appear because he is said to be out of the Country.


United Nations **Nations Unies**

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary
20 August 2010

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

UN News in Liberia

“They Will Find Us If They Need Us”, Deserting AFL Soldiers Speak Out

[Public Agenda]

- Reports say the new Armed Forces of Liberia (AFL) is in disarray due to desertion or defection.
- Investigations conducted revealed that about 1,000 AFL soldiers have defected into civilian life.
- The soldiers attributed their action to unbearable living conditions being faced in the barrack and the lack of system and respect within the army.
- They said since the army was official turned over to the Liberian Government in December 2008 by international trainers including DYNCORP, PAE, and SSR, living in the barrack has become unbearably disappointing despite their solemn oath to serve, protect and defend the state and its people.
- The defected AFL soldiers cited among other things that the lack of safe drinking water in the barrack has caused several typhus and malaria cases.
- In another development, unconfirmed reports say uniforms belonging to the deserting servicemen are being sold to Nigerian peacekeeping soldiers with the United Nations Mission in Liberia (UNMIL).

Local News on Liberian issues

Liberia Gets New Ambassador to US

[Front Page Africa, The Analyst, The Inquirer]

- President Ellen Johnson Sirleaf has temporarily assigned Deputy Foreign Minister William V. S. Bull as Ambassador Ad Hoc to the Liberian Embassy in the United States pending the appointment of a new Ambassador.
- A Foreign Ministry release says the information has been officially conveyed to the US Government through the Charge d’Affaires a.i. of the US Embassy in Monrovia when he paid a courtesy call on Foreign Minister Olubanke King Akerele Wednesday.
- Minister Akerele has also communicated to her US counterpart Hillary Clinton the decision of the Liberian Government concerning the assignment of Ambassador Bull as Ambassador Ad Hoc.
- Ambassador Bull a career diplomat replaces Ambassador Nathaniel Barnes who was recalled recently as Liberia’s Ambassador to the US.

President Sirleaf Submits Freeport Agreement to Lawmakers

[Heritage]

- President Ellen Johnson Sirleaf has submitted to the Legislature for ratification a US\$100 million concession agreement for the Freeport of Monrovia.
- The President said the agreement is intended to make the Freeport of Monrovia a public-private-partnership.
- According to her, the agreement was reached between Liberia and the Danish Company, APM-Terminals.
- President Sirleaf identified the company as a world class entity which specializes in port management and terminal services across the world.
- She said the agreement has several benefits including the full modernization of the Freeport and training of its staff in line with international standards.
- The President said the National Port Authority will receive an annual average royalty of US\$9.3 million, an amount that would rise to US\$231 million over the term of the agreement.

- The House has meanwhile sent the agreement to its committees on State Enterprises, Public Utilities, Contract and Monopoly and Judiciary.

President Sirleaf among Top Ten World Leaders

[Liberian Express, The Analyst, The Informer, The News]

- President Ellen Johnson Sirleaf has been named as one of the top ten leaders in the world by the US-based Newsweek magazine.
- Other world leaders named include British Prime Minister David Cameron, French President Nicolas Sarkozy, King Abdullah bin Abdel Aziz al-Saud of Saudi Arabia, the Prime Minister of Singapore Lee Hsien Loong and Mongolia's Tsakhiagiin Elbegdorj.

House Elects ECOWAS Parliament Representatives

[National Chronicle]

- Three members of the House of Representatives have been elected to represent the body to the ECOWAS Parliament in Abuja, Nigeria.
- They include Jefferson Karmoh of Sinoe, Elijah Seah of River Gee and Haja Fatta-Siryon of Bomi.
- The three representatives were elected Thursday in a poll at the House pending the four-year end of tenure of the current batch of ECOWAS Representatives in November.
- The election witnessed a rejection vote of two members of the House, Samuel Page of Grand Bassa and Nohn Kidau of Nimba who earlier represented the body at the ECOWAS Parliament.
- During the poll, Representatives Rufus Neufville of the Congress for Democratic Change and Kuku Dabor of the Liberty Party were also narrowly defeated by Haja Siryon.

