

**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**

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Press clips are produced Monday through Friday.  
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# Celebrities and the Taylor trial: Justice and false consciousness

*From last edition*  
**THE FLAWS OF THE KIMBERLEY  
PROCESS**

Blood diamonds are associated with slave labour, murder, rape, the amputation of body parts and terrorism. An example of the latter is well captured in an article in the Washington Post, shortly after 9/11, when staff writer Douglas Farah published an extensive article that connected Charles Taylor and blood diamonds to al Qaeda. According to Farah, the Washington Post had obtained a copy of a military intelligence summary, which offered 'the clearest picture yet of al Qaeda's secretive business operations in West Africa'. According to the Washington Post, 'preparations for al Qaeda's diamond operation began in September 1998, six weeks after the bombings of the U.S. embassies in Kenya and Tanzania', and after the 9/11 attack two senior al Qaeda operatives were 'hiding in an elite military camp in Liberia'. [40] It can be assumed that linking West African diamonds to crimes against humanity and terrorism should affect consumer confidence in the market. But in 2000, the UN Security Council encouraged the International Diamond Manufacturers Association, the World Federation of Diamond Bourses, the Diamond High Council and 'all other representatives of the diamond industry to work with the Government of Sierra Leone' to develop methods that could distinguish between blood/conflict diamonds and non-blood/conflict diamonds, with the aim of implementing a 'Certificate of Origin regime'. [41]

These institutions and companies established the World Diamond Council (WDC) with the 'ultimate mandate' to facilitate 'the development, implementation and oversight of a tracking system for the export and import of rough diamonds to prevent the exploitation of diamonds for illicit purposes such as war and inhumane acts'. [42] This resulted in the Kimberley Process Certification Scheme (KPCS), which subsequently was adopted by the UN General Assembly on 6 February 2002. [43] But the problem with the Kimberley Process is, as was pointed out in a UN Report of the Panel of Experts to UN Security Council, that the 'experiences of Sierra Leone, Guinea, Liberia and Cote d'Ivoire show how difficult it actually is to separate out conflict diamonds from other alluvials'. [44]

This view corresponds with a number of former and current Liberian government officials, who note that diamonds from Liberia can easily be transported and sold in Conakry and obtain a certificate of Guinean origin. In reality the Kimberley Process has very little impact on the diamonds trade in the region, and many people in the Taylor administration saw the notion of 'blood diamonds' as British and American instigated war propaganda, disseminated through funding of NGOs such as Global Witness and the International Crisis Group. The notion of blood diamonds became central in the mainstream denunciation of the Liberian government under the leadership of Charles Taylor, while the promotion of the Kimberley Process en-

ured consumer confidence in the international diamond market. But in reality it is not possible to distinguish between 'good' and 'bad' diamonds. [45]

**GETTING PUBLIC ATTENTION ON THE TRIAL OF TAYLOR**

The Kimberley Certificate provides no guarantee, and if Mia Farrow owns a diamond, she cannot be sure of its origin, just as the diamonds that Campbell received from Taylor cannot per se be classified as 'blood diamonds', as is often presented in the dominant media. It is very easy to buy raw diamonds in the streets of Monrovia, but impossible to find out where the diamonds come from.

It is not that significant that a president from a country with a lot of diamonds is using diamonds in public representation to buy sympathy from other states or individuals. The fact that Taylor gave some raw diamonds to a supermodel has little to do with the actual court case, and it is very difficult to see how it can establish the connection between Taylor and the RUF in Sierra Leone, which is the foundation for the case. *Contd. next edition*



# The New Storm

Monday, 11 October 2010

## Celebrities and the Taylor Trial: Justice and False Consciousness

By Niels Hahn, London, UK.

Many people in the Western hemisphere are only familiar with the conflicts in Sierra Leone and Liberia through popular Hollywood films such as 'Blood Diamonds' and 'Lords of War' starring Leonardo DiCaprio and Nicolas Cage respectively.

