

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



PRESS CLIPPINGS

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Independent Observer
Friday, 28 June 2013

Zainab Bangura : sexual violence is a crime with long and infamous history

By CHERNOR OJUKU -SESAY :



Zainab Bangura lectures European Women on sex violence in Brussels thumbnail
United Nations Secretary General's Special Representative on Sexual Violence in Conflict, Zainab Hawa Bangura has said Sexual violence in conflict is a crime with a long and infamous history, a crime that is not only perpetrated against women and girls but also men and boys.

Addressing a group of women participants from 62 organisations at the Permanent Mission of Poland to the European Union, and to Women In International Security in Brussels, Madam Bangura reiterated that her goal is not to make incremental changes in the hopes that "we can diminish this problem, but to press for nothing less than the eradication of rape in war".

Highlighting how she could go about in achieving this goal, the Sierra Leonean-born ex-Minister of Foreign Affairs & International Cooperation and Minister of Health & Sanitation presented a 6-point agenda to accomplish the task, which include: "ending impunity for perpetrators and seeking justice for victims; protecting and empowering civilians who face sexual violence in conflict, in particular women and girls who are targeted disproportionately by this crime; mobilising political leadership to address war time rape; increasing recognition of rape as a tactic of war and encouraging more research on the issue; strengthening coordination and ensuring a more coherent response from the UN system; and, finally, emphasizing national ownership, leadership and responsibility in the fight to put

an end to this scourge".

Mrs Bangura added that war is waged not just on battlefields and against communities, but also on the bodies of women. That by attacking women physically, "you tear at the very fabric of society and the cornerstones of communities". She assured her audience that through the creation of the Security Council resolutions, "we have the tools we need to dismantle the old system in which sexual violence is treated as a second class crime that happens to second class people. What we now need is to set to work building a new foundation for this new century, in which women's rights are respected, protected, and conflict-related sexual violence is treated as the international crime it is".

She added, "the road will be long, but the priority areas I outlined in my agenda provide the way forward. At the local, national, and international level we have to make sure there is no amnesty for the perpetrators. The message to both perpetrators and would-be perpetrators must be clear and unequivocal: this is a crime and if you commit it, we will find you, we will prosecute you and we will punish you. We must raise our voices so that national governments know they cannot put this issue on the back burner and hope it will go away. My Office is willing, able and ready to provide assistance to States to help them develop their capacity to prevent, investigate, prosecute and adjudicate these crimes. Therefore, lack of capacity cannot be an excuse anymore for inaction on the rights of women. "We must end the stigma and silence that surrounds rape in war and other forms of sexual violence in conflict. All too often it is the victim of sexual violence who endures the shame and the stigma of rape. Survivors are ostracized by their communities, marginalized by society and sometimes even rejected by their own families. We must change the public consciousness so that the shame and embarrassment becomes that of the perpetrator. Survivors should not be punished for someone else's crime and the failed policies that allowed them to be targeted in the first place", she stated amidst deafening applause from her audience

Frontpage Africa (Liberia)

Wednesday, 26 June 2013

Opinion

Making Reconciliation Impactful and Sustainable

In spite of its undeniable power to restore broken relationships and rebuild shattered communities, so many of us struggle to embrace reconciliation because they quietly believe it is too unclear, vague, or fluffy to bother with. In some ways, it is hard to blame them. After years of being branded as traumatized even the most open-minded amongst us have come to be suspicious of anything that looks or sounds touchy-feely. Combine that with perceptions that our reconciliation project has been reduced to a star-fill football game and it is no wonder why many Liberians have become cynical, even condescending, toward most things related to reconciliation. Yet still, what I find particularly amazing is that none of those who are cynical about reconciliation that I have encountered, deny that it would transform the society, if it could achieve its benefits.

This is a shame because reconciliation has virtues that are essential to the peace and security of the post-war state. Reconciliation is not at all touchy-feely. It is far bigger and more important than anything else we can do to rebuild the society from the ashes of war. Vision 2030 is impossible without it. More than a side-dish or flavor enhancer for the real meal, it is the very pot in which (our democracy) is cooked. But before we can tap into the power of reconciliation, we must humble ourselves enough to overcome the forces that stand in the way of embracing this virtuous platform for change.

