

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



Prosecutor Brenda Hollis at Gbalamuya. For more pictures from Friday's Outreach in Kambia and Gbalamuya, see today's *'Special Court Supplement'*.

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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Sierra Leone Reviewed by the UN Human Rights Council

Sierra Leone on May 5th went through her first review at the 11th Session of the Universal Periodic Review Session in Geneva.

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. Member states directly examine each other on their human rights record. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country being reviewed.

Sierra Leone Government's delegation was led by Attorney General and Minister of Justice, Frank Kargbo. Commissioners of the Human Rights Commission of Sierra Leone participated in the UPR of the Human Rights Council representing National Human Rights Institutions as observers. The review is based on the reports earlier submitted by the Government of Sierra Leone, the Civil society organisations, the Human Rights Commission of Sierra Leone and the United Nations Country Team.

During the session, a total of 42 countries including USA, UK, Morocco, Ghana, Turkey, Australia, Algeria, Uganda, Mexico, Nigeria, Australia, Algeria, Mexico and the Netherlands commented on Sierra Leones' presentation and offered useful suggestions and recommendations with a view to improving human rights in the country.

Among recommendations identified by members of the human rights council were the need for increased financial and technical support to the Human Rights Commission to be able to fully implement its mandate, abolition of death penalty and total elimination of female genital mutilation.

Council members commended government for the implementation of the Free Health Care Policy and Presidential apology to women, and the 30 percent quota for women in Parliament among others. Sierra Leone's report will be formally adopted at the working Group Session.

The UPR was created through the UN General Assembly on 15 March 2006 by resolution 60/251, which established the Human Rights Council itself. It is a cooperative process which, by 2011, will have reviewed the human rights records of every country.

The international criminal court's task is monumental – and vital

The ICC and its chief prosecutor, Luis Moreno-Ocampo, have faced accusations of ineffectiveness, but critics miss the point



The trial at the international criminal court of Thomas Lubanga, a former rebel leader in the Democratic Republic of the Congo, was delayed for nearly a year. Photograph: Ed Oudenaarden/AFP/Getty Images

Joshua Rozenberg rightly points out that during his nine-year term of office as international criminal court prosecutor, Luis Moreno-Ocampo will almost certainly have failed to complete a single trial. And it is true that the Lubanga trial, in which closing speeches are due in August, has been shockingly delayed.

However, on Wednesday he announced that, after a mere two months' investigation, he is seeking authority to issue arrest warrants against three as yet unnamed Libyans (possibly including Muammar Gaddafi himself). This sudden turn of speed may or may not be his response to the Rozenberg critique.

Moreno-Ocampo has hardly covered himself with glory during his term of office but it would be wrong to make him the scapegoat for the shortcomings of the ICC during its first 10 years. The statement that he is "the best asset of those opposed to the international criminal court" is not just an exaggeration; it misses the point that the problems of the ICC are structural and inherent in the magnitude of its task.

They cannot be reduced to the individual qualities of particular officials, however prominent in the organisation. An international court is necessarily serviced by judges and staff drawn from different legal traditions and cultures. To establish commonly understood procedures requires lengthy training and experience.

An international tribunal does not have the weight of the authority of a unitary government to back it. It must proceed cautiously because it is a constant challenge to the conflicting political interests of its constituent sovereign states. And although it is supported by more than 100 nations, some of the most important, including the United States until recently, have withheld their co-operation.

The system of international adjudication over war crimes and crimes against humanity has developed slowly. The impetus for it came out of the determination of the international community to avoid a repetition of the horrors of the second world war.

An international criminal court was proposed during the discussions preparatory to the Geneva conventions in 1949. Yet many countries saw it, and continue to see it, as a threat to national sovereignty.

It took another 50 years to bring it into operation. During the cold war the stalemate between the western powers and the Soviet Union virtually brought progress to a halt.

Contrasted with that history, the achievements of the ICC in its first 10 years are considerable. It has opened investigations in six countries: the Central African Republic, Darfur, Sudan, Uganda, Democratic Republic of the Congo, Kenya and Libya. In relation to Libya, the investigation was initiated by the UN security council and is the first investigation to be backed by the United States. As well as his current initiative Moreno-Ocampo's office has examined evidence of crimes committed in several other countries.

