

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



Aerial view of a village in northern Sierra Leone

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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International News

Sierra Leone Hollywood and The Hague / <i>Focus on Africa Magazine</i>	Page 3
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 4-11
Mandela Aide Charged Over Naomi Campbell Diamonds / <i>BBC Online</i>	Pages 12-13
The 2010 Nobel Peace Prize: Predictions from Kristian Berg Harpviken / <i>US Institute of Peace</i>	Page 14
'Merchant of Death' back in Thai court / <i>Bangkok Post</i>	Pages 15-16
ICTR/Weekly Summary - Witness Accounts Wild State During Genocide / <i>Hirondelle News Agency</i>	Page 17
STL is Autonomous and it should be Supported to the End / <i>Naharnet</i>	Page 18
Dizdarević: Ten years on, Milošević Scars Remain in Balkans / <i>EurActive.com</i>	Pages 19-23
Why ICC 'Suspects' No Longer at Ease / <i>The Standard</i>	Pages 24-26

Focus on Africa Magazine

October-December, 2010



Sierra Leone *Hollywood and The Hague*

There is, it would appear, nothing quite like a famous face to capture the attention of a celebrity obsessed public.

Indeed two years on from the start of the war crimes trial of former Liberian President Charles Taylor the media spotlight on this case has never been as intense. Yet it is not the heinous atrocities Taylor stands accused of that have captured the public's imagination in recent months, but rather the testimonies of a world famous supermodel, her former agent and a Hollywood actress come human rights activist about a gift of uncut diamonds.

Taylor, the first former African head of state on trial for alleged war crimes, is being tried by a special court for Sierra Leone at The Hague. He faces 11 charges relating to the murder, rape, sexual slavery and amputations of civilians by rebels in neighbouring Sierra Leone during its nine-year civil war. He is also charged with providing weapons to rebels in exchange for blood diamonds.

In recent months the prosecution has been attempting to gather evidence to link Taylor to trade in such conflict diamonds. Enter Naomi Campbell who is apparently quite accustomed to receiving unusual gifts from strange men in the dark of night. One version of the events is that after attending a star-studded charity dinner party hosted by former South African President Nelson Mandela back in 1997 Campbell, exhausted from a week of foreign travel, had retired to bed. A few hours later, woken by a mysterious knocking on the window, she dozily accepted a pouch of "small, dirty stones".

At breakfast the following morning

Campbell relayed the events of the previous evening to her former agent Carole White and actress Mia Farrow who were both present at the party. She then decided to gift the stones to the Nelson Mandela Children's Fund, handing them over to Jeremy Ratcliffe, then the fund's chief executive. But 13 years on, it emerges that they were never auctioned. Ratcliffe, who apparently hung onto the stones, recently handed them to the war crimes tribunal and no doubt will soon have some tough questions to answer.

So while the prosecution had hoped to link the gift of diamonds to Taylor, who was photographed next to Campbell at the dinner party, so far the testimonies given by the three women have proved contradictory and hence inconclusive.

William Pace of the Coalition for an International Criminal Court has said it is "somewhat disappointing that it takes Hollywood actresses and models going to a party with a former dictator, who is reported to have given a conflict diamond to a model, to get the media's interest in this important development."

First the pouting Campbell refuses to testify at the hearings and when eventually subpoenaed describes her appearance as a "big inconvenience". Then there is the admission that she knew nothing about Taylor, or even the geographical location of Liberia. Disappointing indeed but also a worrying indication of how little awareness there is around the illicit global trade in diamonds and their link to some of the world's worst conflicts.

So while these media-grabbing testimonies may have done little to advance the prosecution's case, it would appear that, like it or not, there is nothing like a bit of flash to get the world to sit up and take notice of serious issues like conflict diamonds.


United Nations **Nations Unies**

United Nations Mission in Liberia (UNMIL)

**UNMIL Public Information Office Media Summary
01 October 2010**

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

UNMIL News in Liberia

UNMIL Expresses Regrets Over Damages to Public School

[Public Agenda]

- The UN Mission in Liberia (UNMIL) says it still regrets damages done to a local public school in Bondon Town, Tewor District in Grand Cape Mount County.
- According to UNMIL spokesperson Yasmina Bouziane, the Mission was inconvenienced about the damages done to the school which, according to reports from that area, had prevented students from attending school for the start of this academic calendar.
- Ms. Bouziane said although renovation works have been started on the school building, the rainy season was a major factor in the delay of the completion of the work.
- She also expressed the Mission's regret for any negative effect its operation in the country might have caused.
- The UNMIL spokesperson however promised that all is being done to complete renovation on the building soonest possible so as to enable students to commence normal academic works at the school.
- The University of Liberia Radio Station reported that until now students have not started school due to what it described as excessive leakage from the roof of the school building, despite initial renovation by UNMIL.
- The building was affected by an UNMIL helicopter during one of the Mission's routine operation.

Local News on Liberian issues

US Ambassador Recaps Peace Corps Success Story

[The Informer, Daily Observer, The News]

- US Ambassador Linda Thomas-Greenfield says the Peace Corps programme in Liberia is one of the most successful US-sponsored programmes in the country.
- Ambassador Greenfield said the work of the Peace Corps Volunteers over the years demonstrates the good image and reputation of the programme.
- Despite the war years which suspended the programme in Liberia, the US Ambassador said Liberians and the ex-volunteers never forgot the impact.
- The US diplomat spoke Thursday at the ribbon-cutting ceremony of the new offices of the Peace Corps in Liberia.
- Speaking at the occasion, Vice President Joseph Boakai said the ribbon-cutting ceremony marks another celebration of the longstanding relations between the two countries.
- He recalled the long-time services provided by Peace Corps Volunteers in Liberia which himself is a beneficiary.
- Peace Corps Director in Liberia Lucianne Philips encouraged the volunteers to leave a legacy in the country at the end of their services.
- The Peace Corps programme in Liberia started in 1962 but was suspended in 1990 because of the civil conflict but resumed in 2008.

Civic Voter Education Delivery Training for Assistant Elections' Magistrates Today

[The Analyst, Heritage]

- A two-day civic voter education delivery training for assistant elections magistrates begins today, at the headquarters of the National Elections Commission (NEC) in Sinkor.
- According to a NEC release, the training session, which will be held under the theme: “Effective Civic/Education Delivery for the Voter Registration Exercise”, will cover: Civic/Voter Education Strategy for 2011 Electoral Process; “The Voter Registration Process for 2011”; “The Role of Assistant Magistrates, County and Regional Coordinators; and “The Development of Regional Action Plan.”
- The release noted that other topics to be discussed include: “Gender and Elections”, and “Improvement of Monitoring Mechanism for CSOs and Civic Educator.”
- The NEC release further said that participants will be given an overview of the Civic/Voter Education Manual for Voter Registration and drill in the legal instruments for the 2011 elections.
- The Civic Voter Education Delivery training session is a part of the continuous Civic/Voter Education being undertaken by the NEC to ensure citizens mass participation in the upcoming voters registration exercise.