At its core, reconciliation regards context-specific interventions that help people who have been involved in intense communal violence to continue to live together to prevent renewed violence and build a non-violent future. Healing from the wounds of past victimization comes not from mere social or political activities, although not negating them. It comes from the reordering of the structures and institutions of post-war society in ways that storehouses of enmity, fear, mistrust, and hostility are removed. Healing requires that institutional cultures, mindsets and attitudes be changed. Mutual acceptance, hence forgiveness, must include both positive attitudes and positive actions that express them. Only then, will we let go of anger and the desire to revenge.

Even so, there are certain constraints imposed on us by our warring experience that we must relinquish, if reconciliation and national healing are to be realized. I have examined these conditions in this article with the goal of helping us to foster mutual acceptance by members of groups that are hostile toward each other. But first, here are some of the factors that constrain our reconciliation and healing processes: Our inability or unwillingness to prosecute alleged crimes by warlords; our reluctance to honestly and truthfully debate the historical root causes of the war and how the hatred and cleavages they caused are being maintained in the present day; our continued collective stigmatization of certain ethnic or social groups as war mongers; our inability to tap economic development as a driver of the healing process; and our inability to recognize some of the worrisome resemblances between social, economic, and governance practices of the pre-war, warring, and post-war era.

If reconciliation and healing are to take place, here are some questions that we must seek to answer. Do we have mechanisms in place to strike the right balance between justice and healing as well as retribution and forgiveness? Do we have programs in place to strike the right balance between remembering the past and moving on? What resolution would be adequate for the Liberians who saw their sons and daughters killed at the hands of lawless perpetrators, including those who agitated against repressive governments? What resolution would be adequate for the boys, girls, men and women who were raped? What resolution

will be adequate for those Liberians whose life work and wealth, their children, spouses, and siblings were wiped out senselessly? Do we have the appropriate legal, prosecutorial and mediation instruments to ensure rule of law and/or justice? Do we have the appropriate mechanisms that will help maintain cohesion in the aftermath of public acknowledgment of wrongs inflicted on victims? Are those in power complicit bystanders because they leave the grievances of victims unattended? Do they invite reprisals, perhaps inadvertently, by fostering a culture of impunity?

Reconciliation and healing are fluffy concepts especially when situated in the wake of massive indiscriminate and brutal inter-group and intra-group violence we experienced. Thresholds for achieving reconciliation and healing are hard to identify. Nebulous words like social cohesion, peace, and security are often used as indicators. As such, people often go further to ask for additional benchmarks. For these reasons, I have sought to peel off the veneer from these lofty yet confusing concepts with the goal of finding some sustainable and genuine interventions that would support our reconciliation processes. I make no promise of having a magic wand. What give rise to the need for reconciliation and healing in the first place?

The war was the endpoint of our devolving history of hostility between groups driven in large part by dominance and discrimination, which intensified fear and devaluation. The resentment with which indigenous people were treated for generations by Americo-Liberians; the vengeance which followed, planned, prepared and executed as mass slaughter of Americo-Liberians in the wake of the 1980 coup. Targeted murders of Manos and Gios at the hands of Krahn's and vice versa during and after the Doe era also constitute background. Massive killings by Charles Taylor and his NPFL, coupled with aftermaths of retaliatory killings by INPFL, LURD, LDF, MODEL, and the host of warring factions and interim governments. In effect, these genocides targeted victims based on ethnic and social group memberships. Worse, some amongst the Liberian political and intellectual elites were also perpetrators of the violence directly and/or indirectly. Indeed, we can no longer just assign guilt for the war to a small, finite number of people.

How then do we deal with the legacy of the most notorious mass slaughter in our recorded history? We must begin by acknowledging that the impact of intense violence on survivors is quite a mammoth one. Prolonged warfare profoundly frustrates survivors' psychological needs. It confuses their identity and way of understanding their surroundings. It disrupts spirituality and security. Interpersonal relationships on which people depend for regulating emotions get disoriented. People tend to feel vulnerable and overly pessimistic. Some tend to see danger in everything that occurs around them over which they lack complete control.

Was a star-filled football game the most appropriate event to mark the launch of our reconciliation process? There are those of us who believe an assembly of our chiefs and elders would have set the tone better. We must go on seeking interventions that would substantively mitigate people's desire to revenge. Our judicial system would require more than a century to judge the thousands who partook in the war. It would put significant strain on our courts, but we must show a resolve that we want to genuinely end impunity by trying violators. How would we build upon the testimonies and vulnerabilities that victims expressed during the TRC hearings? How would we mend the vulnerabilities of perpetrators who admitted their moral failings and apologized for their wrongdoings with the expectation that this would spur a catalytic process? How would we plan for victims and perpetrators to come together continuously to search for common ground? Could it be that we make the conditions ripe for vendetta-settling, if we fail to answer these questions thoughtfully?

