

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



PRESS CLIPPINGS

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

as at:

Thursday, 18 October 2012

Press clips are produced Monday through Friday.
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Ex-Female Prisoners Cry For Help

By Musa Sesay

Former female prisoners that served their jail terms at the Pademba Road Maximum Security Prisons, last Wednesday officially launched a support group called "Go Bife" meaning in English 'Move Forward' at the AdvocAid office on Liverpool Street, Freetown.

The aims and objectives of the support group, according to the organizers, are to unify and transform former female prisoners.

Speaking at the launch ceremony, the Chairlady of the support group, who asked not to be named, disclosed that while serving their jail terms, they lost everything and their respective homes shattered. Some of them, she revealed, went to jail for minor crimes like debts and assault which she said could have easily been settled out of court.

The formation of the group, the Chairlady added, is to give hope to current female prisoners that all is not lost. She

called on the government and NGOs for urgent assistance to the group, which she said would provide solid foundation for the release of female prisoners and engage them in sustainable development. She thanked and appreciated the effort of AdvocAid in bringing them together.

The Prisons' Director of Human Resources, Mrs. Cecilia Kaikai said while prisoners were serving jail terms, they were deprived of their liberties which she said led to stress and frustrations. She added that they were separated from their families and sometimes eventually lost their matrimonial homes.

Mrs. Cecilia Kaikai maintained that dealing with female prisoners goes beyond professionalism and effectiveness.

She thanked the Special Court for Sierra Leone for providing accommodation for female prisoners given the overcrowding of the Pademba Road Maximum Security Prisons.

Police Officer, Memunatu Kenteh called on the support group to improve on their past as they still have a role to play in the socio-economic development of the country. She recalled herself being a victim of circumstances after serving a jail term of four months as alleged junta co-laborator. The police officer maintained that since her jail term she had never looked back, adding that she's now a very senior police officer.

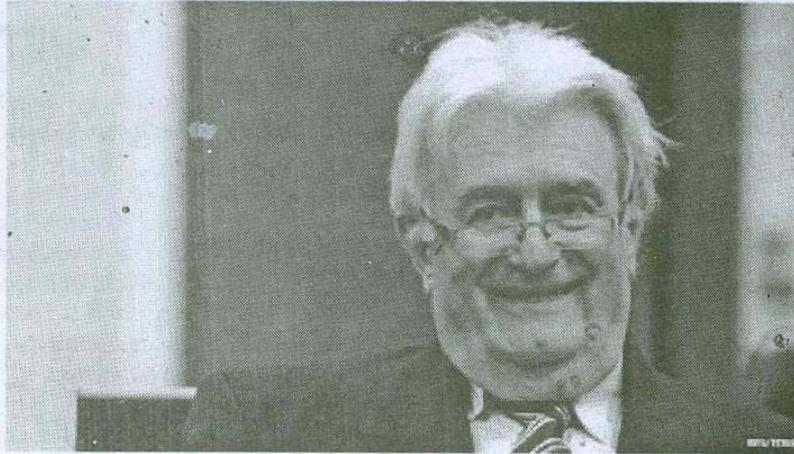
She disclosed that she is implementing a policy wherein smaller debt issues

involving women are being settled at community level. Memunatu Kenteh however expressed great disappointment over the non-availability of female cells in remote areas.

Speaking on behalf of AdvocAid, Ms. Juliana Wilson said they are a supportive organization with the desire to bring women together, share experiences and develop positive relationships.

"Members will be empowered through access to knowledge concerning their rights," he said.

Radovan Karadzic denies Bosnia war crimes



Radovan Karadzic: "I should have been rewarded for all the good things I've done"

Former Bosnian Serb leader Radovan Karadzic has said he should be rewarded for "reducing suffering", not accused of carrying out war crimes.

Beginning his defence at his trial in The Hague, he said he was a "tolerant man" who had sought peace in Bosnia.