Ultimately, of course, the success or failure of the ICC can only be measured by the impact it makes on the level of crime within its jurisdiction. To be effective it must pose a real threat of prosecution, trial and conviction for the perpetrators of major international violations of human rights. But its influence need not be limited to the trials it conducts of individual suspects.

And the ICC must be viewed not in isolation but as the pinnacle of a pyramid of national courts sharing responsibility for international criminal justice. It would be absurd to imagine that a single court in The Hague could ever have the capacity to put on trial all those suspected of human rights abuses throughout the world. The ICC was never meant to displace the responsibility of every individual state to bring such criminals to justice within its own domestic courts. And individual states are also required by international human rights laws, including the Geneva conventions, to take jurisdiction over those suspected of violations outside their own territory.

The doctrines of "complementarity" and "universal jurisdiction" are central to the effectiveness of the ICC. At its best it can only deal with a handful of the most intractable and important cases which the nation states cannot or will not undertake.

In 2010 a review conference of the state parties to the ICC statute stressed the need for national governments to step up investigation and prosecution of crimes against humanity and to strengthen their commitment to universal jurisdiction. Yet many states have failed to accept that international justice is more valuable than the parochial traditions of old-fashioned diplomacy.

They remain wedded to the doctrine that states should not trespass on the sovereignty of other states, a doctrine which in the modern world cannot be allowed to extend to the most serious international crimes.

The struggle to achieve global justice is complex and frustrating. It is a very long haul but it must be undertaken for all our sakes.

Sir Geoffrey Bindman QC is founder of Bindmans LLP and has specialised in civil liberties and human rights for more than 40 years

Global Post

Monday, 9 May 2011

From Rwanda to Wichita: An African genocide trial in Kansas

By Tristan McConnell

Lazare Kobagaya is accused of participating in the Rwanda genocide before a court in Wichita, Kansas



An elderly man has appeared before a court in Wichita, Kansas, accused of participating in the 1994 genocide in Rwanda. Every April Rwandans, including President Paul Kagame pictured here, remember the genocide that killed at least 800,000 people during three months of killing. (Steve Terill/AFP/Getty Images)

An elderly man from Central Africa is appearing in a Kansas court accused of ordering ethnic killings during the 1994 genocide in Rwanda.

Lazare Kobagaya, an 84-year old former teacher has lived with his family in Wichita since 1997. In 2006 he became a US citizen and, in the court where jurors are hearing 17-year old tales of horror from a faraway country, it is his citizenship that is at stake.

US prosecutors accuse Kobagaya of covering up his role in the genocide and, if found guilty, he will be convicted of lying to immigration officials and faces deportation.

Prosecutors say Kobagaya was in the southern Rwanda village of Birambo ordering killings; the defence say he lived in neighbouring Burundi at the time. The New York Times has an in-depth look at this unusual trial.

Yet, it is part of a trend towards universal jurisdiction, proof that in the joined-up modern world it is increasingly hard to escape the law.

Last week two other Rwandans, accused of commanding massacres perpetrated by a Rwandan rebel group based in the Democratic Republic of Congo, appeared before a court in Germany.

Charles Taylor, a former president of Liberia, is on trial before an international tribunal in The Hague. In 2009 his son Chucky Taylor, profiled here in Rolling Stone magazine, became the first US citizen to be convicted in an American court of torture committed in a foreign land.

Meanwhile the International Criminal Court is making a name for itself bringing charges for war crimes and crimes against humanity in places like Congo, Uganda, Sudan and, soon it is expected, Libya.

Examiner

Sunday, 8 May 2011

<http://www.examiner.com>

Canadian Tamils urge International Criminal Court to 'take action' in Sri Lanka

By Andrew Moran

Toronto - Hundreds of Tamils gathered outside of the United States Consulate in downtown Toronto where they urged the International Criminal Court and President Barack Obama to unite with "democratic nations" to for an independent inquiry in Sri Lanka.

It was reported last week that the United Nations published the Secretary General's panel of experts report highlighting the accountability measures in the final days of the civil war in Sri Lanka, analysis on what exactly happened and interviews from various sources who were involved in the war between President Mahinda Rajapaksa's security forces and the Liberation Tigers of Tamil Eelam.