Despite what seems like an insurmountable problem, reconciliation presents the most ideal for us to find workable solutions to the many challenges facing Liberia. But reconciliation cannot be shrouded in political garments. Reconciliation is critical to our well-being that we cannot take them lightly. True, we must bring those responsible for the atrocities to trial promptly so that the legacy of impunity must end. Clearly, survivors of the mass slaughter that we experienced are and will remain apprehensive, if perpetrators go unpunished. We must also speed up such hearings to also vindicate non-guilty persons who have been stigmatized for years.

Reconciliation cannot be adequately addressed, if people whose livelihoods were destroyed and are now unable to pay the school fees for their children continue to live on less than a dollar a day. Until the widow is able to provide an opportunity for her child or children to have the same chance at success that the middle class two spouse families have at life, we will not lay the groundwork for the process of forgiveness and/or healing. It is clear that unemployed and hungry Liberians are not able to "eat peace." Poverty, exclusion, inequality, and intolerance are forces that undermine any ability to bring about peace. We must therefore build our reconciliation process on broad-based participation, equality, tolerance, human rights, and justice. Our civil society must become independent. The state must provide services that reach all facets of society.

The Diaspora and/or returnees must be integral part of the reconciliation efforts. Deliberate steps should be taken to address the needs of returnees who are not accepted and integrated in their former communities. We must address the needs of those Liberians who out of heightened sense of social and economic insecurity are prone to strike out to defend themselves even when violent self-defense is not necessary. Recall that self-protective violence is especially likely when former victims live with and are surrounded by the people at whose hands they suffered violence and when they do not sense that justice has or will be done.

We must therefore plan to weave civic and/or tolerance education in our teacher training and school curriculum particularly for our children in elementary school, our law enforcement officers, our soldiers, teachers, clergy people, lawmakers, judges, cabinet ministers, journalists, etc. We must hold solidarity camps for children and teach them the basics of nationalism. We must provide opportunities for demobilized soldiers/fighters, and war affected youth to receive literacy and technical vocational training coupled with job placements. We must develop strategies to enable Liberians who moved from the rural areas to the urban slums to return to their communities of origin either through entrepreneurial or employment schemes so as to decongest the cities. But in doing all this, we must change the general perception that the reconciliation effort is not a property of the central government involved in a top-down approach to reconciliation. We must foster vertical (down-up and/or grassroots) reconciliation initiatives and make reconciliation a platform for genuine exchange and debate at the grassroots level about what happened in our society for the nearly two decades of warfare.

A football game is a symbolic evidence of the prominence the Peace Ambassador attaches to football, but in dealing with issues of reconciliation, we must balance events with short-lived effects and those that can make intermediate or long-term impacts. As such we must complement football games with memorials and national days of mourning. Monuments, memorials, and museums will embody our collective memory and should therefore be parts of our reconciliation processes. Films, novels, and national holidays will need to be part of our attempt to build and sustain a collective memory of what led to the war and how we can prevent recurrence. Sites where massacres occur should stand as memorials that our cabinets and young people can visit to teach invaluable lessons that can only be provided by such visuals. Our history books must devote themselves to the theme of "genocide" which aptly describes what happened in

our society. In actual fact, memory, collective memory in particular is indeed the best safeguard against a recurrence of communal violence.

Silence, whatever form it takes will make it difficult for us to deal with the legacy of the civil war. But then again, when we invite people to express their feelings, we must urge them to not be vengeful. We must teach them strategies for restorative justice that embodies forgiveness. We must decide on the version of history that will be taught in our classrooms and move forward, being mindful that our national curriculum will be the foundation upon which our youth will build the future of a diverse and tolerant society. We must teach history in ways that avoid ethnic biding or ethnic consciousness-raising. But our history must also not be sanitized to deny the genocidal actions that were performed by specific groups. Still, our history must be a non-polarizing narrative. The criteria that were used for deciding which Liberians could be killed at different intervals and in various locations around the country during the war, principally ethnic identity - we must do away with. Ethnic identity and other social identities, which are cleavage creating must be removed from personnel forms and other public identity documents so that we can accelerate the integration process.