Mr Karadzic was arrested in Belgrade in 2008 after almost 13 years on the run.

He faces 10 charges of genocide and crimes against humanity during the war in the 1990s, including the Srebrenica massacre and the siege of Sarajevo.

More than 7,000 Bosniak (Bosnian Muslim) men and boys were killed at Srebrenica in the worst single atrocity in Europe since the end of World War II. During the 44-month siege of Sarajevo more than 12,000 civilians died.

Mr Karadzic, 67, went on trial at the International Criminal Tribunal for the former Yugoslavia (ICTY) in October 2009. He appears utterly without self-doubt - as, indeed, he was two decades ago"

"Truth will grow stronger"

He began his lengthy personal statement by saying he had done "everything within human power to avoid the war and to reduce the human suffering".

Speaking calmly, Mr Karadzic said he was a "mild man, a tolerant man with great capacity to understand others". He had stopped the Bosnian Serb army many times when it had been close to victory, he said, had sought peace agreements, applied humanitarian measures and honoured international law.

He insisted that there had been no history of conflict between ethnic groups. "Neither I, nor anyone else that I know, thought that there would be a genocide against those who were not Serbs," he said.

He criticised media coverage of the war as biased and disputed the official number of victims of the war, saying the true figure was three to four times less. More than 100,000 people were killed, according to official figures.

"As time passes this truth will be stronger and stronger, and the accusations and the propaganda, the lies and hatred, will get weaker and weaker," he said.

The Global Observatory

Wednesday, 17 October 2012

Interview with Two Principals from the Special Court for Sierra Leone, Justice Fisher and Registrar Mansaray

By Maureen Quinn



On the sidelines of an IPI event on the Special Court of Sierra Leone, IPI's Maureen Quinn spoke with two of the principals of the court, Justice Shireen Avis Fisher and Registrar Binta Mansaray. The principals of the Special Court are all women, which is a first in international justice.

Justice Fisher explained that the Special Court of Sierra Leone is a hybrid court in with international backing and participation, but staffed nationally, to help the justice and reconciliation process in that country to prosecute violators of international humanitarian law and Sierra Leonean law committed after November 30, 1996 and during the 11-year Sierra Leone Civil War.

“What you find in most war-torn countries is a willingness to prosecute the crimes, and to try the crimes, but not the ability to do so because of the infrastructure destruction that occurs in any war situation,” said Ms. Fisher.

Ms. Fisher also said that a woman on the bench is not required in cases involving gender-based crimes. “I don't know that gender makes a difference,” she said, adding, however, that gender is a factor in who you are. She said that training on gender issues for both men and women is extremely important.

In the second part of the interview, Registrar Binta Mansaray spoke about the ways in which the Special Court supports victims of these horrifically violent crimes during the trial, including offering a witness protection program.

“First of all, women are scared to come to the court,” Ms. Mansaray said, “Either they are afraid of retribution or reprisals from perpetrators, either they're ashamed, or, for whatever reason, it's difficult for them to come before the court.”

“But then a witness protection program walks them through the process of understanding how the court works, of understanding that once you go into the courtroom, it's the judge's court. You can be safe in the courtroom, and the perpetrators who played warlord, or who thought they had the power of life and death over people, they will be in the dark. They're so powerless when they're in there. So our witness protection unit is responsible to make sure that women understand that and have confidence in the judicial system before they go to the court.”

Listen to interview (or download mp3):

Maureen Quinn: Good afternoon. I am Maureen Quinn, a Senior Adviser at the International Peace Institute, and we are very pleased to host on the Global Observatory today two of the principals of the Special Court for Sierra Leone: the President of the Court, Justice Shireen Avis Fisher, and the Registrar, Binta Mansaray.

There are four all-women principals of the Special Court, and you're all speaking at an event tonight as we launch our series on Women, Peace, and Security. Very pleased to have you here.

Justice Fisher, I'd like to start by asking you about the court. In legal terms, the court is described as a hybrid court. Can you explain what that means for our audience? Now that the International Criminal Court has been established, do you see future use of similar arrangements?