NEC Announces 2011 Election Timetable Today

[Heritage, The Analyst, The Inquirer, The News]

- The National Elections Commission (NEC) says it will today Friday release the official timetable for the 2011 General and Presidential Elections.
- A release issued Thursday said the Commission will also use the occasion to declare its position on the Joint Resolution passed by the Legislature and signed by President Ellen Johnson Sirleaf.
- The action by the two branches of government has since received widespread condemnations from civil society and Liberians in the Diaspora on grounds that it is illegal.

Government Begins Demolishing Structures near Ducor

[Front Page Africa, Liberian Express, The Inquirer]

- Government has confirmed the formal start of the demolition of structures at the contentious Rocky Hill Community near the Ducor Inter-continental Hotel in central Monrovia.
- Acting Information Minister Norris Tweah said about seven structures have so far been demolished.
- He however said structures being demolished are those whose owners have agreed to take advantage of Government's resettlement plan.
- Amidst confusion over ownership of the area, Mr. Tweah said others have voluntarily turned in their keys to government.
- He said although government continues to negotiate, those occupying the Ducor property are illegal occupants.

Government, CDC Condemn New Democrat's Nude Photo Publication

[Heritage, The Informer, The Inquirer]

- Government has condemned a lead story in the Thursday August 19 edition of the New Democrat newspaper captioned 'Weah Walks Butt Naked'.
- Acting Information Minister Norris Tweah described the publication as a serious ethical transgression of professional journalism.
- According to Minister Tweah, government was concerned due to the choice of words used to describe the outlook of Ambassador George Weah's genital.
- He said the New Democrat publication on Ambassador Weah does not have any social value.
- The acting Information Minister said government was consulting with the relevant institutions including the Press Union of Liberia on the next course of action.
- Meanwhile, the Congress for Democratic Change (CDC) has condemned the Thursday's publication in the New Democrat newspaper.

- The CDC said the publication in which the paper brought the photos of George Weah in a video advertisement is immoral and unacceptable.
- The chairperson of the CDC, Senator Geraldine Doe Sheriff told a news conference the publication is intended to damage the reputation of the CDC political leader.
- Senator Sheriff said the party would do a formal protest letter to the Senate to ensure the publisher of New Democrat Tom Kamara appears for questioning.
- At the same time, the CDC says Ambassador Weah would arrive in the country Friday to address crucial national issues including the video advertisement.

US Embassy Meets Youth Leaders

[The News]

- The US Embassy near Monrovia has held a one-day roundtable with at least 30 youth leaders in the country.
- The event focused on US President Barack Obama's recent African Youth Forum held in Washington DC and appreciating the significance of the country's national flag.
- US Embassy's Public Affairs Officer Dehad Ghebread said the roundtable was part of efforts by the Embassy to promote youth development.
- Ms. Ghebread observed seventy percent of Liberia's population constitutes the youth and stressed the need to inspire them to make a difference in the society.
- She believes such inspiration can be achieved through information sharing which she described as critical.
- During the youth leaders' roundtable, participants highlighted the importance of the Liberian flag and stressed the need to take it seriously.
- For her part, Youth and Sports Minister Etmonia Tarpeh welcomed the roundtable and assured all would be done to institute the necessary corrections.

Health Ministry Prepares for Family Reunification

[National Chronicle, The Analyst, The Informer]

- The Health Minister says it would shortly embark on what it calls family training and reunification across the country.
- An official of the ministry said the exercise is intended to get records of children and reunite them with their biological parents.
- According to Ms. Ina Christensen, following the reunification exercise, the ministry would ensure the children stay with their families.
- Ms. Christensen hopes the exercise will help build family ties in post-war Liberia.
- The Health Ministry official spoke at the start of a five-day workshop on National Training of Trainers on Family Tracing and Reunification.

Star Radio *(News monitored today at 09:00 am)*

President Sirleaf Submits Freeport Agreement to Lawmakers

Senate Invites Civil Society Organizations Again

- The Senate has again summoned the three civil society organizations it penalized last week for verbally insulting Legislators.
- The Senate said the three groups must appear before its plenary next Thursday along with their lawyer.
- The decision followed verbal complaint that the three groups have not retracted their verbal insult as requested by the Senate.
- The groups include the Liberia Democracy Watch, Centre for Democratic Empowerment and Institute for Democracy and Development.
- They were penalized after they termed the action of the Legislature to pass the threshold resolution as a mentally impoverished leadership.
- The Senate said since the enforcement of the punishment the groups have not published and broadcast the retraction for five days.