The report was released days before Tamils worldwide mark the month of May as "Tamil Genocide Remembrance Month." The international Tamil community will take part in various events commemorating those who have lost their lives in Sri Lanka.

One of the first events that took place this month was a large rally in front of the United States Consulate in downtown Toronto where representatives of the Canadian Tamil community and associates from both the National Council of Canadian Tamils (NCCT) and the Transnational Government of Tamil Eelam (TGTE) assembled.

The purpose of Friday's rally was to gather as many signatures as possible to urge the International Criminal Court, United States President Barack Obama and his government and Canadian Prime Minister Stephen Harper and his Members of Parliament to demand the United Nations to establish an independent public investigation in Sri Lanka.

"We're protesting to inform the world that even the report that the Sri Lankan government made a mistake, so we're bringing the issues to the outside world," said NCCT Chairman of Ontario, Arul Nalliah. "We're also here to urge the UN to report on the issues to the international community and that's what we want."

In front of the University Avenue Court House, Men, women and children were chanting: "What do we want? Justice!" "Sri Lankan President – War Criminal" and other chants urging China and Russia to assist in the formation of an independent investigation.

When asked if the Canadian federal election addressed the concerns of Canadian Tamils, the NCCT Ontario Chairman emphatically stated no.

"I think it was totally ignored, but after Harper was elected, most of the Tamils are now getting involved in politics, so it's been a good sign," said Nalliah. "I believe Mr. Harper is willing to take care of the issue because it has happened and the genocide is happening."

Although U.S. Consulate officials were not present at the rally, Nalliah stated that since 2009 they have been very helpful and that they know of the current situation and crisis occurring in Sri Lanka and the concerns Tamils possess across the globe.

"We really want the U.S. government to help us because we are really suffering over there."

On May 18, there will be a candlelight vigil in front of the Ontario Legislature at Queen's Park to observe War Crimes Day. Numerous Members of Parliament and Members of Provincial Parliament have been invited to take part in the ceremony.

Sudan Tribune

Sunday, 8 May 2011

Egypt promises Sudan's Bashir immunity once it joins ICC

The Egyptian government assured Sudan that president Omer Hassan Al-Bashir will not be arrested on its territories once Cairo ratifies the Rome Statute which is the founding treaty of the International Criminal Court (ICC).



Egyptian foreign minister Nabil Elaraby (L) meeting with his Sudanese counterpart Ali Karti in Cairo May 7, 2011 (Egypt Foreign Ministry website)

Bashir is wanted by the International Criminal Court (ICC) for allegedly orchestrating war crimes, crimes against humanity and genocide in Sudan's western Darfur region against the African tribes of Fur, Zaghawa and Masaalit.

Last month, the Egyptian foreign minister Nabil Elaraby said that his country will soon accede to the Rome Statute as part of its efforts to become a "legally constituted state" after the overthrow of President Hosni Mubarak last February.

Egypt followed the path of Tunisia which also saw a popular uprising last January that toppled the regime of Zine el Abidine Ben Ali who stayed in power for 23 years. The major Arab power signed the Rome Statute in 2000 but has yet to ratify it, a process which required parliamentary review.

The topic was subject of discussion between Elaraby and his Sudanese counterpart Ali Karti who was on a visit to Cairo.

Sudan's foreign ministry spokesperson Khalid Moussa was quoted by the country's official news agency (SUNA) as saying that Egypt will invoke Article (98) of the Rome Statute which will allow it to receive Bashir without being obligated to arrest him.

Article 98 of the Rome Statute prohibits the Court from requesting assistance or the surrender of a person to the Court if to do so would require the state to "act inconsistently" with its obligations under international law or international agreements either regarding its own third-party states or international agreements either regarding its own third-party states unless the state or the third-party state waives the immunity or grants cooperation.

The United States under George Bush's administration has signed bilateral immunity agreements with over 100 states under this clause to protect its citizens from possible ICC prosecutions and being extradited to the Hague.

In an interview with the independent Al-Shorooq newspaper last April in Cairo, the Egyptian top diplomat referred to Article 98 with regard to the status of Bashir should he visit. However, he fell short of saying that Egypt will resort to this legal tactic.

Sudanese officials have privately expressed concern over Egypt's intention to join the court which they see as a blow to their efforts to undermine the ICC in Africa and the Arab world.