Shireen Avis Fisher: A hybrid court in our situation is a court which has international backing and participation, but was established because of the request of the country of Sierra Leone, who was in partnership with the United Nations in putting together a court institution that is both international, in terms of resources, human and financial, and also national in terms of staff, judges, professional staff, and support staff, using both international law and domestic law.

Its advantage I think now that the Rome Statute has been accepted by so many states is that it's a blueprint for complementarity. Under the Rome Statute, states that are willing and able to prosecute these crimes in their own country are given the opportunity to do so. What you find in most war-torn countries is a willingness to prosecute the crimes and to try the crimes, but not the ability to do so, because of the infrastructure destruction that occurs in any war situation.

That was the situation as it existed in Sierra Leone in 2000, and the government of Sierra Leone made the decision even before the Rome Statute. They innovated and made the decision to ask the United Nations to partner with them to create this court.

The advantage of the court is that it is located in the country where the crimes have been committed; it involves the people of the country who have expertise about the citizens and what they need, who know not only the geographic area, but the demographic area, and who can facilitate participation by those who are on the ground and those who are most affected by the work of the court. That, as it happens, is what happened in Sierra Leone, and the lessons we learned from that are lessons that can be shared with other countries that may wish to prosecute in these same situations.

MQ: The court's statute mandates that prosecutorial and court support staff have experience in gender-related crimes, and now women fill all the four principle positions at the Special Court: the president, prosecutor, registrar, and principle defender, which is a first in international justice. How have these two elements influenced the court and its impact on crimes against women and girls? How important do you think training in gender-related crimes is for people working in international justice?

SAF: As to the first point, it's an imponderable. The question always is, does it make a difference if it's a woman on the bench? It makes a difference as to who's on the bench, but I don't know that gender specifically makes a difference. But gender is a part of who you are, and judges are made up of many facets and factors, and gender is one of them. So I don't think there's any way to measure the extent to which women's involvement makes a difference.

I think the second part of your question though: to what extent is education and training in gender issues... and on the issue of gender sensitivity—I think that's a very important question—and the answer to that is, it's very important, and that's important for men and women both. Because, although we may think that we, because of the fact that we are women, understand the situation of other women, there's no way going into a situation, as we went into in Sierra Leone, that you do.

I mean you have to understand the cultural significance as well as the gender significance. Both male and female judges and staff who were working with women in very traumatic situations absolutely need to have training, both in the general area of gender sensitivity, but also specifically as to how that plays out in the culture in which you may have that impact.

MQ: Thank you very much Justice Fisher. I want to turn now to the registrar of the Special Court, Binta Mansaray, so thank you as well, Registrar Mansaray for joining us. Given your role in designing the court's acclaimed outreach program, I want to ask you a few specific questions in that area. My first

question is that the court's outreach program is gender sensitive and encourages women to be participants of post-war justice, and not just the subjects of it—how did you take women's views and inputs into account?

Binta Mansaray: Thanks for having me on your program. The outreach program we created, as you rightly point out, was extremely gender sensitive, and the reason for that—again, that relates to your question about how we take into account the views and inputs of women—as I explained to the people, the mandate of the court is very limited to those who bear the greatest responsibility for crimes committed in Sierra Leone since November 30, 1996.

But then you have tens of thousands of women who suffered all sorts of human rights abuses: rape, sexual slavery, sexual violence, forced marriage, and so forth. While the court can bring to justice very few perpetrators of gender-based crimes, the reality is, we also have a limited number of women who would come forward to testify before the court. The question is, what happens to the tens of thousands who never get the chance to come forward and give testimony in court?

So what we did, we designed a gender outreach program using the article that lists the gender crimes to be prosecuted by the Special Court. We made that into a program and then engaged the largest society, the rest of the women who would never have the time or the opportunity to talk to the court, and explained to them that these crimes, do you recognize these crimes? Of course they do, because that's what they lived during the war. We try to link the experiences with the testimonies given in court to show the court took into account the collective experiences of women, and have a limited number of women to tell the story. If you hear a woman testifying in court, that woman is also talking on your behalf.