But with the prosecution of the Special Court in Sierra Leone calling in the supermodel Naomi Campbell (photo) and Hollywood actress Mia Farrow as witnesses in the trial of former Liberian President Charles Taylor, there has been a renewed focus on the conflicts in West Africa.

According to the Chief prosecutor Brenda Hollis, the Hollywood actor and the supermodel possess 'important information for the trial chamber in relation to Mr Taylor's possession of rough diamonds at a particular point in time ... [which] supports the prosecution's allegations that Mr Taylor received rough diamonds from the rebels in Sierra Leone, and used those rough diamonds for his personal enrichment as well as to procure arms and ammunition for the rebels in Sierra Leone'. The main objective of the prosecutor was to find out if Campbell had received diamonds from Charles Taylor after a dinner hosted by Nelson Mandela in South Africa in September 1997.

However, it remains unclear how a few diamonds given to the supermodel can link Charles Taylor with 'blood diamonds', his support of the Revolutionary United Front (RUF) in Sierra Leone and with crimes against humanity, which is fundamental for the court case.

Calling in Campbell and Farrow as witnesses reflects an enhanced form of US-led psychological operations (PSYOP), where celebrities are used as a powerful instrument to create a false consciousness of international justice. The overall aim of this propaganda seeks to gain public support and legitimise Western-led military interventions into resource-rich African countries, by using the positive notions of democracy, human rights and international justice.

A CONTROVERSIAL COURT IN A CRISIS OF LEGITIMACY

In the light of comprehensive research on the war in Liberia carried out over the past seven years, it appears that the indictment, arrest and trial of Charles Taylor are extremely controversial.

In the West the dominant media and academics present the trial of Taylor as an example of international justice being applied in Africa. In contrast, many African politicians, scholars and commentators from across the political spectrum see the case of Taylor as marking an expansion of neocolonial jurisdiction in Africa, which selectively indicts African politicians who do not comply with the wishes of London, Paris and Washington.

The trial of Taylor marks the first example where an elected president in office has been indicted by a quasi-internal court for war crimes and crimes against humanity. The Special Court was established by Britain and the US through UN Security Council resolution 1315, which requested that the UN secretary-general 'negotiate an agreement with the Government of Sierra Leone to create an independent special court'.

On 16 January 2002, the UN signed an agreement with the government of Sierra Leone which established the Special Court for Sierra Leone with the mandate 'to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996'.

At that time, the Sierra Leonean government, under the leadership of President Ahmed Tejan Kabbah, was backed by British and American political, economic and military power. For example, in May 1997, when the Armed Forces Revolutionary Council (AFRC), a breakaway group from the Sierra Leonean army, in cooperation with the RUF, succeeded in removing President Kabbah and installed Major-General Johnny Paul Koromah as head of state, Britain suspended Sierra Leone from the British Common-



wealth in July, and on 8 October 1997, the UN Security Council imposed sanctions on Sierra Leone.

Dena Montague, from the Arms Trade Research Center, World Policy Institute, notes that a number of foreign mining companies, such as American Mineral Fields, directed by Jean-Raymond Boule, wished to see the return of Kabbah's administration. They expressed interest in financing Kabbah's reinstatement in exchange for diamond concessions, but they did not have the military means. Therefore, as Thomas K. Adams from the US Army War College points out, the private military corporation (PMC) Sandline International (directed by Tim Spicer, a former lieutenant colonel in the British Army) informed the press in March 1998 that Sandline 'was asked by the British High Commissioner in Sierra Leone to help train and equip a local force capable of removing the generals'. Ten months later, President Kabbah was successfully reinstated.