OSIWA Wants Civil Society Full Participation in Sustaining Peace

[Heritage]

- The Open Society Initiative of West Africa (OSIWA) has called on civil society groups in Liberia to fully participate in the findings and recommendations of the Truth and Reconciliation Commission (TRC) Final Report.
- According to the Programme Associate of OSIWA, Ms. Lucrezia Thomas Anderson, the full participation of civil society organizations will help give informed recommendations to the final report of the TRC, noting this will help in the sustenance of peace in the country.
- She then pledged OSIWA’s continual support to civil society organizations involved in maintaining lasting peace in Liberia.
- Ms. Anderson spoke Thursday in Monrovia on behalf of OSIWA’s country coordinator Joe Pemagbi, at a one-day forum of Civil Society Coalition for the Consolidation of Democracy in Liberia (CSCCDL).

Deputy Speaker: Agriculture is Cure for ‘Dependency Syndrome’

[Heritage]

- Deputy House Speaker Tokpah Mulbah has underscored the importance of agriculture, saying it is key to the growth and development of Liberia.
- Deputy Speaker Mulbah encouraged his fellow countrymen to take agriculture very seriously if their wellbeing must be improved.
- In an exclusive interview, the Deputy House Speaker indicated that the Liberian nation and people would develop very fast once agriculture is fully prioritized.
- He pointed out that agriculture is the cure for ‘dependency syndrome’, noting it makes people economically viable.
- He decried the hardship of the masses and challenged Government through the Agriculture Ministry to design more programmes aimed at getting the people totally involved in agriculture.

Unity Party Set For Convention October 30

[Front Page Africa, Heritage, The News, National Chronicle, The Inquirer]

- The ruling Unity Party has announced the holding of its national convention in Monrovia on October 30.
- According to the party’s chairman, Cllr. Varney Sherman, the convention is to elect several officers of the Party including the standard bearer for the 2011 elections.
- He said the elections will take place for the Party’s National Vice Chairman and Secretary General.
- The UP chairman said elections will also be held for the chairman of the Youth Congress, county and district officers.
- Cllr. Sherman disclosed a plan would be approved at the convention to restructure and create zonal offices in the 64-electoral districts.
- He announced that the convention would be attended by nearly ten delegates each from the electoral districts.
- He also declared that President Ellen Johnson Sirleaf cannot be banned from contesting the 2011 elections based on Article 52c of the Constitution noting that the ten-year residency clause issue cannot affect the President.

Auditor General Commissions Prison System, UL Teachers Recruitment Audits

[The Analyst, Heritage]

- Auditor General John Morlu II has commissioned performance audit on the prison system under the Justice Ministry and also on the recruitment of teachers at the University of Liberia.
- The purpose of the audit, according to the engagement letter sent to Justice Minister 22 September 2010, will access and report on the effectiveness of operation of the Prison System in Liberia.
- Auditor General Morlu writes Justice Minister Christiana Tah on the audit: "I am aware of the President's drive to ensure a transparent, accountable, efficient and effective government in delivering services within the Republic and have therefore embarked on the task of conducting a performance audit of the Prison System under the Ministry of Justice.
- I therefore want to move quickly to begin the audit to assist the Government of Liberia and the President in realizing the goal of creating an environment where governance shall be based on transparency, accountability, efficiency and effectiveness."

Gov't Suspends Duties Taxes On Buses, Others

[Inquirer, Daily Observer and Analyst]

- The Government of Liberia has issued a temporary suspension of import duty on goods and services on commercial and public transport.
- The government said the move is aimed at easing the acute shortage of public transport.
- Deputy Information Minister Norris Tweah said the move will support the Poverty Reduction Strategy (PRS).
- He said the new measure will affect commercial buses with 23 or more sitting capacity, motorcycles, station wagons among others.

IOM Trains "Counter-Trafficking "Officers In Harper

[Daily Observer]

- The International Organization for Migration (IOM) has trained 80 persons in basic anti-human trafficking programs.
- IOM Counter-trafficking Expert Freddie Goe said the training was held in Harper Maryland County from 22-25 September 2010.
- He said the training brought together law enforcement officers from various Ministries and agencies of government.
- The participants included Bureau of Immigration and Naturalization, Liberian National Police , Fire Service , National Security Agency and Correction Officers .

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

AGENDA research reveals lapses in governance process

- A research conducted by a pro-democracy group in Grand Cape Mount and Lofa Counties has revealed series of lapses in the governance process of the counties.
- The research shows only few of the citizens have knowledge about the cost of the projects being implemented with no bidding process.
- It also found out very little participation in the formation and implementation of policies and noted the absence of information sharing.
- According to the research, most of the people interviewed in the two counties do not have information on the budget and government's decentralization process.
- The research however highlighted dividend of peace is being enjoyed through community initiatives irrespective of tribe and religion.
- The four-month research was carried out by Action for Genuine Democratic Alternatives, AGENDA aimed at increasing transparency in border areas.
- AGENDA's Program Manager said the research focused on the level of transparency, accountability and citizens' participation amongst others.
- Madam Carolyn Myers-Zoduah said the research recommended more civic education and awareness in the counties.

[Also reported by Truth, Veirtas and Kings]

Sub-regional youth leaders seek peace in Guinea

- West African Youth Leaders from Liberia, Sierra Leone, Guinea, and Ivory Coast have concluded a ten-day visit to the Guinean Capital Conakry.
- A statement issued said during the visit, the youth held special peace meetings in that West African state.

- According to the statement, the meetings were part of broad based consultations with relevant stakeholders in the Guinean political situation.
- The events were also intended to encourage Guinean political leaders to see reason to promote non-violence in the upcoming run-off election.
- The West African Youth Network in collaboration with the Mano River Union Youth Parliament Guinean Chapter organized the meetings.
- The initiative is seen as a bold step by youths in the sub-region to contribute positively towards the maintenance of peace in Guinea and the sub-region.

[Also reported by Sky, ELBC, Kings, Veritas and ELBC]

Resident complains lawmaker to speaker

- The President of the Salala Agriculture Workers' Union in Margibi County has accused Margibi Representative Emmanuel Nuquaye of threatening to kill him.
- Anthony Moses said since he took over the workers' union, the District-one Representative has continued to cause serious embarrassment for him.
- Mr. Moses alleged lawmaker Nuquaye issued the threats via mobile phone and at one point ordered his office staff to assault him during a radio talk show.
- The Salala workers' union president attributes the lawmaker's alleged action to his refusal to campaign for his second term bid .
- Mr. Moses has called on the county's leadership to intervene to prevent the matter from degenerating.
- When contacted, the Margibi lawmaker maintained that he will not dignify Anthony Moses' flimsy allegations.

Old soldiers deny taking bribe from President Sirleaf

- The leadership of the disbanded Armed Forces of Liberia has reacted to criticisms that it was bribed by President Johnson-Sirleaf to compromise the group's interest.
- The head of the former AFL soldiers Col. Wolo Nagbe said few elements of the group have embarked on a smear campaign against the leadership.
- According to Col. Nagbe, the individuals have been telling other colleagues that the leadership took an undisclosed amount of money from President Sirleaf as bribe.
- Col. Nagbe clarified at no time were they bribed by the President and warned those spreading the rumors to desist immediately.
- The Former AFL boss however admitted the President gave them a little token after the meeting but the gesture did not amount to a bribe.
- Col. Nagbe said his leadership still remains resolute that government addresses their plight by paying benefits due them.
- He said the President assured them during the meeting that government would do everything to maintain harmonious relationship with the former soldiers.
- Meanwhile, the former AFL has called on President Sirleaf to ensure their pension benefits are increased to reflect the services they rendered the country.