Then the next aspect is the impunity gap. When it is about the greatest responsibility, the threshold is very high—you're talking about leaders, very top leaders, not mid-level commanders, but top-commanders. But for the women, the tens of thousands who would never get the opportunity to come to court, those who bear the greatest responsibility are their neighbors, the ones they see every day. So the question was, women started asking, why weren't the foot soldiers, our neighbors, why weren't they brought to justice? Who determines who bears the greatest responsibility?

Then what we did, again, by way of the outreach program, we designed it based on the court's statute, we established a link between the foot soldiers that they see in their neighborhoods with the commanders, and this way women were able to relate to the court's work and get engaged and understand that yes, the court was working in the interest of all women and girls, not just the few who get to tell their story in court.

MQ: It's extremely impressive what you all have done. As we know, crimes against women and the use of girls as so-called "bush wives" pose serious challenges for post-war justice in Sierra Leone. And even after the justice process, survivors of gender-based violence can be subject to a lot of social stigma and emotional trauma, as well as unique physical injuries. So I wonder if you can tell us a little bit about your witness protection program, which I believe took some of these gender-sensitive elements into account.

BM: We have an excellent witness protection program headed by somebody, Saleem Vahidy, who is extremely well experienced in the area of witness protection. The goal of the Special Court's witness protection program is to make sure that those who have the courage to come forward and testify do not suffer any harm on account of their testimony or appearance before the court.

In particular, the gender-sensitive aspect of it is, it took into account the painful experiences that women went through, and how it would be so difficult for women to relive those experiences in court; for instance, the humiliation of gang raping, sexual violence. Not all women would like to explain that kind of very personal experiences in public. So we have the option of a close-session testimony, where the judges will order close session as they deem necessary. We also have voice distortion, face distortion. We have, I think, written submissions as well, but that hasn't been used as much but in camera testimony.

So this is all geared towards ensuring that women are not exposed to a situation where giving testimony would be very hard for them. So it's on a case by case basis. Judges could order the type of protection that is necessary for a particular witness. It has worked extremely well.

These psychological, physical counseling services that are available also help women, because, first of all, women are scared to come to the court. Either they are afraid of retribution or reprisals from perpetrators, either they're ashamed or, for whatever reason, it's difficult for them to come before the court. But then a witness protection program walks them through the process of understanding how the court works, of understanding that once you go into the courtroom, it's the judge's court. You can be safe in the courtroom, and the perpetrators who played warlord, or who thought they had the power of life and death over people, they will be in the dark. They're so powerless when they're in there. So our witness protection unit is responsible to make sure that women understand that and have confidence in the judicial system before they go to the court.

MQ: My next question is, have you seen any evidence that the court's prosecutions and its work on outreach have been having a deterrent effect on gender-based violence in Sierra Leone, and what has been the court's contribution to reconciliation in Sierra Leone?

BM: As far as deterrent effect is concerned, it's difficult to gauge, but what I can say, as the president referenced during a Security Council briefing, is a survey was conducted both in Sierra Leone and Liberia, where Sierra Leoneans and Liberians expressed their opinion about the court's work, and a very impressive majority, 91 percent believed that the court contributed to the peace in the two countries, in Sierra Leone, and also a very good number believed that the Special Court can be trusted to bring justice to the people, so how that translates into concrete terms, in terms of deterrence, remains to be seen.

But I can tell you that the fact that people believe that this court brought peace to the country shows that it is having the kind of effect that could be a deterrent effect, in terms of how the court has contributed to reconciliation.