The people in Sierra Leone were already familiar with foreign PMCs, for in 1995, Executive Outcomes, founded in South Africa in 1989 and registered in the UK in 1993, drove the opposition forces to Kabbah out of Freetown, and chased them out of the diamonds fields. Adams notes that this operation was financed by the company Branch Energy in return for 'the concession to operate the Koidu diamond field'. Reputedly, Branch Energy was owned by 'Strategic Resource Groups, a British company based in the Bahamas, that in turn owned Executive Outcomes'. This, however, is disputed by Michael Grunberg from Sandline International, who in 2002 informed that 'Sierra Leone's ability to pay Executive Outcomes and its other service providers depended upon the continued support of international funding agencies, in particular the IMF [International Monetary Fund]. The payments to Executive Outcome 'were being underpinned by the IMF'.

When the Kabbah administration faced new problems in 2000, after the RUF had taken several hundred UN military personnel as hostages in the diamond-rich Eastern province, Britain deployed around 1,000 soldiers who were directly involved in counterinsurgency activities, and the capture of RUF leader Foday Sankoh. This intervention took place shortly after Tony Blair had introduced his 'Doctrine of the International Community' in relation to the bombardment of Kosovo in 1999, which seeks to justify

military intervention in the name of human rights, democracy and free trade.

As in the case of Kosovo, the intervention in Sierra Leone was described as a 'humanitarian intervention', and the notion of 'blood diamonds' became a powerful instrument to denounce the atrocities committed by the opposition to Kabbah's administration.

It is in this context that the Special Court of Sierra Leone was established, which explains why the court from the very beginning has faced a crisis of legitimacy in West Africa. The court is being criticised for being a de facto US/UK court, based on the fact that it is predominantly funded by Britain and the US and all the chief prosecutors have been of American or British nationality, starting with David Crane, who was a former employee of the US Army. The prosecution is accused of selectively indicting individuals in line with the foreign policy agenda of the UK and US, which seeks to maintain British and American neocolonial dominance in the region, in order to safeguard UK/US-based private corporate access to natural resources, such as diamonds, gold, oil and uranium. This criticism is rooted in the long history of pan-African resistance against colonialism and neocolonialism.

#### THE INDICTMENT OF TAYLOR IN 2003

The way in which Taylor was indicted by the Special Court on 4 June 2003 has further added to the criticism of the Special Court in Sierra Leone.

Just as the peace conference between the government of Liberia and the two rebel groups, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), was about to begin in Ghana, the Chief Prosecutor of the Special Court David Crane sent out through Interpol the indictment accusing Taylor on 17 counts. [This included 'being in the heart of a joint criminal enterprise' to commit war crimes, crimes against humanity, and serious violations of international humanitarian law within the territory of Sierra Leone.

This blocked the hopes for a peaceful solution to the war in Liberia. With the support from a number of heads of African states who participated in the peace negotiations, such as Laurent Gbagbo of Ivory Coast, John Kufuor of Ghana, Thabo Mbeki of South Africa, Olusegun Obasanjo of Nigeria and Toumani Touré of Mali, the arrest order was ignored

*To be cont.*

**Gazeta.Kz**

Monday, 11 October 2010

<http://engnews.gazeta.kz/art.asp?aid=323190>

## **UN war crimes tribunals demand resources to the General Assembly**

The United Nations (UN) war crimes tribunals demanded resources to the UN General assembly in order to continue its work and maintain its staff.

"In all our efforts, we are facing one main stumbling block: the staffing situation. We continue to lose many of our best and most experienced staff members, often to other institutions in the same field where they can obtain longer-term contracts," said Judge Dennis Byron, President of the International Criminal tribunal for Rwanda (ICTR).

The UN tribunals for Rwanda and the former Yugoslavia have seen their progress hampered by the lack of resources that mostly impact in their staff as many experienced members departed due to more secure employment. Byron remarked that the staff is an indispensable element of completing the work of the Tribunal.

The tribunal for Rwanda was created in November 1994 to prosecute those responsible for genocide and other serious violations of international humanitarian law committed in the African country that year. Around 800,000 people, Tutsis and moderate Hutus, were killed with machetes in 100 days.