[Also reported by Sky and ELBC]

Bomi County Superintendent Embarks on Major Tour

- Bomi County Superintendent Sam Browne has begun a tour of the county since his appointment by President Ellen Johnson Sirleaf.
- The Superintendent is expected to visit the four districts of the county including Sinje ,Klay, Downen and Swen Mecca.
- According to the Bomi County Superintendent the purpose of the tour is to interact with the citizens to get himself familiarized with their plights.

[Also reported by ELBC]

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

US Ambassador Recaps Peace Corps Success Story

[Also reported by Kings, Sky and ELBC]

Prez. Sirleaf Celebrates With Nigeria

- President Ellen Johnson Sirleaf has left the county to participate in celebrations marking the 50th independence anniversary of the Federal Republic of Nigeria.
- The President will be away from 30 September-02 October.

- While the president is away, Justice Minister Christiana Tar will coordinate the affairs of government in consultation with Vice President Joseph Boakai.

[Also reported by ELBC]

Former NTGL Chairman G. Bryant Pays Courtesy Call To President Sirleaf

- Former Transitions Chairman Gydey Bryant Thursday paid a courtesy call to President Ellen Johnson Sirleaf and thanked the president for her recent decision to drop all charges of corruption against him.
- Mr. Bryant said he is pleased that the matter is laid to rest.
- He expressed hope that the decision by the President will help foster the spirit of reconciliation and peace in Liberia.
- The Liberian Government some times ago charged the former Transitional Government Chairman with economic sabotage and theft of property.

[Also reported by Sky and ELBC]

Three Staff Of Catholic Media Centre Off To Rome

- Three senior staff of the Catholic Media Centre are today leaving the country for Rome, Italy to attend the Catholic Media Congress expected to convene next Monday.
- The Director of the Catholic Media Centre, Father Anthony Bowah , Radio Veritas Action Station Manager , Ade Wedey Kerkulah and Acting Head of the News Department David Targbeh are going to the Vatican City in Rome.
- The Catholic Media Congress is a forum of media executives from catholic media institutions around the world.
- The forum discuss challenges and the way forward for the media arm of the Catholic Church.
- The Liberian delegation will be away for a week.

US Immigration Court Disqualifies Former TRC Commissioner

- The Immigration Court of Batavia in the United States has disqualified former Truth and Reconciliation Commissioner (TRC) John Steward in the deportation case of Dr. George Boley , former Chairman of the erstwhile rebel group ,Liberia Peace Council (LPC).
- The court's decision to disqualify Mr. Steward has caused a major blow to US Prosecutors who have engaged in the legal battle to link Dr. Boley to atrocities in the many years of war in Liberia .
- The former TRC commissioner was given a red card after saying that his signature was on affidavit he served a Minnesota District Court after Dr. George Boley sued the Minnesota advocates for human rights for defamation of character.
- The affidavit stated that Dr. Boley is known in and out of Liberia for committing various human rights abuses before 2006.
- Dr. Boley has been detained by US immigration for nine months since January 2010.

[Also reported by Truth, ELBC, Sky and Kings]

International Clips on Liberia

Liberia

Liberia economy boosted by rubber output

Reuters

Liberia's economy is set to expand more than 6 percent this year from 4.5 percent in 2009, amid a rebound in rubber production and prices, the International Monetary Fund said on Thursday. In a statement at the end of a staff mission to the capital Monrovia this week, the IMF said foreign direct investment commitments to Liberia have increased sharply following the ratification of several iron ore and palm oil concessions. Several legislative acts to support private sector development and tackle corruption had also been approved, the IMF said. This month the government has passed a slew of new laws to bolster investment, including Liberia's first fully fledged commercial code, and had set up a commercial court and set out a new business law framework. The IMF mission said discussions with the authorities had focused on medium-term economic and financing challenges, including funding for the country's development strategy and ways to accelerate growth outside mining and agricultural concessions. Talks also included issues around funding for infrastructure and financial models of concessions, which are projected to provide the government with new revenue.

The Liberian Press Union Marks Its Founding 46 Years Ago

www.voanews.com

The Press Union of Liberia is marking the 46th year of its founding this weekend. Union President Peter Quaqua told VOA part of the activities includes a speech by an American educator. "We have a guest from the (United) States, currently in Monrovia, a professor of communications and journalism, Professor Mitchell Land, who happens to be the Dean of the Mayborn School of Journalism at North Texas University. He's in Liberia with us conducting lectures on journalism toward the election period. He will deliver a speech on the theme of the celebration '*Media Integrity for Peaceful Election*,'" he said. Quaqua said the speech will be followed by a panel discussion involving politicians and civil society leaders on the topic *The Road to 2011: Prospects for Enhancing the Democratic Space in Liberia*. He said the Press Union of Liberia has made tremendous progress over the years. "The Union has come of age. Our colleagues, who started this project, went through pain and pleasure to bring it to where it is. You're probably aware that we had a situation here where some journalists were sent to jail following which the rest of their colleagues decided that they would put together the Press Union to defend and protect the rights of journalists. Today, we have a space that a lot of people can speak of as being relatively safe. And, I think that is a credit to the Press Union," he said. Quaqua said the Liberian media has been gradually developing from one level to the other.

George Boley Sr. seeks release as trial proceeds

www.rocnw.com

With the first phase of the immigration case against Clarkson resident George Boley Sr. now over, Boley's lawyer and family hope they can convince the courts to allow him to be released as his trial proceeds. This week's testimony against Boley ended Thursday in an immigration court at the federal detention facility in Batavia. The trial is not expected to resume until February. Federal immigration officials claim Boley was a war criminal during the 14-year Liberian civil war, which ended in 2003. Boley, who has lived with his family in Clarkson for decades, also traveled between the U.S. and his homeland of Liberia on illegitimate immigration documents, federal authorities allege. Boley has denied all the charges. In the 1990s, Boley returned to Liberia and headed a faction known as the Liberia Peace Council. Authorities and some human rights activists claim the LPC slaughtered civilians, sometimes at the order of Boley. Blamo Tuan, a Liberian man, testified via video from Liberia this week that he once saw Boley execute four men at point-blank range. Immigration Judge John Reid ultimately disallowed the video testimony after continual difficulties. Federal officials can now bring witnesses from Liberia if they choose. An Immigration and Customs Enforcement spokesman said Thursday that he could not comment on an active case. Boley's attorney, Matthew Kolken, noted that Tuan admitted in his testimony to killing children — an admission that could preclude him from legal entry to the U.S.