Reconciliation is a process that goes on and on and on. But so far, we've come a long way. It is only the Special Court that has a kind of outreach structure that we have in that country, and those structures, once you've set up community town hall meetings, you've set a forum for discussion. Let people talk about the war, discuss it, agree and disagree. That in itself is a very critical aspect of reconciliation that should be taken into account. We believe having an outreach program for over eight, nine years have contributed to that kind of democratic discourse about peace and reconciliation.

Again, you talk about the very message that the court is sending, that no one is above the law. That is significant, because it gives victims a measure of peace, and we believe that the court has contributed greatly to peace and reconciliation in Sierra Leone.

MQ: Justice Fisher, if I can wrap this up by turning back to you with a future-oriented question. Given that the Special Court for Sierra Leone will soon complete its mandate, what will be the role of the residual court, going forward?

SAF: The residual court will have three purposes: one will be to protect witnesses; one will be to maintain the archives; and the third will be to oversee the prisoners that have already been convicted. All three of those will continue well into the future.

In terms of witness protection, I would see that as the most important role, because as Binta pointed out, there is a promise made to the witnesses, that they will not be harmed by virtue of their having the courage to come forward and testify. When we say that they will not be harmed, we don't mean they won't be harmed as long as the Special Court is in existence; we mean they will not be harmed. In order to make sure that that happens, we need to have additional outreach, ongoing outreach, to let people know

that if there is an attempt to tamper with witnesses, there will be a response from the court, and that response is an investigation, and if warranted, a prosecution for contempt.

This is not a meaningless, fanciful thought. In the last year, because the word has gotten out that we are close to the end of our mandate, we have had seven people who have been brought forward on contempt charges. One has been convicted and gone through the appeal process and has been sentenced to two years in jail. Four more have been convicted and are awaiting sentencing. One is involved in the trial process now, and another has just been arrested last weekend.

So we are hoping that by responding quickly and aggressively, at this stage, that in the future we will have made it easier for the residual court, both in terms of establishing jurisprudence on contempt, but also perhaps dissuading others who might try to engage in the same sorts of activities. So the role of the residual court will go into the future as long as there are witnesses to protect, and that could be many years, and as long as there are prisoners that have to be overseen, and that also could be many years.

The message that we are trying to share with those who would support the efforts of the court is that that will be funded by voluntary funding, and that although it's a very small amount in the general scheme of things, it's between one and two million per year of US dollars with a court staff that's miniscule, that nonetheless it needs to continue, and we need to not allow the world to forget about Sierra Leone and the accomplishments of the Special Court, because if we don't follow through, if we don't keep faith with the witnesses, it will not only have impact on the legacy of the Special Court and work that it's done, but it'll have impact on international justice generally, because if one witness is harmed in this process, other witnesses will not come forward.

MQ: Thank you for joining us today on the Global Observatory.

About the photo: Registrar Binta Mansaray (left) and Justice Shireen Avis Fisher

The Morningside Post

Wednesday, 17 October 2012

Malala, Lubanga, and the Universal Right to Childhood

By Anna Richardson of The Morningside Post

Last week Malala Yousufzai, a fourteen-year-old schoolgirl living in the Swat Valley region of northwest Pakistan, was shot in the head by Taliban gunmen on her way home from school.

Malala gained recognition worldwide in 2009 after the BBC published excerpts of her diary about life as a schoolgirl under Taliban rule. Her shooting was universally condemned as an act of supreme cowardice.

It is not only the Taliban who refuse to recognize the rights of children in war zones -- just last month, Malala's home country, Pakistan (along with Russia, China and Azerbaijan) abstained from the annual UN Security Council resolution condemning violations of international law committed against children.

The abstention of these four members signaled not only a break from protocol, but also a backslide in international determination to protect children in conflict. Despite being the subject of seven Security Council resolutions in the past decade, the plight of children in conflict zones continues to be under-recognized and under-addressed by the international community.

In theory, the international legal canon provides these children with ample protection. In 2004, six crimes against children in conflict zones were formally recognized by the United Nations Security Council: abduction by armed groups; enlistment as fighters; rape and other sexual violence; injury or death; attacks on schools; and the denial of humanitarian aid. The prosecution of these crimes is grounded in major human rights treaties.