(Also reported Radio Veritas, Truth FM, Sky FM, and ELBC)

House Elects ECOWAS Parliament Representatives

(Also reported Radio Veritas, Truth FM, Sky FM, and ELBC)

NEC Announces 2011 Election Timetable Today

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(Also reported Radio Veritas, Truth FM, Sky FM, and ELBC)

US Embassy Meets Youth Leaders

Health Ministry Prepares for Family Reunification

International Clips on Liberia

Political, social divides threaten Liberian strides in shoring up peace, says Ban www.un.org

Although Liberia continues to make considerable progress in consolidating peace and security, enduring political and social divides, among other factors, could roll back the strides made so far, Secretary-General Ban Ki-moon cautions in a new report. He also warns that limited gains on national reconciliation and the far-reaching perception of the prevalence of impunity are also obstacles to progress in his most recent report to the Security Council on the UN peacekeeping mission in Liberia, known as UNMIL. While the West African nation's overall security situation is stable, it is fragile due to ethnic and communal tensions, disputes over access to land and a lack of confidence in the criminal justice system, the report notes. Rape, armed robbery and other forms of serious criminal activity, it says, continue to be prevalent, expressing concern that more than 70 per cent of reported rapes between February and August have involved victims under the age of 16. "Relatively minor disputes continued to rapidly escalate into major destabilizing incidents," Mr. Ban writes.

US Government Renews Punitive Measures against Charles Taylor's Associates APA

United States President Barack Obama has renewed the national emergency measures imposed in 2004 against associates of former Liberian President Charles Taylor, APA learns here Thursday. According to a US embassy source in Monrovia, President Obama has already signed an order to implement the measures, which include a blockade on the properties of Taylor's associates. The national emergency measures will continue for another one year, the source quoted a White House press statement as saying. Taylor is currently on trial in The Hague, Netherlands on war crimes charges. On July 24, 2004, the US President issued Executive Order 13348, declaring a national emergency and ordering related measures, including the blocking of the properties of certain persons connected to the regime of former President Taylor, pursuant to the International Emergency Economic Powers Act (50 USC 1701-1706). The White House statement said the president "took the action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of former President Taylor. "The actions and policies of Charles Taylor and others have left a legacy of destruction that continues to undermine Liberia's transformation and recovery," the White House statement noted. Associates of former President Charles Taylor affected by the action include his estranged wife Jewel Howard Taylor, now a senator in Liberia's bicameral legislature; Cyril Allen, chairman emeritus of Taylor's National Patriotic Party and Benoni Urey, former Maritime Commissioner during the Taylor regime; House of Representatives member Edwin Snowe, former managing director of the Liberia Petroleum Refining Corporation and former NPFL General-turned-Senator, Adolphus Dolo. The United Nations has taken similar measures against these personalities, including a travel ban.

International Clips on West Africa

Guinea

Guinea proposes electoral law change before vote AP

Guinea's interim government wants to change the electoral code in a way that would give the government access to completed ballots, according to documents given to The Associated Press, a move that is fueling accusations of manipulation before next month's historic election. A draft of the proposed ordinance given Wednesday to the Associated Press gives logistical control of the September 19 presidential run-off to a department supervised by Jean-Marie Dore, the interim prime minister who is believed to be backing the race's underdog. The department's duties would include transporting ballots from the polls to the counting centre and auditing the software used to create the electoral list. The latter duty would also give the government access to the voter roll. The draft law conflicts with the constitution and an accord signed earlier this year by the country's military junta, which assigns

these duties to the neutral National Independent Election Commission. "This is an attempt by the prime minister to manipulate the vote. He knows that his candidate cannot win and so he wants to lay the groundwork for massive fraud," said Cellou Dalein Diallo, the top candidate who won 44 percent of the vote during the first round in June. He is squaring off against long time opposition leader Alpha Conde, who received around 20 percent of the vote. Dore, the interim prime minister, has never publicly stated his affiliation but is believed to be backing Conde. Dore's spokesman Mamadou Sam said the election will be fair, even if the new ordinance passes.