Liberia seeks to avoid 'oil curse'

www.ft.com

Liberia is on the verge of oil discoveries that could make a "very important" contribution to the country's development, its president has said. Ellen Johnson-Sirleaf admitted there was a risk that Liberia, devastated by a civil war that ended in 2003, might be destabilised by oil revenues. But she pledged that her government would follow best international practice and use any oil money "for the benefit of future generations". Liberia's waters include part of the west African Cretaceous trend, a geological formation that became one of the world's most promising areas for oil exploration after a giant field was discovered off the Ghanaian coast. Chevron of the US was the first large international oil company to enter the region west of Nigeria earlier this month, acquiring a 70 per cent interest in three exploration blocks covering 3,700 square miles. The company plans to drill its first well in the second half of next year, which will give a better sense of how large any Liberian reserves might be. If oil is discovered, it could take eight to 10 years before production begins. Ms Johnson-Sirleaf told the Financial Times in New York that Liberia wanted Chevron because it had the technological expertise and financial strength to explore prospects in water depths of up to 6,500ft. Liberia had done "everything above board" in its negotiations with Chevron, said Ms Johnson-Sirleaf. She pledged to comply with the Extractive Industries Transparency Initiative, which sets standards for companies and governments to publish payments. "I don't say Liberia is perfect, and I don't say everybody on my team is playing by the rules," she said. "But they know what the rules are, and they know where I stand. "And they know that if they break the rules, they stand a chance of paying the consequences."

International Clips on West Africa

Côte d'Ivoire

Côte d'Ivoire / UNOCI's military reinforcement expected soon

APO

The first group of 300 peacekeepers being deployed in the United Nations Operation in Côte d'Ivoire to help provide security during the presidential election are expected in the next 15 days, the Mission's spokesman, Hamadou Touré announced on Thursday. Speaking at the Mission's weekly press conference, he said that the troops will help reinforce UNOCI's military and logistical capacity. He recalled that the decision to deploy 500 additional peacekeepers stemmed from the report by the Special Representative of the United Nations Secretary-General for Côte d'Ivoire, Y. J. Choi to the Security Council. Mr. Choi informed the Security Council of the progress made and the remaining tasks before the holding of the presidential election on 31 October 2010, the spokesperson explained. In this regard, he added, UNOCI's Chief once again outlined the importance of the production of the final voters list which, in addition, will enable millions of voters to receive their identity cards. In Dakar, the Principal Deputy Special Representative, Abou Moussa, who was attending the 19th meeting of the heads of peacekeeping missions in West Africa highlighted Ivorians' desire to hold the presidential election. Mr. Choi and Mr. Moussa both insisted on the volume of logistical work to be done in such a short time, Mr. Touré highlighted. He announced UNOCI's organization of the national distribution of the electoral material in three cycles from 1st October 2010. The first distribution cycle called CD1, involves the transportation of the non-sensitive material (ballot boxes, polling booths, electoral kits) from Abidjan and Yamoussoukro to the districts, explained Mr. Touré. The second cycle or CD2, he said, involves sensitive material like the voters and identity cards and the final voters list which will be transported from Abidjan to the 415 local electoral commissions (sub prefectures and municipalities). Finally, according to the Spokesman, the third cycle or CD3 will cover the transportation of other types of sensitive material like ballot papers, indelible ink, and electoral documents.

Ivory Coast

Ivory Coast new cocoa season seen starting strong

Reuters

Ivory Coast's new cocoa harvest season, which officially begins on Friday, is expected to get off to a strong start as a result of favourably wet weather. Good rains have kept production up and are expected to trigger a surge in the next main crop, even while structural problems such as aging trees and a lack of investment weigh. Gary Mead, a London-based VM Group analyst, forecast the 2010/11 total for Ivory Coast at 1.3 million tonnes, a million of which coming in the main crop. "It (will be) an improvement over the last year, and it's essentially down to very good weather conditions as a whole for the development period of the crop," he said. Arrivals at ports of beans ready for shipment during the past October 2009-September 2010 season amounted to around 1.19 million tonnes as of Sept. 26, according to figures from the Coffee and Cocoa Bourse (BCC) official marketing body, which were obtained by Reuters on Thursday. That is marginally less than the 1.22 million tonnes recorded as of the same time last year. The BCC is expected to announce a price guide for producers and disclose full-year cocoa port arrival figures for the 2009/10 season. It will also release the new season's tax rates to exporters. The 2010/11 season starts as plans get underway for an election, which many people hope will reunite Ivory Coast, which has been half run by rebels since an abortive 2002 rebellion against President Laurent Gbagbo.

Ivory Coast minister charged in plot to smuggle U.S. arms

www.washingtontimes.com

The Ivory Coast's defense minister was involved in a criminal plot to smuggle weapons from the United States, and other Ivorian officials involved in the conspiracy remain unindicted only because they have diplomatic immunity, a federal prosecutor told a court this week. The case, which resembles a spy novel plot, was revealed amid fears of fresh violence in the strife-racked West African nation ahead of a long-postponed presidential election scheduled for the end of October. Nguessan Yao, 55, a colonel in the Ivorian armed forces, was arraigned in U.S. District Court in San Jose, Calif., on Wednesday on charges of trying to export 4,000 9-mm handguns, 200,000 rounds of ammunition and 50,000 tear-gas grenades in violation of U.S. law and a six-year-old U.N. arms embargo against the Ivory Coast. In opposing bail for Col. Yao, Assistant U.S. Attorney Gary G. Fry told the court that, although his passport had been seized, he posed a flight risk because he was involved in a "conspiracy with the Ivory Coast minister of defense," Michel Amani. Mr. Fry added that there were "several other people involved in the case who were not indicted because they have diplomatic immunity." No bail was granted, and the hearing was scheduled to resume Friday.

Sierra Leone

After these defence cuts, even a repeat of Sierra Leone would be beyond us

www.telegraph.co.uk

Dr Liam Fox has claimed that if the Government presses ahead with its draconian cuts to the defence budget, we will no longer have the ability to carry out a Sierra Leone-style operation. I disagree. If the Government sticks to its plan of slashing the defence budget by between 10 and 20 per cent, we won't be able to defend ourselves against the Icelandic fishing fleet, let alone drug-crazed groups of African militiamen. The political furore over the leaking to this newspaper of a private letter from the Defence Secretary to the Prime Minister, in which he made an impassioned plea to spare our Armed Forces from the worst excesses of the budget cuts, has focused primarily on who leaked the letter, and why. To this end, teams of Ministry of Defence police were dispatched to the fifth floor of the department's Whitehall office, to comb through the email accounts and telephone records of senior officials in the hope of identifying the culprit. But the real issue here is not the publication of private ministerial correspondence. No, the most compelling aspect of Dr Fox's letter is the apocalyptic picture it paints of the damage that will be inflicted on the Armed Forces if the cuts go ahead, tantamount to the evisceration of our proud military heritage. The Defence Secretary, who is said to be warmly disposed towards the Royal Navy, makes particular reference to the impact the cuts will have on our maritime capability. Apart from reducing our ability to police the world's shipping lanes, upon which our commercial prosperity depends, the cuts would mean that the Royal Navy would lose much of the amphibious shipping which came to the fore during our military intervention in Sierra Leone in 1999. On that occasion, we deployed around 1,000 troops to quell violent uprisings by anti-government militiamen. We even sent the aircraft carrier *Illustrious*, although its role was peripheral, as it was unable to get close to the shoreline and the fighting. That mission, however, was undertaken before the September 11 attacks transformed the demands the world made on its leading military powers – a group of which Britain can still just about claim membership. While 1,000 troops were sufficient for Sierra Leone, today we have 10 times that number fighting a brutal counter-insurgency campaign against the Taliban in southern Afghanistan.