The UN Special Representative for Children in Armed Conflict has trumpeted the fact that abuses committed against children have been central to a number of precedent-setting cases in international law over the past year. However, these rulings are not necessarily indicative of great progress.

In April Charles Taylor of Liberia was convicted by the Special Court for Sierra Leone for, amongst other crimes, providing support to rebel groups in Sierra Leone who he knew to enlist children as young as seven into their ranks. Soon after, the International Criminal Court (ICC) handed down its first sentence to Thomas Lubanga, a warlord from the Democratic Republic of the Congo (DRC). He was sentenced to fourteen years for the crime of recruiting child soldiers in his home country.

Was Lubanga's prosecution a clear signal by the international community that crimes against children in war zones will be punished? Or was it just a calculated move by an under-performing ICC?

Those familiar with the Rome Statute will know that the court's jurisdiction depends on the inability or unwillingness of the defendant's home country to prosecute the case. When the ICC issued its warrant for Lubanga in 2006, the former leader of the Patriotic Forces for the Liberation of Congo was awaiting trial in the DRC on charges of genocide and crimes against humanity. This implies that his home country was indeed willing and able to bring him to trial. The courts in the DRC had not, however, charged the former warlord with the international crime of recruiting of child soldiers. The ICC's prosecutor was thus able to reel him in to the Hague on a technicality, an action described by international human rights lawyer William Schabas as an "artificial and mechanistic application of the Statute."

The ICC's first successful prosecution might be seen, therefore, as an expedient move to mollify a cynical public and weary donors, rather than an attempt to bring crimes against children to the top of the court's

agenda. Moreover, it is questionable whether this will deter others from abusing children. Lubanga, who has already served 6 years awaiting trial, might be eligible for early release after completing two thirds of his sentence. Thus, he will probably be free in 2016.

Judges at international tribunals, including the ICTY, ICTR and ICC, have consistently rejected the idea that there is any hierarchy of crimes -- recruitment of child soldiers, defined by the Rome Statute as a war crime, is theoretically as grave as genocide. It seems unlikely, however, that an individual convicted of genocide would have received such a lenient sentence, implying that the court and, by default, the international legal community, is not taking child-specific crimes as seriously as it might.

Children in Pakistan, the DRC, Somalia, and Colombia deserve the right to grow up free from the threat of violence. The Security Council and the International Criminal Court have both shown a lack of determination to treat crimes against children with the gravity that their mandates demand. We need such actors to make a concerted and sustained effort to implement international law and punish those who commit crimes against children.

Without that resolve, children like Malala in Pakistan and Lubanga's recruits in the DRC will continue to be denied the protections they deserve under international law.

Women News Network

Wednesday, 17 October 2012

International Criminal Court not ‘targeting’ only Africans says Prosecutor Fatou Bensouda



International Criminal Court Chief Prosecutor at The Hague in Geneva, Switzerland. Image: ICC

(WNN/ICC/VOA) The Hague, Geneva, SWITZERLAND: The chief prosecutor of the International Criminal Court (ICC) says she rejects any suggestion that the tribunal has unfairly targeted African countries. Fatou Bensouda, who became chief prosecutor last June after eight years as deputy chief prosecutor, said in an interview

it will take a lot of work to correct suspicions of bias against Africa.

“Changing this perception of course will not depend solely on myself, it will depend on other actors, it will depend on the organs of the court, it will depend on states, parties [and] it will depend on international partners. But, I do intend to play my part,” said Bensouda, a native of Gambia.

She blamed accused persons who have committed international crimes for spreading allegations that the ICC targets Africans.

“I think what we need to do here is to move the focus away from those who perpetuate these crimes. They perpetuate these crimes and they send this propaganda that ICC is targeting Africa, and by so doing, the focus that we should have on the victims of their crimes is moved away,” Bensouda said.