Judge Byron added that despite the staffing issues, ICTR has made significant progress in completing its objective. He announced that in this trend, judgment delivery in all the ongoing or commencing cases will be completed by the end of 2011.

Similar hardships have endured the International Criminal Tribunal for the former Yugoslavia (ICTY), as declared by its President, Judge Patrick Robinson. He said that experienced ICTY staff is departing at an alarming rate and even though the Tribunal has increased its capacity from conducting six trials at a time to ten trials, resources have not increased in comparison.

"The Tribunal will always be prone to a certain degree of unforeseeability, which is a natural element in most kinds of judicial work, and particularly in trials as complicated as those at the Tribunal," Robinson said.

The ICTY has accomplished some achievements since its inception. The Tribunal was set up to try those responsible for the atrocities committed during the Balkan wars of the 1990s and called on Member States to commit more funds in order to bring its work to a closing.

"The Tribunal has demonstrated to the international community that international humanitarian law is an enforceable body of law; that it binds the conduct of the most senior State officials; and that the rule of law is a living, breathing reality that forms part of the fabric of our civilization."

Source: Bnonews.com

## The Canadian Press

Saturday, 9 October 2010

### **UN: War crimes, genocide tribunals hindered by staffing woes**

By Michael Astor (CP)

The inability to attract and retain qualified legal staff is the biggest obstacle to wrapping up international criminal prosecutions stemming from the Rwanda genocide and the wars in former Yugoslavia, court officials said Friday.

Speaking before the United Nations General Assembly, the tribunals' two presidents explained that the courts' policy of offering only short-term contracts had led to an exodus of highly trained staff and was hindering the completion of the trials and appeals, originally scheduled to end by 2010.

Judge Patrick Robinson, president of the Yugoslav war crimes tribunal, said 21 per cent of the staff in the judges chambers has left.

"The impact of these departures on the expeditious completion of a the Tribunal's trials is profound," he said.

Robinson said the situation has forced judges and staff to double up on the number of trials they are handling, further delaying proceedings, which began in 1993 and which he now expects will conclude only in 2014.

Robinson called on the United Nations to assist the tribunals in developing incentives to retain highly qualified staff until they are no longer necessary.

The situation is much the same in Rwanda, said Judge Dennis Byron, who presides over the genocide tribunals charged with bringing to justice the key perpetrators of the 1994 genocide.

"We continue to lose many of our best and most experienced staff members, often to other institutions in the same field where they can obtain longer contracts," Byron said.

He said another problem facing the tribunal was the inability to find countries willing to relocate acquitted persons and those who have already served their sentences.

Byron said three people remain confined to safe houses in Rwanda following trials — one of them for over four years — because a safe place to relocate them could not be found. He appealed to U.N. member states to help these people so they can recommence their lives as free persons.

Another issue delaying the completion of the tribunals is that 10 of the suspects in the Rwanda genocide remain fugitives and Byron called on the international community to help bring them to justice.

Prosecutors are still seeking two key fugitives for alleged war crimes and crimes against humanity in former Yugoslavia — Gen. Ratko Mladic and Goran Hadzic.

## BBC Online

Friday, 8 October 2010

### **Thomas Lubanga: ICC trial of DR Congo warlord to resume**

Thomas Lubanga is the first person to go on trial at the ICC at The Hague The International Criminal Court's appeals chamber has ruled that a trial of a Congolese warlord should resume after a three-month suspension.

In July, judges halted Thomas Lubanga's trial on war crimes charges and ordered his release when prosecutors refused to hand information to the defence.

Friday's ruling reversed the decision, but also rebuked Prosecutor Luis Moreno Ocampo for flouting court orders.

Mr Lubanga has denied using child soldiers in eastern DR Congo in 2002-3.

His is the first trial to start at the ICC at The Hague but the case has been plagued by legal challenges.

The 49 year old led the Union of Congolese Patriots (UPC), an ethnic Hema militia - one of six groups that fought for control of the gold-rich Ituri region.