Mandela aide charged over Naomi Campbell diamonds



Naomi Campbell gave the diamonds to Jeremy Ractliffe in 1997

The former head of Nelson Mandela's charity fund has been charged with illegally keeping uncut diamonds given to him by supermodel Naomi Campbell.

Jeremy Ractliffe admitted he had the gems only when Ms Campbell mentioned him at ex-Liberian leader

Charles Taylor's war crimes trial in August.

He then handed the gems to police and resigned as a trustee of the fund.

Prosecutors say the stones are "blood diamonds" which Mr Taylor gave to Ms Campbell after a dinner in 1997.

Ms Campbell gave evidence at Mr Taylor's trial before a UN special court in The Hague in August.

'Dirty-looking stones'

South African prosecutors have now charged Mr Ractliffe, the former chief executive of the Nelson Mandela's Children's Fund (NMCF), under the Diamonds Act of 1956.

His case has been adjourned until 27 October.

At the trial, Ms Campbell said she was given some "dirty-looking stones" after a 1997 charity dinner hosted by South Africa's former President Nelson Mandela where Mr Taylor was also a guest.

She said two unidentified men appeared at her room and gave her the stones.

She told the court she did not have proof they came from Mr Taylor and had given them to Mr Ractliffe because she wanted the stones to go to charity.

In a statement at the time of his resignation, Mr Ractliffe said he took the diamonds as he thought it might be illegal for her to take them out of the country.

However, he did not want to involve the NMCF in anything illegal, he said.

"In the end I decided I should just keep them," he added.

Mr Taylor is accused of using illegally mined diamonds to secure weapons for Sierra Leone's RUF rebels during the 1991-2001 civil war - a charge he denies.

He said he kept them to shield the reputations of Mr Mandela and his fund.

Prosecutors say that from his seat of power in Liberia, Mr Taylor also trained and commanded the rebels.

The rebels were notoriously brutal, frequently hacking off the hands and legs of civilians.

U.S. Institute of Peace

Friday, 3 October 2010

The 2010 Nobel Peace Prize: Predictions from Kristian Berg Harpviken

October 6, 2010, 2:00pm-3:30pm **Location:**

U.S. Institute of Peace, 2nd floor

1200 17th Street NW

Washington, DC 20036

Directions

RSVP Now

This past March, the Nobel Institute announced that a record 237 candidates were nominated for the Nobel Peace Prize, the highest number in the award's history. Carrying on the tradition of speculating on possible winners of the Nobel Peace Prize, Peace Research Institute Oslo (PRIO) Director Kristian Berg Harpviken will discuss this year's top nominees just ahead of the Norwegian Nobel Committee's formal announcement of the award recipient on Friday, October 8.

This year's peace prize is likely to be awarded to a candidate or organization that has made a significant contribution to the prevention or resolution of armed conflict, and Kristian Berg Harpviken has proposed that women and security, independent reporting, and transitional justice are three possible themes for this year's award. He will discuss his top candidates, including Sima Simar, a female Afghan human rights advocate and chairperson of the Afghan Independent Human Rights Commission, whose nomination highlights women's contributions to peace and security on the 10th anniversary of U.N. Security Council Resolution 1325. Other strong candidates include the Democratic Voice of Burma, a diaspora-based news agency, and the Special Court for Sierra Leone, a transitional justice initiative that has been recognized for its effectiveness and its local impact.

Featuring:

Kristian Berg Harpviken

Director

Peace Research Institute Oslo

Ambassador William Taylor, *introduction*

Vice President, Center for Post-Conflict Peace and Stability
Operations

U.S. Institute of Peace

Bangkok Post

Monday, 4 October 2010

'Merchant of Death' back in Thai court

Alleged Russian arms dealer Viktor Bout, the so-called "Merchant of Death", arrived at a Thai court wearing a bullet-proof vest Monday as he fights a long-running US extradition attempt.



Alleged Russian arms dealer Viktor Bout is escorted by members of the special police unit as he arrives in a temporary cell ahead of a hearing at the Criminal Court in Bangkok on October 4, 2010. Bout, the so-called "Merchant of Death", was to appear in a Thai court again in the next legal hurdle of his protracted US extradition case.

Guarded by a team of police commandos, Bout was taken from a high-security Bangkok prison to the Criminal Court for a hearing that could finally clear the way for his handover to the United States on terrorism charges.

Asked by reporters at the court whether he thought he would receive a fair trial in the US, the 43-year-old former Soviet air force pilot replied: "No. Of course not."

Bout was expected to be flown out in August on the order of a Thai appeals court, but the process -- which has placed Thailand in a delicate position between the United States and Russia -- faced a last-minute hold-up.

New charges of money-laundering and fraud -- introduced by US prosecutors earlier this year in an apparent attempt to bolster the extradition case -- have to be dealt with before he can be expelled from Thailand.

Thai prosecutors said ahead of the hearing they believed the court would allow the charges to be dropped, theoretically clearing the way for Bout to be handed over to a frustrated Washington.

"To my understanding, it is likely that the court will allow the second charges to be withdrawn, there is no obstacle," said Sirisak Tiyapan, director of International Affairs at the Attorney General's Office.

The speed of any extradition after that would depend on the readiness of other state agencies, he added.

In another twist to the saga, Bout's lawyer has objected to the moves to drop the new charges, in an apparent effort to further stall the process.

The final decision on whether to hand over Bout could rest with Thai Prime Minister Abhisit Vejjajiva.

"In accordance with the law, ultimately the executive has the power to decide, but I would rather wait for the court ruling," Abhisit told reporters last week.

The case of Bout -- who was said to have inspired the Hollywood film "Lord of War" starring Nicolas Cage -- has forced Thailand into a diplomatic balancing act.

The United States has traditionally been a close ally of the kingdom but Bangkok has also stressed it wants to maintain warm ties with Russia, an important trading partner.

A furious Moscow previously said the extradition attempt was politically motivated, vowing "to do everything necessary" to bring Bout home.

He faces a maximum sentence of life in prison if convicted in the United States on charges including conspiracy to kill US nationals and to provide material support or resources to a foreign terrorist organisation.

The Russian, thought to speak six languages and go by at least seven different aliases, has been fighting extradition since his March 2008 arrest after a sting operation in Bangkok.

He allegedly agreed to supply millions of dollars of weapons to undercover US agents in Thailand posing as rebels from Colombia's Marxist FARC group, which Washington considers a terrorist organisation.

A US indictment accuses Bout of using a fleet of cargo planes to transport weapons and military equipment to parts of the world including Africa, South America and the Middle East.

It alleges that the arms he has sold or brokered have fuelled conflicts and supported regimes in Afghanistan, Angola, the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone and Sudan.

A Thai criminal court had ruled last year that it did not have the authority to extradite Bout because FARC was not listed as a terrorist group in Thailand -- a decision overturned by the appeals court in August.

The nickname "Merchant of Death" was coined by a former British foreign office minister and also used for a 2007 book on Bout's alleged activities.