Suspicious death of ex-Junta leader's son
www.afrik-news.com

Thursday, the Camara family anxiously awaited the results of an autopsy on the body of their eldest son, Moriba Camara "Junior", who was found dead in his swimming pool at his home in Vieux-Longueuil, Canada. Ahead of the results, various local media speculated foul play. The Canadian police say a toxicological test will be done to further investigate the death, after the initial autopsy result. Monday, Moriba "Junior", 25, the eldest son of former Guinean junta leader, Camara Dadis, who arrived in Canada a little over a year ago to pursue his university studies, was found dead in his swimming pool at his home in Longueuil, Canada. According to the Guinean media, the young man's corpse was discovered when the repeated knocks on Moriba's door by deliverymen went unanswered. A relative who hurried to the scene found Moriba Junior Camara's lifeless body around 19 hours local time and contacted the emergency services. The circumstances leading to his death remained undetermined after an inconclusive initial autopsy on Thursday. "So far we don't have any link that would allow us to believe that there's foul play involved," Longueuil police spokesperson Dominic Arsenault is quoted as saying. Suggesting that further autopsy results could take several weeks before being released, another police spokesperson, Gaétan Durocher, said that toxicological tests will be done in order to determine what might have caused the young man's death.

Ivory Coast

UNOCI provides further support for the cantonment of ex-combatants
African Press Organization

The UN Operation in Côte d'Ivoire (UNOCI) will provide the Armed Forces of the Forces Nouvelles (FAFN) with 52 tents and two water tanks, within the framework of the cantonment of ex-combatants, in response to a request from the FAFN's Chief of Staff, UNOCI Spokesman Hamadoun Touré announced on Thursday in Abidjan. Speaking at the mission's weekly press conference, Mr. Touré added that UNOCI would pursue its multifaceted assistance to the cantonment operation by providing air transport for officials involved in the operation, which is scheduled to resume on Friday 20 August 2010 in Séguéla. The Spokesman recalled that UNOCI had earlier rehabilitated cantonment sites in Bouaké, Korhogo, Man and Séguéla that were to accommodate FAFN ex-combatants who volunteered for the new army. With regard to the electoral process, UNOCI has observed that the establishment of the final voters' roll was now in the judicial phase, Mr. Touré stated. "UNOCI also notes that the Independent Electoral Commission is involved in plotting the electoral map of Côte d'Ivoire, which is a key indicator with regard to managing a reliable and transparent electoral process," he added.

Tunisia to take part in South-South Cooperation Forum in Ivory Coast
www.tunisiaonlinenews.com

Tunisian will take part in the South-South Cooperation Forum due to be held from September 19 to 24, at the Information Technology and Biotechnology Village in Grand Bassam in Ivory Coast, recently announced the website "investir-en-tunisie". The event which is organized by the Sfax Chamber of Commerce and Industry aims at further strengthening relations between Tunisia and African countries and promote foreign direct investment and foreign trade in sub-Saharan Africa through the exploration of new business opportunities, cooperation and partnership. As part of the event, a conference gathering African countries and representatives of international financial institutions will also be held. Twenty seven countries sub-Saharan countries and five North African countries will take part in the event. The Forum also includes business meetings between traders and heads of companies in different sectors.

Sierra Leone

Ghana, Sierra Leone Deepen Bilateral Ties
www.ghana.gov.gh

Ghana and Sierra Leone deepened their bilateral relations with the signing of a Memorandum of Understanding (MOU), for technical Co-operation in the Energy Sector, in Accra, yesterday. Dr. Oteng Adjei, Ghana's Minister for Energy, who signed for his country recounted the long friendship that exists between the two countries and said the agreement is to support and collaborate with Sierra Leone in the production of Energy for reciprocal benefit. The

Minister was highly appreciative of the excellent work done by the technical team that has culminated in the signing of the agreement and said it marks “a new era of sharing what we have” between the two countries. Dr. Adjei, was hopeful that Ghana’s 40 years experience in hydro-power generation will help Sierra Leone create a critical mass of young engineers who will bring about change and transformation in that Country. The Minister pledged Ghana’s unflinching commitment to the document that has been signed. The Sierra Leonean Minister for Energy, Professor Davidson Ogulade, who initialed for his country, was very pleased with the traditional Ghanaian hospitality and also impressed with his tour of the Akosombo and Kpong Dams.