The former Sudanese justice minister Abdel-Basit Sabdarat echoed the sentiment telling a visiting Egyptian delegation consisting of political leaders on Sunday that Cairo should review its decision on joining the ICC.

"I blame the Egyptian foreign ministry for their decision to ratify the [Rome] treaty which was rejected by the Arab League besides ignoring the feelings of the brotherly Sudanese people which the court is working to threaten their security," Sabdarat said.

"Did Egypt solve all its internal and external problems to worry in the present time about joining the ICC?" he added.

Sabdarat further said that Sudanese people felt "stabbed in the back" when Egyptian officials met with ICC prosecutor Luis Moreno-Ocampo during his visit to Cairo in early April. He said that the Egyptian diplomacy should act in a more "awareness" when dealing with Sudanese issues.

The New-York based Human Rights Watch (HRW) hailed Egypt's decision to ratify the Rome Statute saying that it sends an important message to Egyptians about the direction the country intends to take.

"At a time when there is a major risk of crimes against humanity and war crimes in many countries in the region, the move by Egypt to ratify the Rome Statute sends a strong message that the days of absolute impunity for these crimes are ending," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch.

"Foreign Minister El-Araby's announcement is very significant" Whitson said. "Now Egypt should make a clear break with the obstructionist foreign policy of its predecessor, and take a leading role in protecting human rights in Africa, at the UN, and on international justice."

(ST)

Counter Punch

Sunday, 8 May 2011

Do We Really Need an International Criminal Court?

By DIANA JOHNSTONE

A little over four years ago, CounterPunch ran an article I wrote based on my presentation at an international conference held in Tripoli on the International Criminal Court. At a moment when the ICC is being used, predictably, to justify the NATO aggression against Libya, including the targeted assassination of Moammer Qaddafi, or a ground invasion ostensibly to capture him, I think it would be appropriate to rerun this article.--DJ

We agree. AC/JSC.

Year after year, people in the Arab countries are helpless spectators to the ongoing destruction of Iraq and Palestine by the United States and Israel. They see families wiped out by bombs in Afghanistan, Iraq and Lebanon. They see Arabs tortured and humiliated in Abu Ghraib and in Guantanamo. They see Israel regularly carrying out "targeted" assassinations in the Occupied Territories (splashing death around the target) while extending its illegal settlement of land belonging to Palestinians. Probably no people have greater cause to yearn for an equitable system of international justice. But where are they to look for it?

Well, what about the International Criminal Court (ICC)? The ICC is supposed to punish perpetrators of war crimes and crimes against humanity. It has been in operation since July 2002, but seldom gets as much attention as it received during a symposium in mid-January at the Academy of Graduate Studies in the Libyan capital, Tripoli. Underlying the two-day discussion on the "ambition, reality and future prospects" of the ICC was the question: is the ICC a first baby step toward international justice? Or is it just another element of Western "soft power", imposed on small countries?

Although Libyan leader Moammer Gadhafi has expressed the second view, on balance most of the legal experts and academics -- from Libya and other Arab countries, but also from Europe, China and South America -- tended to lean toward the first view. Although nobody denied the evident shortcomings of the ICC, lawyers and jurists generally see it as "better than nothing" and point out that democratic legal systems have evolved from institutionalized power relations toward greater justice.

Selectivity

Meanwhile, a new war front was opening up. Urged on by the United States, Ethiopia invaded Somalia to restore disorder. U.S. war planes bombed fleeing members of the Islamic Courts Council that only recently managed to end the clan fighting that had ravaged Mogadishu for some fifteen years. The newly installed, U.S.-backed president, Abdulli Yusuf Ahmed, 73, announced that there would be "no talks" with the defeated Islamists, who were to be wiped out as they fled.

Now it so happens that among the war crimes listed in the Statute of Rome that governs the ICC is this one (Article 8.2.b.xii): "Declaring that no quarter will be given". This is exactly what the Ethiopian-U.S.-backed conquerors were doing. But there was no chance that the ICC would deal with this latest outburst of international criminal behavior.