There are intra-ethnic fault lines in Liberia that we cannot ignore, and so those too must be tackled in our quest for reconciliation and healing so as to promote Liberian unity. Divisive categories that refer to returning Liberians from the Diaspora as "Johnny just come" should be substituted for more inclusive ones. We must publicly shame those among us that are ongoing sympathizers of the war. We know that political power is still in the hands of a small inner circle of persons, men, and able-bodied people. For this, we must strive to give the less privileged: women and persons with disabilities equal access to political representation. Furthermore, we should democratically resist any group that will seek to consolidate their hold on power, much like past oligarchies or authoritarian regimes did. We must oppose all the instigators of violence in our society: ethnic discrimination, religious bigotry, homophobia, patronage, elitism, etc. We must not propagate any collective guilt or innocence. In the end, we must all see ourselves as survivors highlighting our endurance and resilience.

We must address scarcity of empirical data and scholarly work to inform our reconciliation program. Academic investigations are needed of the TRC and related documents to provide rigorously obtained data to guide our peace building efforts. Patchy, antidotal evidence have emerged in many quarters, sometimes with limited understanding of the cultural contexts of our conflict. For example, it will be critical for scholars to examine in depth the social and economic factors responsible for Mano-Gio intra ethnic conflict; Mano/Gio and Krahn conflict, Mandingo versus Lormas/Kissis, and/or country versus congoe. We must find means to probe the collective stigmatization of Mandingoes and Fulas as non-Liberians. Scholars must examine mixed ethnic families and how they are navigating a very xenophobic society. If lack of national identity was one of the thrusts of our collective insecurity and warfare, we must seek to prevent isolationist tendencies within our society, including the failure to award dual citizenship to Liberians who gained foreign citizenship during their refuge years out of necessity. Importantly, reconciliation and healing cannot be left to chance.

I recognize that reconciliation is not apolitical either and technical solutions alone cannot bring it about. Reconciliation involves facing new situations, complicated and complex problems and questions that simply may have no answers. But it is the uncertainty that requires us all to accept the fact that reconciliation and healing are not always knowable. Instead of black and white, there are lots of gray areas. Things will seem unclear in the gray area, but we will have to learn to be comfortable with one another to reach compromises and start new journeys together. The longer the reconciliation process lasts, the more we will become tolerant of differences and uniqueness. Answers will not come quickly so we must make judgments of one another on the basis of facts and evidence. The important thing will be our

willingness to face the uncertainty that reconciliation presents head on. Along this journey, it will require each one to take deep breaths and gather all the facts as they emerge. We will need to use our best judgment and trust in our collective judgment rather than second guessing ourselves. We will need to be focused and build on our successes brick by brick. If we build strong mental conditioning, we will avoid distractions and detours. Others will not alter our opinions of ourselves unless we let them do so.

We will need to create clarity around the purpose of the reconciliation. We will need to over communicate the goal repeatedly, enthusiastically, and repeatedly (that is not a typo, rather an emphasis). When it comes to reinforcing clarity about reconciliation, there is no such thing as too much communication. We will need to establish non-bureaucratic systems to reinforce the point that reconciliation involves the "lay people" and the grassroots must drive this effort. Every program, every activity should be designed to remind the people about what is most important - mutual acceptance and forgiveness. In the end, ours is a country that is still fragile, where insecurity and false expectations loom. But from the depth of my heart, the hurdles that I have highlighted, if left unaddressed, will certainly compromise our reconciliation efforts. I hope therefore that this paper will help open the space wider enough for us to debate an issue which lies at the crux of peace and security in Liberia.

The Washington Diplomat

Wednesday, 26 June 2013

Conscience and Consequence: Royce's Calculus as Foreign Affairs Chair

By Luke Jerod Kummer

Rep. Ed Royce (R-Calif.) began serving his 11th term in Congress this year and assumed the gavel of the House Committee on Foreign Affairs. The California native, who along with his wife Marie can often be seen at embassy receptions and other functions around town, met with The Washington Diplomat in his Rayburn office last month for a Q&A.

-SNIP-

But I would also cite our efforts to bring to the bar of justice both **President Charles Taylor of Liberia** as well as Viktor Bout, the gunrunner who was providing arms to that warlord and many others in Africa, often supporting both sides of a conflict, as he did in Afghanistan, where he simultaneously armed the Northern Alliance as well as the Taliban. The bloody consequences of the weapons transfers that Bout made to Taylor — and what Taylor did with them — could be seen in Sierra Leone, Liberia and all across West Africa. Bout's actions also had a devastating effect in Congo and Central Africa.