The land struggle turned into an inter-ethnic war in which an estimated 50,000 people were killed and hundreds of thousands were left homeless.

#### **'Binding orders'**

Mr Lubanga's trial was suspended in July after Mr Moreno Ocampo refused to confidentially disclose to the defence the identity of an intermediary used by investigators to work with prosecution witnesses.

Leader of the Union of Congolese Patriots (UPC), an ethnic Hema militia Head of the UPC's military wing, the Patriotic Forces for the Liberation of Congo (FPLC) Accused of recruiting children under 15 as soldiers Arrested in Kinshasa in March 2005 Held by the ICC at The Hague since 2006 Born in 1960, has a degree in psychology Congo trial starts road to justice Profile: Thomas Lubanga The judges said his actions amounted to "a profound, unacceptable and unjustified intrusion into the role of the judiciary".

They also ordered Mr Lubanga's release, saying it was "no longer fair" to detain him.

On Friday, the appeals chamber reversed the decision, saying the trial chamber had erred by resorting immediately to a stay of proceedings without first imposing sanctions to force the prosecution to comply.

But presiding judge Sang-Hyun Song rejected the arguments of Mr Moreno Ocampo that the trial chamber had wrongly found that he had refused to comply with its orders, and had misconstrued his position with respect to his duties of protecting victims and witnesses.

The "orders of the chambers are binding and should be treated as such by all parties and participants unless and until they are suspended by the appeals chamber", Judge Song added.

According to the ICC indictment, Mr Lubanga is accused of having committed war crimes of enlisting and conscripting children under the age of 15 years in the UPC's military wing, the Patriotic Forces for the Liberation of Congo (FPLC), and of using them to participate in hostilities.

His trial, which opened in 2009 after a seven-month delay over disputed confidential evidence, has been hit by repeated legal difficulties.

The first witness at the trial retracted his testimony after first saying he had been recruited by FPLC fighters on his way home from school.

One of the problems facing the court is that the Ituri region is still unstable. This means the safety of witnesses cannot be guaranteed.

## Global Research

Friday, 8 October 2010

<http://www.globalresearch.ca/index.php?context=va&aid=21361>

### **The Rwandan Genocide: Revenge Tragedy**

By John Laughland

Those who take the Rwandan genocide of 1994 as the supreme case for armed intervention should learn about its aftermath

As a hardened opponent of military interventionism and international war crimes tribunals, I find I am often floored when Rwanda is invoked. 'How can you possibly advocate standing idly by when hundreds of thousands of people are being massacred?' is a difficult question to answer. The events in Rwanda in 1994 have become the supreme moral reference point for interventionists, long after other similar causes célèbres have vanished from memory, because to contemplate the scale and method of killing there is to stare into the very heart of darkness.

William Hague last year expressed the prevailing sense of certainty when he said casually, 'We are all agreed that we would intervene if another Rwanda were predicted.' Returning to the theme of intervention last month, Mr Hague also cited Congo as an example of a country ravaged by war which Britain, committed as it is to human rights, ought to do something to stop. And who could disagree with that? Although almost unreported, the Congo wars, which have lasted since 1996, have claimed the lives, directly and indirectly, of more than five million people.

As it turns out, Mr Hague unwittingly put his finger on the very thing which invalidates the case for interventionism. For at the end of August, shortly before he spoke, the draft of a United Nations report had been leaked which details a decade of atrocities committed in Congo by the Rwandan army and its proxies and allies. The atrocities include large-scale massacres of civilians, essentially the Hutu refugees who had fled into neighbouring Congo (then Zaire) after the Tutsi-dominated Rwandan Patriotic Front under General (now President) Paul Kagame took power in 1994.