ICTR/weekly summary - witness accounts wild state during genocide

The trial of two former top leaders of Rwandan ex-ruling party, MRND, Mathieu Ndirumpatse and Edouard Karemera was the only event which featured this week before the International Criminal Tribunal for Rwanda (ICTR).

Ndirumpatse, the president of the party, was presenting his defence case and called three witnesses, including a human right activist, François - Xavier Byuma, who alleged that there were no resources which could enable the government to control violence and killings escalated in Rwanda in 1994.

Byuma, former President of Turenge Abana, a human rights organization deals with promotion and protection of children rights in Rwanda, testified that authorities and soldiers were displaced the same manner as the population following series of gun fire, bomb shells and attacks.

According to him, although Karemera was the minister for Interior beginning May 25, 1994, it was not practically possible for him to control some parts of Rwanda, leave alone the whole country.

The witness said he fled the Kigali capital on May 15, 1994 for Gitarama, where the Interim government had already left after deterioration of the security, following senseless massacres which were going on.

After hearing of the witnesses, the Tribunal adjourned the trial to October 18. Since the start of his defence case on August 23, Ndirumpatse has so far called 15 out of 35 witnesses expected to testify in his favour. In his part, Karemera has already completed presenting his defence case.

Ndirumpatse and Karemera are charged with seven counts including genocide, complicity in genocide, incitement to commit genocide and crimes against humanity, allegedly committed mostly by members of their party, its youth wing, Interahamwe, in particular.

The prosecution has indicted them for their superior responsibility as top officials of the party.

FK/ER/GF

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Naharnet

Thursday, 2 October 2010

Moratinos: STL is Autonomous and it should be Supported to the End



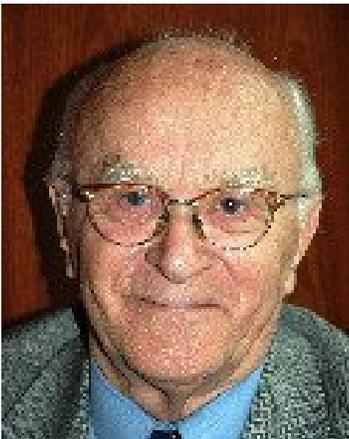
Spanish Foreign Minister Miguel Angel Moratinos stressed his country's support for the Special Tribunal for Lebanon, adding that since it has already been formed, then it should be pursued to the end.

He also opposed attempts to postpone the indictment and the meddling of any European nation in the tribunal's functioning, saying: "We grant the tribunal complete cooperation and autonomy."

The official stressed to al-Hayat daily on Saturday that Spain and the European Union are eager to uncover the truth in the assassination of former Prime Minister Rafik Hariri, noting that the current phase is "sensitive and difficult and I think that the Lebanese will be able to look forward to the future when matters are cleared up."

Dizdarević: Ten years on, Milošević scars remain in Balkans

A decade since the fall of Slobodan Milošević's nationalist Serbian regime, there are still "deep wounds" across the former Yugoslavia which will not heal for a long time, said former Yugoslav politician Raif Dizdarević in an interview with Pavol Demes, director of the German Marshall Fund in Central Europe and former foreign minister of Slovakia.



Raif Dizdarević is a retired Bosnian politician who held senior positions in the Yugoslavian regime, including foreign affairs minister and chairman of the presidency. He experienced two wars and collaborated with Josip Broz Tito and Slobodan Milošević.

This interview, conducted for the Slovak news agency TASR, was sent to EurActiv by Pavol Demes.

In early October, the international community will commemorate the 10th anniversary of the fall of Slobodan Milošević's regime. During your service in senior posts in the former Yugoslavia, you had the opportunity to communicate with Slobodan Milošević. How did you view him? What kind of person and what kind of politician was he?

Slobodan Milošević was formed by conservative and nationalist ambitions that already existed in Serbia at the time of his accession to power. He was a representative of forces that were directed more at the past than the present and future. His ambitions in the power struggle weren't limited in any way. This also became fully evident in forming his autocratic government.

Milošević didn't stop at anything. He caught the wave of nationalism, with the unfortunate programme of Greater Serbia being created – connecting the interests of various powers, and in that regard his love of power came in handy. On this was based his power.

On the other hand, this policy proved unfeasible in the context of wars against Slovenia, Croatia and the aggression against Bosnia and Herzegovina. However, it has left terrible, deep wounds that will not heal on the territory of the former Yugoslavia and particularly in our country, Bosnia and Herzegovina, for a long time.

I had a personal experience with Milošević. As a politician, he was ruthless, he didn't stop at anything. At the same time, he was skilful in hiding his intentions, simply an insincere partner. In debates we agreed on several issues, but later I learnt that he says one thing, and does something different. He also behaved that way in international relations – plenty of flattering words, providing certain hopes that he'll do this and that, but in fact it was only political deception.

In me, he left the impression of a flinty person and an unscrupulous lover of power who didn't put up with anybody who got in his way – not to mention those who resisted him. He was free from emotions to a considerable extent. I even sometimes had the impression that he was a political robot. He showed immense ruthlessness, even vis-à-vis his own brother when he fell into a state of bad health.

In your opinion, what contributed most to the bloodbath that accompanied the break-up of Yugoslavia in the first half of the 1990s? Could the tragic wars between Serbs, Croats and Muslims have been prevented, or was the dismemberment of the Socialist Federal Republic of Yugoslavia (SFRY) sealed with Tito's death?

The causes of Yugoslavia's bloody break-up are very complicated, but I wouldn't say that it all began with Tito's death. Certain internal problems had existed even before then, and they were deepening. We were aware of the necessity of changes, but they came late, and this was the biggest mistake. As necessary measures for development were absent, nationalism emerged, and to such an extent that it eventually became the gravedigger of Yugoslavia.

Nationalism can only beget hatred, and hatred can stir up an international conflict – one that engulfed the entire territory of the former Yugoslavia. This was especially prevalent in Bosnia and Herzegovina, which became a victim of both external and internal aggression. Of course, external aggression came primarily from Serbia, but at a certain moment also from Croatia.

Croatia and Serbia followed their goal – they built their positions in regions of Bosnia and Herzegovina where their nations were living. These nations were deceived and misused in the following conflicts.

It [the war] could hardly have been avoided, but a question remains whether the course of the conflict could have been somewhat toned down and the number of victims and tragedies reduced. When the bloody break-up and conflicts in former Yugoslavia are discussed, people agree that the most drastic course of events took place in Bosnia and Herzegovina. International players also bear part of the blame, as they were observers at first and did nothing to prevent the subsequent events from taking place.

After all, the direction was clear as early as in 1992. If an international intervention similar to the one in 1995 had taken place at the time, everything would have developed differently. The United Nations were caught with their pants down, because their forces were only passive observers of the events. Similarly, the European Community limited its activities to providing humanitarian aid. It showed utter incompetence, which still continues, I think.

You remained in Bosnia and Herzegovina during the civil war. How do you recall these times?

I've been a direct participant in two wars. During WWII, I was an active soldier in the national liberation army and I witnessed everything that was taking place at the time. I refused to leave Bosnia and Herzegovina during the war in Yugoslavia in the early 1990s. I remained when the people were experiencing the darkest days, because they trusted me.