MCAST Team Trains Sierra Leone’s Military
www.africom.mil

Sailors assigned to Maritime Civil Affairs and Security Training Command’s (MCAST) Security Force Assistance Detachment began small boat operations training with 11 soldiers and sailors from Sierra Leone’s military, Aug. 16. The four-man team is facilitating a two-week course designed to provide Sierra Leone’s military with the necessary tools to navigate their country’s small naval boats effectively around the country’s coast. “Our goal is to give these guys the fundamentals to complete their missions using the same nautical principles that have been proven by the U.S. military and many other nations for years,” said Petty Officer 1st Class (EXW) Edwin Mantilla, lead instructor of the Sierra Leone MCAST unit. The course consists of boat crew responsibility training, boat handling, survival techniques, operational risk management and a variety of related topics. “Most of us have very little knowledge of boat operations, so we hope to learn as much as we can from our American friends,” said Sierra Leone military Sub Lieutenant Albert Kenneh. “We have encountered several problems during operations, and this will help us handle them better.”

Caribbean360

Monday, 23 August 2010

St Lucia joins International Criminal Court



The Eastern Caribbean country has ratified the Rome Statute of the International Criminal Court (ICC) and it will enter into force on November 1st, becoming the 113th member.

CASTRIES, St Lucia, Friday August 20, 2010 – St Lucia will soon be party to the first ever permanent international institution, with jurisdiction to prosecute individuals responsible for the most serious

crimes of international concern: genocide, crimes against humanity and war crimes.

The Eastern Caribbean country has ratified the Rome Statute of the International Criminal Court (ICC) and it will enter into force on November 1st, becoming the 113th member.

“The ICC welcomes the St Lucia decision and sees it as a new sign of the International community’s commitment to put an end to impunity for the perpetrators of the most serious crimes that deeply shock the conscience of humanity,” a statement on the ICC website said.

The history of the ICC dates back to the 1990s. After the end of the Cold War, international criminal tribunals were the result of consensus that impunity is unacceptable, but because they were established to try crimes committed only within a specific time-frame and during a specific conflict, there was general agreement that an independent, permanent criminal court was needed.

On July 17th 1998, the international community reached an historic milestone when 120 states adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court. The Rome Statute entered into force on July 1st 2002 after ratification by 60 countries.

The court is based in The Hague, Netherlands.

Foreign Affairs

Sunday, 22 August 2010

<http://www.foreignaffairs.com/articles/66579/tod-lindberg/aggression-in-the-court?page=show>

Aggression in the Court

The International Criminal Court's Newest Authority

Perhaps it was the prospect of a trip out of Kampala, Uganda, to the World Cup games in South Africa that put delegates to the International Criminal Court Review Conference in a magnanimous mood last June. Whatever the reason, years of acrimony and dissension melted into agreement. The consensus would have been remarkable even if the conference's agenda had been banal. In fact, it was not. At hand was the issue of the ICC's jurisdiction over the crime of aggression -- a subject so fraught that the delegates who originally negotiated the creation of the ICC in 1998 were only able to do so after deferring this issue until now, 12 years later.

The first noteworthy element of the conference was the presence of U.S. officials. The United States signed, but never ratified, the 1998 Rome Statute that created the court, and it has no vote in the ICC's Assembly of States Parties (ASP). Like other nonparties, though, it has always been eligible to attend meetings as an observer. But Washington has largely kept the ICC at arm's length since the Bush administration decided to withdraw the U.S. signature in May 2002, shortly before the court became operational. The administration feared that, once functional, the court would be a threat to U.S. sovereignty and put U.S. officials and military personnel at risk of prosecution in the course of their duties.