Eventually published on 1 October, the report is the first official admission that there is another side to the Rwandan story, but it has taken 16 years to get this far. According to the usual narrative, the Tutsis now in power were victims of genocide committed by the previous Hutu regime in the period April to June 1994. That genocide was planned in advance, and the Hutu génocidaires even assassinated their own president by shooting down his aircraft on 6 April 1994, in order to have a pretext to start the killing. According to this new report, it is possible that genocidal mass killing continued for a decade after 1994, only this time committed by Tutsis against Hutus and without attracting the world's attention.

The report even said that the atrocities could be classified as genocide. Rwanda — where in August President Kagame was re-elected for another seven-year term as president with a modest 93 per cent of the vote — reacted with fury. A spokesman for the Rwandan government said, 'It is immoral and unacceptable that the United Nations, an organisation that failed outright to prevent genocide in Rwanda... now accuses the army that stopped the genocide of committing atrocities in the Democratic Republic of Congo.' The Rwandan Tutsis are determined to protect their reputation as victims of genocide, not perpetrators of it.

This is not the first time that allegations about massacres committed by Tutsis and the RPF have been communicated to the United Nations. Immediately after the events of April-June 1994, a US overseas aid official, Robert Gersony, found that between 5,000 and 10,000 Hutu were being killed every month by the Tutsi Rwandan Patriotic Army. But his report was suppressed by the UN, apparently with encouragement from Washington: Gersony was told never to write up his findings. It was not until 2008 that defence staff working at the International Criminal Tribunal in Rwanda chanced upon a written report of Gersony's oral testimony, hidden among the prosecutor's files. The document was published online last month.

Human Rights Watch has documented the way the report was stifled and speculates that this was done because Kagame was America's ally. It is true that President Kagame, who trained at the US Army Staff College at Fort Leavenworth in Kansas, was happy to be photographed with George W. Bush in the Oval Office, and that regime change in Rwanda was part of a general increase of American power in Africa. But what that interventionist organisation overlooks — precisely because of its energetic advocacy of international war crimes tribunals — is that the United Nations had its own interest in maintaining the line that the Tutsis were only victims. In the very weeks when Gersony was about to submit his report (September-October 1994), the UN was preparing to bolster its power by creating an International Criminal Tribunal for Rwanda, which duly occurred by Security Council resolution on 8 November 1994. That tribunal's remit, drawn up with the events of April-June 1994 exclusively in mind, is effectively limited to the killing of Tutsis, and so far it has never prosecuted anyone on the Tutsi side. In 1994, then, the UN was incapable of admitting there could be right and wrong on both sides because this would have immediately killed off its pet project. By creating the ICTR, the UN was committing itself institutionally to a one-sided version of events which whitewashes the Tutsis and the RPF.

That version, now finally destroyed by this latest report, has actually been coming apart at the seams ever since the creation of the ICTR — not that you would know it because the mammoth trials, which often last for over a decade, go largely unreported. The original claim that the Hutus assassinated their own president has never been proven. On the contrary, many believe now that the order to shoot down the presidential plane (the act which precipitated the mass killings) was given by Kagame himself, and that the RPF needed to assassinate President Habyarimana to seize power in Rwanda by violence: by the end of 1993, Habyarimana was committed to a peace process leading to elections, which the minority Tutsis (the country's traditional aristocratic elite, and the backbone of the RPF) were certain to lose.

When they unearthed the unpublished Gersony testimony in 2008, defence lawyers at the ICTR also came across a letter from Paul Kagame, dated August 1994, which speaks of 'our plan for Zaire' (Congo). If the letter is genuine, it could provide proof that Kagame and the RPF were in fact plotting to invade Congo after seizing power in Rwanda: Rwandan- and Ugandan-backed rebels did indeed overthrow President Mobutu of Zaire in 1996, starting the ten-year war. Chris Black, one of the lead defence lawyers, argues that both Rwanda and Uganda were planning the invasion as early as 1990, Kagame having initially been an officer in the army of Uganda, the country where he lived from the age of four. The RPF had invaded Rwanda in 1990, with Ugandan backing, before being repulsed: according to this theory, the eventual seizure of power in Kigali in 1994 was only part of a larger conspiracy to push on further west into the Congo, where fabulous mineral wealth awaits any conqueror.