Comparing these two wars, I think that the latter was much more atrocious. In WWII we fought against invaders, Chetniks and Ustasha; but it was nothing like the blockade of Sarajevo. Neither mass ethnic cleansings, nor mutual crimes of such an extent as in the war in the late 20th century ever occurred. Evaluating my experience of both wars, in the first case we had a liberation army that was part of the anti-Hitler coalition. The anti-fascist army had high morale and was well-organised, also thanks to the inner discipline of its soldiers. Conversely, the war in the 1990s rather featured 'hordes' that fought each other. There's also a big difference between what followed WWII and the war in Yugoslavia.

After WWII, we were full of enthusiasm and confidence in our strength, which demonstrated itself in the recovery of the country. Conversely, the war in the first half of the 1990s is still going on. It might be without weapons, but features all the elements of hatred, division and rift.

The Dayton Agreement in 1995 ended the war. Bosnia was divided into the Bosniak-Croat Federation of Bosnia and Herzegovina and the Republika Srpska. How do you view this division in the context of current developments in Bosnia? In your opinion, is it necessary to maintain the Dayton model, or should the powers of central institutions be strengthened?

As far as Dayton is concerned, it's possible to repeat the hackneyed sentence that it stopped the war. Dayton reflects the pragmatic American style of thinking and negotiating. It created a complicated system, which is a reflection of the actual situation at the end of the war. Dayton prefers the ethnic and nationalist principle, which has determined the whole way of life in the state and the way of solving all problems in Bosnia and Herzegovina.

This principle doesn't provide any solution, it rather preserves the status quo and makes the situation worse. All considerations regarding independence for the Republika Srpska and liquidating the vestiges of the current state only escalate tensions. The situation in both the Federation of Bosnia and Herzegovina and the Republika Srpska will change depending on the development of democratic processes.

Only following this process will the need for solidarity emerge. Two tendencies are often in conflict in Bosnia and Herzegovina – unitarianism and separatism. The key question consists of defining the mutual interest and the mutual benefit of everyone in Bosnia and Herzegovina, and this needs to be resolved at the state level, while everything else can be dealt with at lower levels.

Only in this way can the situation can be improved – only in this way will a mutual, positive consciousness be created. All parts of the state are mutually connected in tiny Bosnia and Herzegovina.

I'm concerned most about the lack of communication between the two main parts of Bosnia and Herzegovina. There's no dialogue, both parts have locked themselves away and are transforming themselves into some sort of state within a state. This leads to no good. Dayton can't be viewed in isolation – it isn't a permanent solution.

The key question is what stance the USA and the European Union take on the future of Bosnia and Herzegovina. It won't be good if they repeat the phrase 'make an agreement within Bosnia and Herzegovina – we'll support it'. They should bring forth fresh ideas.

You view Serbian nationalism as the main trigger of the wars in the Balkans. What do you think about the situation in Serbia ten years after the fall of Milošević's regime?

I think that Serbia has been on an historic crossroads for a long time. Part of Slobodan Milošević's regime is still alive in Serbia, and participates in the current state power. On the other hand, there are politicians who are attempting to change politics and relations in Serbia. Now one tendency is up, then the other one. It's like a duel between two wrestlers – at one time the first one wins points, then the other one.

I think there's only one solution for Serbia: first and foremost it must accept reality. It must free itself of illusions that something can return that has definitely been lost. At the same time, pro-European tendencies must be bolstered.

It appears that the pro-European orientation hasn't definitely triumphed in Serbia, and it will be the subject of a heated domestic dispute. It's evident in the fact that Tomislav Nikolic's Serbian Progressive Party, which has split off from Vojislav Seselj's Serbian Radical Party, is now the second strongest party in Serbia.

What's your opinion on Kosovo's unilateral declaration of independence?

When I said that Serbia should rid itself of illusions of a possible return of something that has been definitely lost, I chiefly had Kosovo in mind. Serbia hasn't said everything about what occurred in Kosovo, and what caused [Kosovo's] complete separation from Serbia.

It was mainly the long-term anti-Albanian policy, removal of autonomy, a virtual police regime with everything bad that such a situation brings – including an exodus.

The declaration of Kosovo's independence is verification of this bad situation, which had lasted for several years. I personally think that it's quite an explosive situation in Kosovo due to its underdevelopment and unresolved social problems, and the ongoing phase of thievish capitalism. There are various tendencies, including the Greater Albanian one.

Serbia should realise what it has definitely lost, and through dialogue it should be interested in the situation of Serbs that have remained in Kosovo. They will be able to survive only after their rights are guaranteed in Kosovo, and not when they remain a tool of Belgrade's politics.

What's your opinion on the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, and the processes that have taken place there?

I think that forming The Hague's tribunal was a necessary move, but in terms of its functioning and how successful it has been in carrying out its tasks, the results are questionable – many shortcomings can be found in its activities. Sometimes it appears to me as a ridiculous theatre. There are never-ending discussions on things that are not relevant to the issues that should be dealt with by the tribunal. The processes are being protracted forever.

Currently, there's an ongoing discussion on whether the process with Radovan Karadzic should be concluded in 2014 or 2015. I think that there are too many problems coming from the outside, especially in that various secret services are present in the halls of The Hague's tribunal.

How do you expect the future of Bosnia and Herzegovina to look? Do you think that the separatist ambitions of the Republika Srpska's Prime Minister Milorad Dodik can be fulfilled, or is that rather unrealistic?

I think that the national-separatist policy in Republika Srpska under the leadership of Milorad Dodik is sheer adventurism.

I'm deeply convinced that Bosnia and Herzegovina can't be divided without another war. This is clear from the internal conditions in Bosnia and Herzegovina itself, as well as from external influences. I've publicly said several times that this policy is actually anti-Serbian. This adventurism is also being stirred up by certain people in Serbia who are still connected to conservative Milošević's heirs that are part of the current state power.

On the other hand, Dodik's policies also affect the situation in Serbia. Dodik reminds me of Milošević. Fortunately, he doesn't have the military power, otherwise the adventurism could go very far.

At the same time, I register that positive processes, albeit quietly, are also developing in Republika Srpska. The opposition is strengthening, new political parties are emerging – they are more realistic, I'd say more state-building. Similar parties are also emerging in the Federation of Bosnia and Herzegovina.

One problem is that the communication isn't sufficient, with even common people having problems visiting other parts of the state. If [after the election] powers that can lead some kind of dialogue – at least about small issues and problems – don't emerge it won't be good, and dangerous tensions will remain in place. A sort of wall has emerged, both a psychological and political wall.

What is the importance of the upcoming general election in your country?

I don't expect any significant changes. It'd be very good if the three-member presidency was changed – but this is unlikely to happen. I expect that there will only be minor changes in the existing power structures given the current governing parties.

Everything that we have heard before is again being repeated in the election campaign. It's mostly lies. It's promises and claims that make the mind boggle. One wonders whether the political entities that produce this situation are actually convinced that people are a flock of sheep that will buy anything.

It's good that new political parties have emerged, such as the Democratic Party led by Dragan Cavic [the former president of Republika Srpska], or the liberal Our Party.