“The ICC is working with Africa and in fact Africa has been coming towards the ICC from the time of establishing this court from the very beginning. In fact this idea that Africa is being targeted was demystified, by the recent referral we received from Mali.”

In July, Mali’s minister of justice, Malick Coulibaly, led a delegation to The Hague to request officially that the ICC to investigate crimes allegedly committed by Islamists in the West African country’s north. The request cited international crimes which include summary executions of soldiers, rape of women and young girls, massacres of civilians, the use of child soldiers and pillage.

So far 33 African countries have ratified the Rome Statutes that established the ICC. They contribute financially to the operations of the court.

“Individual African countries have been cooperating very well with the ICC. We hardly have a request for assistance going out to African countries that does not meet with a positive response,” Bensouda said.

US and international justice

The Deputy Assistant U.S. Secretary of Defense for Rule of Law and Detainee Policy says Washington is playing a lead role in ensuring that those who commit international crimes face justice.

“We play a very similar role to [the one] we’ve played throughout recent history, and that’s a leadership role, in making sure that we don’t live in a society where criminals can continue with their behavior with impunity. But, it’s one that also makes sure that when we bring them to justice, we do it in a way that elevates the rule of law,” said William Lietzau.

Lietzau rejects allegations that the United States is not fully committed to the work of the Hague-based International Criminal Court. The United States is not a signatory of the Rome Statute that established the ICC.

Some experts on the ICC have said Washington’s refusal to sign weakens the power of the court. But, Lietzau disagrees.

“I don’t think that is an appropriate criticism of our role with respect to international criminal justice in general,” he said.

“The questions the United States has about the ICC are related to the structure of the court and the formulation that was chosen in the Rome treaty. That does not mean we have any lesser commitment to justice or the rule of law.”

Lietzau said the U.S. works with the ICC to help the Hague-based court carryout its mandate in a way that respects the rule of law.

“The ICC’s work of bringing wrongdoers to justice is something that we are very much committed to and we will continue to support that work as we do with other tribunals. I don’t think there is any country that has invested as much in international criminal justice as the United States,” he said.

Lietzau also spoke about organizational links between the ICC and the U.N. Security Council, which can ask the tribunal to prosecute certain international crimes.

“There are legitimate questions as to various aspects of the courts structure and role among other international organizations,” he said. “We don’t want to see the International Criminal Court used for purposes of promoting a political agenda. But, we are absolutely committed to ensuring that criminals are not allowed to commit grievous international with impunity.”

Heads of state immunity

The chief prosecutor for the Special Court for Sierra Leone (SCSL) says heads of state should not be immune from criminal prosecution if they commit international crimes.

Brenda Hollis says current international law now stipulates that national leaders have immunity from prosecution unless they are charged by an international court with crimes against humanity.

“I think that the law has evolved at a point that if it’s an international crime and an international court then that head of state would not have immunity. Regardless of whether he was a sitting head of state at the time he was charged and tried or he was a former head of state,” said Hollis.

Critics have said the International Criminal Court (ICC) has often targeted mostly Africans. One example sometimes cited was the court’s arrest warrant against Sudanese President Omar Hassan Al-Bashir on charges of war crimes and crimes against humanity in Darfur. The government of Sudan has rejected the charges.

But, in an interview, Hollis denies accusations that Africans are being targeted by the ICC.

Sudan is not a signatory of the Rome Statute that established the ICC. But despite this, the U.N. Security Council can still refer a case to the chief prosecutor of the ICC to investigate alleged international crimes involving Sudan.

The Security Council's referral about the situation in Sudan's Darfur region, where thousands have died, led to the ICC investigation and the subsequent indictment of Mr. Bashir on charges of war crimes and crimes against humanity.

Hollis expressed her views about Security Council referrals and their impact on claims of immunity by government leaders.