If Black is right, then the prosecutors at the ICTR, and the United Nations generally, have not been prosecuting war criminals since 1994. They have instead been prosecuting the victims while covering for the aggressors. If he is right, the war in Rwanda was not an explosion of irrational violence — as at least one Hollywood movie maintains — but instead a classic war between states, Uganda and Congo, inside which was wrapped a civil war between the two rival social and ethnic groups in Rwanda. And if the world has never wanted to see these simple truths, it is because it has been blinded by the intense moralism of prosecutions for genocide: the ICTR's statute and judgments are based on a three-month snapshot of a war which has, in fact, been going on, to and fro, for decades.

Not only is it psychologically difficult to accept that the victim of yesterday can become the butcher of tomorrow, but also the designation of one side as a victim can actually facilitate his butchery. Yet we should have learned long ago that revenge is inherent in the very nature of war itself. As Clausewitz urged, war is a precise series of reciprocal acts in which the deeds of one side are dictated by those of the other. Because international criminal tribunals tend to prosecute commanders rather than direct perpetrators, they adjudicate policies (or supposed policies) rather than actual crimes. They thus tend to condemn one side more than the other. Military interventionism reposes on the same moral judgments as such trials, because it is inevitably intervention to support one party to a conflict against its enemy. Both interventionisms give carte blanche to the designated victim, enabling him to continue the cycle of violence with impunity. Far from promoting peace, therefore, the application of the criminal law to war can actually fan the flames of fighting, because so-called international 'justice' is nothing but the continuation of war by other means.

John Laughland is a frequent contributor to Global Research. Global Research Articles by John Laughland

# The Daily Nation (Kenya)

Monday, 11 October 2010

## Uhuru breaks his silence on Hague arrests

By PETER LEFTIE



*Mr Kenyatta is among Cabinet ministers named in a report by the Kenya National Commission on Human Rights. Photo/ FILE*

Finance minister Uhuru Kenyatta has said that neither he nor Kenya have anything to fear from pending

International Criminal Court arrest warrants in connection with the 2007 post-election violence.

Speaking on the sidelines of International Monetary Fund and World Bank meetings in Washington on Saturday, he said he was not concerned personally by the warrants, nor did he think they would set back Kenya's economy.

The ICC plans to indict as many as six politicians over allegations that they either masterminded or funded the violence. Mr Kenyatta is among Cabinet ministers named in a report by the Kenya National Commission on Human Rights.

He unsuccessfully petitioned the High Court to remove his name from the report. "I don't believe it will have any major impact," he told a news agency in Washington.

"Personally, I think once due process has taken place the truth eventually will come through and people will get to know what the situation was. Kenya has proved that it stands by its domestic and international commitments."

In Nairobi, preparations are nearly complete for ICC investigators to begin questioning top government officials and to begin perusing minutes of secret security meetings at the time of the violence. High Court judge Kalpana Rawal was last week appointed to witness the recording of the statements by ICC investigators.

Justice and Constitutional Affairs minister Mutula Kilonzo and his Lands counterpart James Orengo on Sunday said the Cabinet sub-committee chaired by Internal Security minister George Saitoti was scheduled to meet on Tuesday to fast-track the process of taking statements.

"We are meeting on Tuesday to fast-track this process by making the regulations to guide the recording of statements.

"We want the ICC investigators to move fast so they tell us whether international crimes were committed in the country or not," Mr Kilonzo said.

The committee, according to Mr Orengo, will also receive the minutes of the sensitive security meetings held in the period leading up to and during the violence.

The documents will be channelled to the committee by the Director-General of the National Security Intelligence Service, Mr Michael Gichangi, and Attorney General Amos Wako, who have been scrutinising them.