It isn't good, however, that far-right parties have also emerged, such as media mogul Fahrudin Radoncic's party. I'm also sceptical about both the results of the election and whether the European Union brings forth something new for Bosnia and Herzegovina.

What's your relationship with the former Czechoslovakia and Slovakia?

I've an emotive relationship with Czechoslovakia, the Czech Republic and Slovakia. I've spent beautiful years in Czechoslovakia during my career. I was there at an interesting time, and I've had many Czech and Slovak friends since then. I was pleased with the Prague Spring. I knew most of its figures in person, and I was clearly on their side both politically and humanly speaking. I was pleased that you were able separate in a quiet and civilised way.

Maybe I'll use a too expressive formulation, but I'm delighted with the results that Slovakia has achieved after becoming independent. For a certain time the country had to seek out its identity, but an economic boom followed its accession to the EU. I'm happy about it. You know, when you have a good friend, you rejoice with them in their success. What you've achieved under difficult circumstances has real value.

At the same time, you have a good position within the EU, because you have quality economic, political and diplomatic personalities at your disposal. You're no marginal member of this club; you're able to defend your interests. That's a great thing. It would be fortunate if Bosnia and Herzegovina at some point was able to defend its interests similarly.

The Standard (Kenya)

Monday, 4 October 2010

Why ICC 'suspects' no longer at ease

By Cyrus Ombati and Ben Agina

Panicky suspects, who fear their names are on ICC Chief Prosecutor Luis Moreno-Ocampo's list, are desperately trying to unmask the identities of possible witnesses who may give evidence against them at The Hague. This has raised concern at the court for the safety of witnesses, and many have already been flown out of the country.

Among the witnesses taken to a secret location is a man said to be a key enforcer in the proscribed Mungiki sect, which the Justice Philip Waki report fingered for carrying out revenge attacks in Naivasha and other parts of the country during the 2007-08 post-election violence.

The witness is believed to have enough information on high-level suspects, including what was discussed at the meetings where the revenge attacks were planned, and who were present.

Having failed to block the ICC Chief Prosecutor's team from operating locally, the suspects, some holding powerful positions in Government, have engaged top lawyers to try and establish the kind of evidence the witnesses may have, so as to prepare their defence, The Standard has reliably learnt.

Another group of the witnesses, who include businessmen, politicians, villagers, police officers, judges and religious leaders, are in the country, and have already been coached by the ICC team on what to say, how to stay it and what to do before the pre-trial hearings.

The source said some of the suspects are even suspicious of their partners in crime, and feel they can trust nobody at this stage, given the ease and speed with which the ICC has moved to secure evidence against them.

Secret deal

"Some of the witnesses, unknown to the suspects, may be in Government, chaired meetings that are being investigated, or are thought to be suspects, but have 'cut' a secret deal with the prosecution," said an impeccable source who asked for anonymity.

"Right now there is confusion among many suspects who planned the crimes being investigated by the ICC and they suspect each other," added the source.

ICC is investigating Crimes Against Humanity in the country, which were committed in the post-election violence period, and as stipulated under the Rome Statute.

A series of meetings were held last week between top security chiefs and a group of private lawyers hired to represent them during interviews with the ICC team.

This was after the detectives sought specific high-level minutes of security meetings prior to, during and after the post-poll violence.

It was during the meetings with the lawyers held in Government offices and hotels that the issue of witnesses cropped up. The lawyers reportedly told the security chiefs that there was nothing that they could do at this stage to salvage the situation.

Also said to have hired three top lawyers are Provincial Commissioners and Provincial Police Officers (PCs and PPOs) who fear they will be sacrificed.

The lawyers are Evans Monari, Ken Ogeto, and Gershom Otachi, all seasoned legal experts in the country. The fourth lawyer representing the National Security Intelligence Service (NSIS) is Ahmednasir Abdullahi.

Monari represented former Commissioner of Police Maj-Gen Hussein Ali and the force at the Waki Commission that investigated the post-election violence, and gathered much of the evidence that the ICC is now relying on.

Ogeto and Otachi are partners and have been attached as defence lawyers to the International Criminal Tribunal of Rwanda (ICTR) in Arusha, Tanzania.

They have held meetings with the PCs and PPOs as they wait for the ICC's next move. Clearly the security team leaders believe their experience may help them avoid incriminating themselves before the ICC detectives. Another source said the Government is in a quandary because it does not know the next move the ICC may make after it threw roadblocks in the investigations, citing legal technicalities to block the team from talking to the PCs and PPOs who were in charge before and during the violence.

But the ICC has made it clear, that it is going after those with a higher responsibility for the post-poll killings, and has been gathering evidence for the Pre-Trial Chamber II to seek for indictment letters.

More evidence

The team is in particular looking for more evidence to convince judges Ekaterina Trendafilova, Hans-Peter Kaul and Cuno Tarfusser to issue indictment letters for at least six individuals linked to the charges being drafted.

“Moreno-Ocampo managed to convince two of the judges who granted his request to commence an investigation on crimes against humanity allegedly committed in the country. Now what they want is evidence and witnesses to convince the dissenting judge,” said the source.

On March 31, 2010, the ICC Pre-Trial Chamber II, by majority, found that upon examination of the available information, bearing in mind the nature of the proceedings under Article 15 of the Rome Statute, the low threshold applicable at this stage, as well as the object and purpose of the decision, that the information available provided a reasonable basis to believe that crimes against humanity were committed in Kenya.

Two of the judges, Trendafilova and Tarfusser, found that all criteria for the exercise of the Court's jurisdiction were satisfied, to the standard of proof applicable at that stage.

In his dissenting opinion, however, Judge Kaul held that the crimes committed in Kenya do not qualify as crimes against humanity under the jurisdictional ambit of the Statute. Judge Kaul disagreed with the majority on the requirements of a “State or organisational policy” as set out in Article 7(2)(a) of the Statute.

Given the fact that the fundamental rationale of crimes against humanity as codified in Article 7 of the Statute was to protect the international community against the extremely grave threat emanating from such policies, Judge Kaul concluded it had to be adopted either by a State, or at the policy-making level of a State-like organisation.

Judge Kaul concluded that there was no reasonable basis to believe that the crimes committed in Kenya in relation to the post-election violence of 2007-2008 were committed in an attack against a civilian population, pursuant to or in furtherance of a policy stemming from a State or an organization.

And that is why the Moreno-Ocampo team will appear before the same team of judges to convince Judge Kaul that the State or individuals therein were involved,” added the official.

Sources said the six detectives have specific questions for specific Government officials whom they have requested to interrogate to tie up the evidence.

The court wrote to the State demanding a breakdown of minutes of secret high-level security meetings before and during the post-election period as part of its investigations on the masterminds of the killings. ICC also requested face-to-face meetings with PCs and PPOs who were in office before and when the violence broke out.

The investigators, according to insiders, want to track down the givers of the shoot-to-kill orders that claimed 400 lives. The ICC team also wants to be given the internal regulations of the police since August 2007.

But the PCs and PPOs said they would only be interviewed in the presence of a judge or the Registrar of the High Court, as recommended by the Rome Statute.