Indeed, after four and a half years of existence, the ICC has taken just one suspect into its custody: Thomas Lubanga Dyilo, head of a rebel militia in the impenetrable Ituri forest in the eastern part of the Democratic Republic of Congo (ex-Zaire). He is held under Article 8 (war crimes), section 2.e.vii on charges of recruiting children under the age of 15 to fight in his militia.

This is certainly bad behavior, but considering all that is going on in the world today, it hardly seems to rank among "the most serious crimes of concern to the international community as a whole" (Article 5, defining the crimes within jurisdiction of the court). A French judge working as an investigator in the ICC Prosecutor's office, Bernard Lavigne, acknowledged that since it is clearly unable to deal with all the crimes in the world, the Court is necessarily selective. He defended the selection of this lone suspect by the need to start off with an air-tight case that the Prosecution was sure to win.

Therein, however, lies one of the ICC's more subtle and insidious vices. Although the Statute formally upholds the "presumption of innocence", all the details point to a Court whose job is not meant to sort out the innocent from the guilty, but to punish the (presumed) guilty. Politically, the creation of the ICC responds to demands of various NGOs, given great resonance by Bosnia and especially Rwanda, to "end impunity" and to comfort victims. The underlying political assumption is that both the criminals and the victims can be easily identified prior to trial -- the trial being more a demonstration of the concern of the international community for justice than the search for a justice, and a truth, that may be elusive or seriously contested.

Like the ad hoc tribunals for Yugoslavia and Rwanda, the ICC, despite its title, is not essentially set up to deal with international conflicts, but rather to administer "international" justice to internal conflicts, in countries too weak to resist its authority.

The total impotence of the ICC to deal with the most dangerous crimes truly "of concern to the international community as a whole", those that outrage public opinion not only in the West but in all parts of the world, those that seriously threaten world peace, is most strikingly due to:

-- the fact that the crime of aggression is not covered;

-- the fact that the United States and its citizens are immune to prosecution, first of all because the United States has not ratified the ICC Statute, and secondly, because the United States has used its unprecedented economic and political clout to pressure countries into signing Bilateral Immunity Agreements (BIAs) that exempt Americans from prosecution. One hundred and two countries have signed BIAs with the United States.

Aggression exempted

Article 5 of the Rome Statute limits the jurisdiction of the Court to:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.

However, it goes on to specify that the Court "shall exercise jurisdiction over the crime of aggression once a provision is adopted [...] defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime." In short, the crime of aggression is for the time being exempted from the Court's jurisdiction.

The formal reason is that aggression is "not defined". This is a specious argument since aggression has been quite clearly defined by U.N. General Assembly Resolution 3314 in 1974,

which declared that: "Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State", and listed seven specific examples including:

-- The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

-- Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

-- The blockade of the ports or coasts of a State by the armed forces of another State...

The resolution also stated that: "No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression."

The real reason that aggression remains outside the jurisdiction of the ICC is that the United States, which played a strong role in elaborating the Statute, before refusing to ratify it, was adamantly opposed to its inclusion. It is not hard to see why..

This went against the nearly unanimous opinion of most of the world, which recalls that the Nuremberg Tribunal condemned Nazi leaders above all for the crime of aggression, as the "supreme international crime" which "contains within itself the accumulated evil of the whole".

It may be noted that instances of "aggression", which are clearly factual, are much easier to identify than instances of "genocide", whose definition relies on assumptions of intention.

Defenders of the ICC stress that "aggression" may be defined, and thus come under the active jurisdiction of the Court, at the Review Conference which should be held in 2009 to consider amendments. Even so, an amendment comes into force only one year after ratification by seven eighths of State Parties to the Statute, and applies only to State Parties (which so far notoriously do not include the United States). And should the United States turn around and choose to ratify the Statute, it may still declare that for a period of seven years it does not accept the jurisdiction of the Court for its nationals (Article 124). All this means that the earliest conceivable (but highly improbable) date when U.S. crimes, including aggression, might be brought under ICC jurisdiction would be 2017. Even then, there is scarcely any possibility that an American citizen, or any person acting on behalf of the United States, would end up in the dock at the ICC.

For one thing, the ICC must turn over jurisdiction to any State which proves "willing and able" to try the case in its own courts.

Moreover, Article 16 allows the Security Council to suspend any ICC investigation or prosecution for a period of 12 months. The suspension can be renewed indefinitely. These days, the Security Council is generally viewed throughout the world as an instrument of U.S. policy.