Mr Orenge said the committee would also scrutinise the security minutes before handing them over to the ICC investigators. “We have to see what is relevant for the ICC,” he said, adding that the Rome Statute had a procedure of handling matters of national security during investigations.

“It (submitting the minutes of the security meetings) is not something that is being invented by the government of Kenya. Under the Rome Statute, there are procedures to handle such sensitive documents.”

Mr Kilonzo, however, said Lady Justice Rawal could start presiding over the recording of statements from security chiefs without waiting for the Cabinet committee to draft the regulations.

“I expect Justice Rawal to start moving immediately because the Evidence Act can still be applied in the recording of the statements. We do not want people to say that the government is trying to delay the process of recording statements,” he said.

The ICC team is also expected to meet Mr Wako and lawyers representing the security chiefs on the same day. The security chiefs had been directed by the government to record the statements but they declined and sought legal assistance.

The law requires that involuntary statements be taken before a judge, hence the move by Chief Justice Evan Gicheru last week to appoint judge Rawal to preside over the statement taking.

The International Crimes Act also requires that Prof Saitoti publishes rules under which Lady Justice Rawal will take the statements.

At least five provincial commissioners (PCs), six provincial police officers (PPOs) and dozens of district commissioners, who served in the areas that were hit by the violence, are expected to record statements with the ICC team.

The officials have retained lawyers Evans Monari, Ken Ogeto and Gershom Otachi to represent them. Lawyer Ahmednassir Abdullahi is representing the NSIS.

The Rome Statute places criminal responsibility on the bosses for the crimes committed by juniors. This is when either the bosses were aware of the crimes that their subordinates were committing or could have controlled their actions.

The PPOs and PCs the ICC is interested in are those who served in Rift Valley, Nyanza, Western, Nairobi and Coast provinces at the time of the violence.

The PCs in office at the time were Ernest Munyi (Coast), Abdul Mwasera (Western), Noor Hassan Noor (Rift Valley), James Waweru (Nairobi) and Paul Olando (Nyanza).

The PPOs include Grace Kahindi and Antony Kibuchi (Nyanza), Everet Wasige (Rift Valley), King'ori Mwangi (Coast), Francis Munyambu (Western) and Njue Njagi (Nairobi).

## Tamilnet

Sunday, 10 October 2010

### **HRW discusses Sri Lanka war-crimes in Harvard event**

In a talk titled "Prosecuting War Crimes in Sri Lanka: "No Reconciliation without Justice" at the Harvard Law School earlier this week, James Ross, Legal and Policy Director for Human Rights Watch (HRW), discussed options available for prosecuting war crimes committed in Sri Lanka during the final stages of the war in 2009 in seeking justice to the victims.

The event well attended by students and several Boston area Tamils heard Ross describe how HRW exhausted all options to stop the mass killings during the final stages of the war in Sri Lanka where more than 300,000 Tamil civilians were holed up along with Tamil Tiger units in a narrow stretch of beach front.

"The efforts proved futile as no-fire safe zones were indiscriminately attacked with the loss of tens of thousands of civilians," Ross told the audience.

Jim Ross explained the actions taken by HRW and other International Agencies to bring to justice war criminals in Cambodia, Rwanda, Darfur, Serbia, Bosnia and Sierra Leone's Chuck Taylor.

Ross also outlined possible options available for the Sri Lankan Government and the International Community to prosecute War Crimes in Sri Lanka.

Action at the International Criminal Court (ICC) requires a country or the UN Security Council to initiate action. Alternatively, the United Nations can create an International Criminal Tribunal for Sri Lanka along the lines of tribunals set up for Rwanda, Bosnia and Yugoslavia. Individuals can also be charged under universal jurisdiction in other countries, Ross said.

Responding to questions Ross said that while none of the above options sounds immediately plausible in the Sri Lankan case, continued international pressure has yielded positive outcomes in the past.

He also provided insight into the workings of HRW and their interactions with the US, European Union and Indian Governments to bring to justice all those who committed War Crimes in Sri Lanka.