In these two cases, I led the effort to build a bipartisan coalition so we could target those who were engaged in crimes against humanity and have them brought into custody. That taught me a lesson on how to send a message that there would be very real consequences for war crimes in the developing world. Today, I am involved in an effort along with Rep. Jim McGovern (D-Mass.) to use U.S. special operations and American intelligence resources to track Joseph Kony, who, like Charles Taylor before him, recruited child soldiers, created mayhem and committed atrocities against women and children, including mass amputations. In Kony's case, he has operated with impunity for over 18 years in the Central African Republic, in Sudan, in Uganda and in eastern Congo. But with the legislation we've passed, we're hopeful that, just as with Charles Taylor and Viktor Bout, we'll have an opportunity to set one more example once he's brought into custody.

So, to answer your question about why I became interested in foreign policy, it was very much because of the wider issues of human rights and genocide. It was with an understanding that these events are real and they can destroy hundreds of thousands of lives. It was with a recognition that the United States has the capability, when engaged, to help head off genocidal acts and mass killings. I think we have a responsibility. And we can do it best when we have a bipartisan effort that's focused on educating our members and then using our collective strength to move legislation and prompt initiatives on the part of the administration.



Photo: Office of U.S. Rep. Ed Royce
Rep. Ed Royce (R-Calif.)

TWD: When young lawmakers arrive in Congress, they often have to deal with laws affecting places that they haven't had a chance to visit yet...

Royce: I chaired the African subcommittee for eight years, so I've traveled to most of the countries in Africa...

TWD: So what's something from your travels that taught you a lesson about the world?

Royce: I took a trip into Darfur, Sudan, in order to document the genocide that we were certain was under way. We brought Don Cheadle and Paul Rusesabagina (Cheadle played Rusesabagina in the movie "Hotel Rwanda"). John Prendergast (a human rights activist) also went with us. The thinking was that if we could document the genocidal acts that were occurring, we might be able to prompt the international community to take action. We spent part of the time in Chad with refugees who had recently fled across the border and part of the time in Darfur. It was there that we visited a town, Tine, that had nearly been erased from the map by attacks. But we were able to interview the survivors, and I remember a young boy who started to hold out his arm, and then he offered his other arm. One hand had been severed. I asked him how he lost his hand. He said it was the Janjaweed (an Arab militia), and he made the motion of a sword.

The children had drawn us pictures of the attack on their village, and in those pictures there were the Janjaweed. But there were also the forces of the Sudanese government — the forces of the National Islamic Front. In the children's pictures, there were soldiers in half-tracks and Antonov planes dropping bombs on the village. The point is that while the government in Khartoum was rationalizing what was happening in Darfur as attacks done by the Janjaweed on the indigenous people, it was in fact the case that the Khartoum government was behind the attacks themselves — attacks that commenced with aerial bombardment and were followed up with armored infantry. Only afterward did the Janjaweed come in to finish the job on the women and children. This genocide was much more than Janjaweed murdering black Darfurians; it was orchestrated at the highest levels. And we documented that. I interviewed a number of the survivors for the "Nightline" camera crew that was there, and that program did an exposé on the nature of this genocide.

After the Second World War, the United States said never again would we permit the slaughter of a race. And yet today we have genocidal acts occurring without adequate engagement on the part of the NGO community, although I make a big exception here for the work of John Prendergast and Enough, Resolve and other organizations that are on the ground, trying. But there is not enough time and effort going into countering these types of crimes against humanity — certainly, not on the part of administrations in Washington. One of my hopes is that in working in a bipartisan way, like we did in Sierra Leone and Liberia, we might have further progress in bringing to the bar of justice President Omar al-Bashir and others in Khartoum who have been involved in orchestrating the genocide in Darfur.

-SNIP-

The Southern Times

Monday, 10 June 2013

Is ICC recolonising Africa?

By Elvis Mboya

During their campaign in Kenya's last general election, President Uhuru Kenyatta and his deputy William Ruto accused some Western powers of using the International Criminal Court (ICC) to stop their bid to get into State House.

Though both have pledged full co-operation with ICC even after their victory, on the sidelines they have not stopped their scathing attacks. They are now using their state powers to lobby African leaders through the African Union to refer the continent's cases to their respective countries or else AU withdraws their ICC membership.