"That referral imbues the International Criminal Court for that case with the authority and with the consent of members of the United Nations because when the United Nations Security Council refers that case to the ICC, it is acting on behalf of all member states of the United Nations," Hollis continued.

"For those heads of state who are members of the United Nations that would be, in my view, an implicit waiver of immunity, by virtue of their membership of the United Nations. I think that is the current state of the law."

Crime of Aggression

Liechtenstein's top diplomat to the United Nations says he is working with African countries to ratify an amendment on so-called crimes of aggression. The amendment gives the ICC authority to investigate and prosecute such crimes. It was approved by a Review Conference of the Rome Statute of the International Criminal Court (ICC) in 2010.

Legal experts describe the amendment as a breakthrough in the development of international criminal law. Thirty states must ratify the amendment for it to come into force. So far, only two have signed.

"We are working with our African partners, and we are organizing next year a workshop in Botswana with the Botswana government to which African states would be invited," said Ambassador Christian Wenaweser.

"We would simply explain the outcome of the Kampala agreement. We'd explain the legal challenges, [and the] ways of ratifying and implementing it. We hope that this will push the effort forward."

Officials say for the first time since the Nuremberg and Tokyo military tribunals following World War II, there is a possibility that individual leaders who plan and launch military aggression against other countries will be subject to prosecution by an international court.

Ambassador Wenaweser said he is hopeful that African countries will soon ratify the amendment on the crime of aggression so it can be implemented.

He expressed concerns, however, that some leaders are not aware that they can take action today.

"A lot of people misunderstand [and believe] that it's not possible to ratify now; [that you can only do so] in 2017, when in fact the opposite is true. You have to ratify it now in order for it to enter into force in 2017," said Wenaweser.

Proponents of the amendment say the campaign has been hindered by a lack of support from powerful nations. Wenaweser said he will continue to push for its passage.

He also outlined his expectations for next year's workshop in Botswana on the amendment.

"I hope we have a very good turnout of African states and [that] we will be able to reach [out to] people in ministries who are in charge of this. We will tell them this is how you can do it, this is how you can move forward, and they will see what their peers are doing," said Wenaweser.

ICC Challenges

The president of the Assembly of State Parties to the Rome Statute says she is working to restore political support for the International Criminal Court (ICC).

"Yes, there are concerns that there is less political enthusiasm about the court right now, and one of the reasons is quite obvious. The court is 10 years old so a lot of countries who in principle are very committed, they just take the court for granted. A lot of countries do not realize how much political support the court still needs," said Ambassador Tiina Intelmann.

"They are forgetting that we are really in the business of trying to bring perpetrators of atrocities to justice. And it just so happens that very often the perpetrators of such crimes are people who have held or are holding high positions [in government]. So, by definition, political support is necessary because these issues, besides being legal, are also political."

Her comments follow at a two-day conference in Nuremberg, Germany as part of activities to mark the 10th anniversary of the establishment of the ICC.

Some members of the African Union (AU) have expressed concern that the international court appears to be unfairly targeting Africans. This led to the AU's decision to advise its members not to cooperate with the Hague-based court following the refusal of the ICC to suspend its indictment and subsequent arrest warrants against Sudanese President Omar Hassan Al-Bashir.

The court accused the Sudanese leader of committing human rights abuses and crimes against humanity in Darfur – charges Khartoum has rejected. Analysts say tension between the AU and the ICC has reduced political support for the court in Africa.

Officials of the ICC say the court faces financial challenges that need to be addressed if the court is to continue prosecutions for international crimes.

"Yes, the court faces financial challenges, not least because its workload is increasing and that is the problem," says Intelmann. "Ideally, the court should be the last resort that is there, that serves as a deterrent, and that encourages states to do their domestic prosecutions. But it's mostly the failure of states themselves to prosecute that brings all these cases to the ICC."

"There is a reasonable understanding right now about the budget that the court would have. It's also clear that at no point in time will the court have an unlimited budget," Intelmann said, noting that signatory nations to the court are obligated to fund its core activities.