The BIAs would still apply.

And incidentally, employing poison gases counts as a war crime, but not the use of nuclear weapons.

In short, the ICC is established according to double standards to deal with small fry.

A court for "failed states"

Indeed, it is hard to see how the ICC can deal with any but extremely weak or "failed" States. According to Article 17, a case is not admissible unless the State concerned is genuinely "unwilling or unable" to investigate and prosecute it. The Court itself can determine whether the State concerned is "unwilling or unable".

At this point, the scene grows very murky. The Democratic Republic of Congo cooperated in turning over the case of Thomas Lubanga Dyilo to the ICC because he was a rebel against the State, and that troubled State has reason to want to be in the good graces of the ICC. But what if a State refuses, or shows itself "unwilling or unable" to pursue a case? What then? The ICC has no police force of its own. Will it then call on the Security Council to authorize arrest -- meaning military action on the territory of the "unwilling" State?

The preamble to the Rome Statute emphasizes that "nothing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State". But this seems to be contradicted by the provisions of the Statute itself in regard to "unwilling" States.

Rather than a Court to keep the peace, the ICC could turn out to be -- contrary to the wishes of its sincere supporters -- an instrument to provide pretexts for war.

"If you can't beat them, join them."

It appeared from the Tripoli symposium that Arab intellectuals have an ambivalent attitude toward the ICC. On the one hand, many fear that the ICC can be instrumentalized to serve what they see as the long term U.S.-Israeli policy of breakig up Arab States and fragmenting the Middle East along ethnic or religious lines, as a way of "divide and rule". In such a strategy, ethnic conflicts over territory and resources can be depicted by Western media and NGOs as one-sided cases of "genocide" requiring urgent international intervention. The trial run was Yugoslavia, and Iraq is the prime example.

Jurists themselves, professionally attached to the construction of a new legal institution, may be oblivious to strategic aspects. But the very emphasis on applying criminal law to political conflicts tends to reinforce the Manichean view (typical of the Bush administration and of Israel) that the world's troubles are due to "bad guys", "terrorists", criminals that must be rooted out and punished. This precludes analysis of underlying causes of conflicts.

Like other Arab States, except for Jordan (and two formerly French territories, Djibouti and the Comoro Islands), Sudan is not a Party to the Rome Statute and thus does not fall under ICC jurisdiction. This fact has not prevented the mounting campaign for international intervention to stop what is described as "genocide" in Darfur. Some observers on the ground contend that this campaign is characterized by a limitless inflation of the number of casualties, to upgrade massacres to the status of "genocide". Whatever the reality, the call for "intervention", implying military intervention, is not accompanied by any clear explanation of how this would solve the underlying problems of religious identity and claim to scarce resources that have caused the crisis in Darfur. The well-financed and (largely) well-intentioned campaign to "save Darfur" actually tends to eclipse any effort to find genuine political and economic solutions by way of negotiation carried out by parties familiar with the history and culture of the region.

As can be seen in Afghanistan and elsewhere, the armed "rescue" of a country or region tends to be followed by a sharp drop in interest, and above all of the economic and practical aid promised at the outset.

In Tripoli, some argued that Sudan would be better placed to defend itself from impending military intervention if it were Party to the ICC. As a Belgian lawyer put it, for small countries the problem is to "avoid being entrapped", and for this purpose it is better to join the ICC than to stay out of it.

Many Arab and Third World intellectuals are tired of standing on the sidelines and "complaining". Joining the ICC might be a way to "join the world" and improve their own countries. This viewpoint seems particularly frequent among women lawyers and human rights NGOs.

But as one participant put it, "Inside or outside; the small countries are on the sidelines".