The Obama administration, which is generally more sympathetic to the ICC than its predecessor, took almost a year to review its policies toward the court before reengaging with it. The administration's first step was to send an observer to an ASP meeting in November 2009. Then, in a major address in March 2010, State Department Legal Adviser Harold Koh affirmed U.S. intentions to cooperate with the court. In June, Koh and Stephen Rapp, the ambassador-at-large for war crimes, led an observer delegation in Kampala of officials from a number of agencies and the military.

Much of the first week of the ICC conference was devoted to an assessment of the court's progress since it opened. The culmination was a declaration that included language welcoming the cooperation of nonparties in court proceedings. This pragmatic "welcome back" seemed an outgrowth of U.S. acknowledgement that the ICC is here to stay, as well as the court's recognition that, even though the United States will likely not join anytime soon, U.S. participation would be useful.

Next year, South Sudan will likely vote for independence. Suppose Khartoum responds by sending troops. Were the court's new provisions on aggression already in effect, Bashir would be a prime candidate for a Security Council referral on charges of aggression.

Then came the contentious issue of the crime of aggression. The idea of holding national leaders to account for waging wars of aggression has genuine moral appeal and historical pedigree. German and Japanese military leaders were prosecuted for aggression during the Nuremberg and Tokyo trials following World War II. But who defines the term and tries the cases is a thornier issue. Noting the absence of consensus on a definition of aggression in the run-up to the conference, U.S. officials questioned whether taking the matter up was not a bridge too far -- a foray into an area so contested that addressing it could undermine the court's other work.

The key question in Kampala was the relationship of the ICC to the United Nations Security Council. The UN Charter grants the Security Council "primary responsibility for the maintenance of international peace and security. If "primary responsibility" were translated into a requirement that the Security Council issue a finding of aggression before the ICC could act, the P-5 would be able to use their veto power to ensure that their nationals -- and their allies' nationals -- would never be at risk of prosecution. Such a situation would preserve the status quo, where might -- in the form of Security Council veto power -- makes right. If, on the other hand, the ICC asserted authority to operate independently on aggression, including an ability to prosecute nationals of nonparties, U.S. domestic politics would be so roiled as to doom the U.S. policy of practical cooperation.

In the end, the conference came to a consensus on a definition of aggression and on procedures for taking action, but only by providing adequate protections for the P-5. The ICC will not be able to bring aggression charges against a national of a state that is not a member of the ICC without a Security Council resolution under Chapter VII (responding to threats to peace and security). This protection is even stronger than that which governs the court's handling of other crimes; for example, the court could, in principle, charge a U.S. national for committing war crimes if he did so on the territory of a state party to the ICC. This is not the case for crimes of aggression.

If the ICC prosecutor wants to investigate a potential crime of aggression in the absence of a Security Council resolution, he first has to seek one. The Security Council has six months to take action before the prosecutor can investigate on his own authority. Finally, the Security Council retains the power to stop any investigation by voting annually to defer it.

States that belong to the ICC also have the option of individually opting out of the court's jurisdiction over aggression by filing a simple declaration. Proponents of expanding the reach of international law hope that, over time, opt-out states will be shamed into accepting ICC purview.

Finally, the Kampala outcome is subject to one further review. No sooner than January 1, 2017, the ASP will have to pass the aggression provisions by a two-thirds vote. The court then has jurisdiction effective one year after 30 members of the court ratify the amendments.

So fears that the ICC would be seeking to prosecute U.S. officials for aggression were overblown. For that to happen, the U.S. representative on the Security Council would have to either vote in favor of, or abstain from, a Security Council resolution asking the ICC to investigate the conduct of U.S. officials. Even if the United States eventually joins the court, it can choose to opt out of the court's jurisdiction over aggression.

At a June 15 briefing, Koh stated flatly, "The prosecutor cannot charge nationals of nonstate parties, including U.S. nationals, with a crime of aggression." He misspoke. The ICC's jurisdiction over aggression would not make sense without a Security Council trigger that could be pulled against any aggressor, whether a member of the ICC or not. However unlikely, it could be pulled against the United States; with a Security Council resolution, the prosecutor can investigate and bring charges against nationals of nonparties.