The view from Tripoli

To conclude with a subjective note, from the peaceful atmosphere of Tripoli the rabid Bushist-Blairist fantasies about the deadly threat from "Islamofascism" seem particularly grotesque. The semi-socialist regime installed 37 years ago by Colonel Moammer Kadhafi has widely redistributed oil revenues, educating the population and creating a large middle class thanks to a service sector (largely bureaucratic) that employs some 80 per cent of the population. This makes it a singularly tranquil society -- some bureaucrats may be superfluous, but they are not homeless, begging or thieving. Colonel Kadhafi is eccentric, sleeping in tents instead of palaces, but it is hard to avoid the feeling that he has been demonized not for his faults but for his support to Arab unity (which failed), to the Palestinians and to other liberation causes -- which was natural for a country like Libya that had been the victim

not so very long ago of a ruthless colonization by Mussolini's forces, which subjected the local population to summary executions, mass deportations and concentration camps. Looking around, one may conclude that Kadhafi's "soft" dictatorship could well be the best transitional modernizing regime that exists in the Arab world.

In any case, the ICC symposium followed its own ambivalent course without interference from the government. The overall impression was of a great thirst for peace, development and justice -- all under threat from the fanatic Western "war on terror". Islamic extremism is a problem to be dealt with in a growing number of Arab countries (not Libya, apparently, where the devout but moderate Muslim practice seems to preempt the extremists), but which is clearly aggravated by U.S. aggression and Israeli persecution of the Palestinians.

Justice and globalization

I give the last word to excerpts from the contribution of a retired Libyan gentleman who has held high positions in the past, but now prefers to remain anonymous:

"The dominant system is oriented towards an international business law considered as the supreme reference overhanging all national law and of course international public and private law. The WTO has defined in this context an arsenal of principles and procedures all the way to and including a juridical system based on the negation of the elementary principles of separation of powers that characterize democracy.

"This is totally unacceptable. We need exactly the opposite. We need a business law that is respectful of the rights of nations, people and labor, and respectful of the environment, rights of communities, women, while ensuring the conditions for further progress of democratization of societies.

"We have to advocate an International Law of the Peoples, which should combine:

-- The respect of national sovereignty, allowing people to choose their future according to their wishes.

-- The respect of Human Rights, not only political rights but also social rights and the right to development and peace.

"No solution is reached through abolishing one of the two terms of the equation. We can neither abolish sovereignty nor can we abolish human rights.

"The principle of respect for the sovereignty of nations must be the cornerstone of international law. The fact that this principle is violated today with so much brutality by the democracies themselves constitutes an aggravating, rather than mitigating circumstance. [...] The solemn adoption of the principle of national sovereignty in 1945 was logically accompanied by the prohibition of recourse to war. [...] With the militarization of the globalization process, which is closely associated with the neo-liberal option and with its predilection for the supremacy of international business law, it has become more imperative than ever that priority be given to this reflection on people's rights."

Diana Johnstone is the author of Fools Crusade: Yugoslavia, NATO and Western Delusions. She can be reached at diana.josto@yahoo.fr

The Citizen

Monday, 9 May 2011

<http://thecitizen.co.tz/business>

‘EAC’s little influence on global law’

By The Citizen Reporter

Arusha. The East African region, Tanzania in particular, has a shortage of experts in international criminal law, it was observed here on Friday.

Speakers during the official launch of a Masters Programme in International Criminal Justice said the region must train its own experts to catch up with the rest of the world.

Prof Craig Baker of the University of Sussex in the UK said there were very few lawyers trained in International Criminal Justice from the region.

The situation, according to other speakers, was critical in Tanzania where its nationals are noticeable among the employees of the International Criminal Tribunal for Rwanda (ICTR).

"There are very few Tanzanians because very few of them have been trained in International Criminal Justice," they noted during a function at an Arusha hotel.

Prof Baker, who is a leading international criminal lawyer, said the programme which would be hosted by the Open University of Tanzania (OUT) would be of great significance to the region.

According to the OUT vice chancellor, Prof Tolly Mbwette, the programme would accommodate students from the five East African Community partner states.

"Already nine of them have been enrolled," he told reporters, adding that it would boost the prospects of the region and enable it to have qualified experts in international criminal justice.

The programme would be run by OUT in collaboration with the International Criminal Law Centre (ICLC) and is mainly aimed at creating a critical mass of experts in International Criminal Law.

The launch in Arusha on Friday was graced by Prof Barker, head of department, University of Sussex (UK), who was also set to deliver the keynote address entitled ‘International Criminal Law and its Relevance to the World’.

Arusha would serve as the base for the programme because of the presence of three international and regional courts; ICTR, the East African Court of Justice (EACJ) and the African Court of Human and Peoples’ Rights (ACHPR).

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