Indeed, the most likely scenario in which the ICC prosecutor might bring charges of aggression would be a Chapter VII resolution aimed at a situation beyond the reach of the ICC's other jurisdictional areas. Sudan, for example, is not a party to the ICC. Yet pursuant to a Security Council referral on Darfur, the ICC prosecutor has charged Sudanese President Omar Hassan al-Bashir with war crimes, crimes against humanity, and genocide. Next year, South Sudan will vote on secession, a vote widely expected to favor independence. Suppose Khartoum responds by sending troops to thwart that outcome. Were the court's new provisions on aggression already in effect, Bashir would be a prime candidate for a Security Council referral on charges of aggression.

Most of the states that are members of the ICC do not engage in activities that could even remotely be characterized as aggression. Their nationals are at no more legal risk of facing charges of aggression than they are for other crimes within ICC jurisdiction -- genocide, crimes against humanity, and war crimes. Some critics of the court have expressed concern that when the United States decides to take military action, it may find itself bereft of allies; members of the ICC might be reluctant to put their leaders at legal risk for aggression. This concern seems overstated. Members of the ICC have participated with the U.S. in combat operations in Iraq and Afghanistan, even though they could theoretically be prosecuted for other crimes within ICC jurisdiction.

Fears that the ICC would be seeking to prosecute U.S. officials for aggression were overblown.

For some countries, membership in the court and acceptance of its jurisdiction over aggression may have a little-discussed practical effect -- as an insurance policy against their own potential bad actors. Perhaps some would-be aggressors will be deterred from waging war because they would be eligible for prosecution at the ICC.

Whatever its eventual practical effects, what the ICC Review Conference in Kampala really tested was whether the aspirations of those in favor of strengthening the international legal regime could be squared with the concerns of the world's biggest power. The answer was yes.

Hirondelle News Agency

Friday, 20 August 2010

American Ambassador at large for war crime issues to visit ictr monday

Arusha, August 20, 2010 (FH) - The United States Ambassador at Large for War Crime Issues, Stephen Rapp Monday starts a two-day visit at the International Criminal Tribunal for Rwanda (ICTR) charged with prosecuting main perpetrators of the 1994 Rwandan genocide.

A program released by ICTR Press and Public Affairs Unit indicates that Ambassador Rapp, among other things, would meet with various senior officials of the Tribunal, including its President Judge Dennis Byron, Registrar Adama Dieng and the Prosecutor, Hassan Jallow.

The program states that Ambassador Rapp, who is also the former ICTR Chief of Prosecution, would also meet the judges and the legacy committee responsible for charting out the way forward after the closure of the Tribunal.

Among the issues still under discussion is the legacy of the UN court.

One of US State department's main concern is the arrest of former Rwandan businessman Felicien Kabuga, still on the run.

During his last visit to the Tribunal in February, Rapp said he had information that Kabuga was still in Kenya though the authorities maintained he had left the country.

Prosecutor Jallow on his side claimed that Kenyan authorities had provided him with no proof of his departure despite several requests.

NI/ER/GF

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Thursday, 19 August 2010

Genocide suspect re-arrested in gabon

Kigali, August 19, 2010 (FH) - A Rwandan medical doctor, Jean-Chrysostome Ndindabahizi, who had been apprehended in Gabon in June for his alleged role in the Tutsi genocide was recently re-arrested, Kigali announced on Wednesday.

According to an interview given to Radio Rwanda by Prosecutor general Martin Ngoga, the fugitive could be sent back to Rwanda for trial though there is no extradition treaty between Kigali and Libreville.

He did not mention the exact date of the re-arrest.

The medical doctor was wanted by Interpol following an international arrest warrant issued by the Rwandan judiciary.

According to the prosecution in Rwanda, he allegedly took part in planning the genocide at the National university of Butare (Southern Rwanda) where he was a lecturer.

He is also accused of inciting young Hutus to kill and rape Tutsi women, together with former Minister of Family and women affairs, Pauline Nyiramasuhuko. Nyiramasuhuko is awaiting judgement in her case before the Arusha-based International criminal tribunal for Rwanda (ICTR).

Dr Ndindabahizi had been working at Melen hospital, in the outskirts of Libreville, the capital of Gabon.

SRE-ER/GF

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