The intense lobby recently prompted AU Chair Prime Minister Hailemariam Desalegn of Ethiopia to lead African leaders in a denunciation of the ICC for its alleged racism and selective justice.

PM Desalegn said the ICC was head-hunting African leaders for persecution, and called it a racist institution.

Addressing an AU Summit in Addis Ababa in Ethiopia in late May, Desalegn said, "The African leaders have to come to a consensus that the process the ICC is conducting in Africa has a flaw.

"The intention was to avoid any kind of impunity, but now the process has degenerated into some kind of race hunting."

The AU is not alone in its dissatisfaction with the ICC. Many critics argue that the ICC employs double standards, hypocrisy, racial stereotyping, and national and personal agendas in executing its cases.

British lawyer, Courtenay Griffiths – who was lead defence counsel for Liberia's deposed leader Charles Taylor - penned a critique of his country's support for the ICC.

He argued that, "Britain's support for the International Criminal Court is wrong and undermines its credibility in African countries."

He fingered Henry Bellingham, the British Minister for Africa, as a close friend of Simon Mann; the mercenary who tried and failed to orchestrate a coup in Equatorial Guinea. He said Bellingham publicly supported the ICC and yet he did not say a word about Simon Mann.

Griffiths' attack continued: "The court acts as a vehicle for its primarily European funders, of which the UK is one of the largest, to exert their power and influence, particularly in Africa."

His opinions cannot be wished away, as myriad of independent thinkers share the same perspectives.

In their book "Courting Conflicts? Justice, Peace and the ICC in Africa", authors Nicholas Waddell and Phil Clark of Oxford University lamented that the fact that the ICC has focused so overwhelmingly on African situations prompts questions about why the gaze of the international criminal justice falls in some places and on some people and not others.

The court's focus on Africa, they argue, has stirred African sensitivities about sovereignty and self-determination – not least because of the continent's history of colonization and a pattern of decisions made for Africa by outsiders.

“So far, ICC has indicted 27 Africans from seven countries – what lies behind their focus on Africa?” they ask.

This has been seen as a means of destabilising the African continent – something which then makes the political domination of Africa and the subsequent exploitation of African minerals and resources that much easier.

As the African Union has put it: “The abuse and misuse of indictments against African leaders have a destabilising effect that will negatively impact on political, social and economic development of member states and their ability to conduct international relations...”

While contributing to the same book, Albie Sachs, a Justice of the Constitutional Court of South Africa, wrote that the Western powers are using ICC as a means of destabilising Africa, make political domination and exploit the continent's resources.

The ICC has experienced difficulties in navigating the political terrain of Africa. Many of these difficulties emanate from the inherently emotive, morally fraught and politically charged nature of the atrocities that the ICC was established to address, Justice Sachs wrote.

“Further features of the ICC's mandate, such as its minimal temporal jurisdiction and reliance on the support and cooperation of nation states – both domestically and internationally – limit the court's room for manoeuvre.

“The ICC also confronts immense practical and logistical problems of conducting investigations and engaging with affected populations in highly insecure environments,” Justice Sachs argues.

The authors are not saying Africans should act with impunity. No. rather they are asking for justice regardless of colour.

The Rome Statute provides that individuals or organisations may submit information on crimes within the jurisdiction of the ICC. These submissions are referred to as “communications” or complaints.

By February 2006, the ICC prosecutor had received 1 732 communications alleging crimes worldwide. As of October 4, 2007 the Office of the Prosecutor had received 2 889 communications about alleged crimes in at least 139 countries. As of 1 February 2006, 60 percent of the communications had originated in just four countries: the USA, UK, France and Germany.

As of July 2009, the prosecutor reported that his office had “received over 8 137 communications from more than 130 countries”.

Yet despite all these complaints, the ICC has started investigations into just seven countries, all of them African: Uganda, DRC, Central African Republic, Sudan, Kenya, Guinea, Côte d'Ivoire and Libya; and has indicted 27 people, all of them again Africans.

When asked in 2005 about the fact that the ICC's only referrals up to then had been African, Judge Goldstone replied that “it is a coincidence that the first four cases have come from Africa”.

Chief Prosecutor Fatou Bensouda, the Gambian lawyer who took over from Argentinian Luis Moreno-Ocampo in mid-2012 as Chief Prosecutor at the ICC, is undertaking preliminary investigations into alleged crimes committed in Afghanistan, Georgia, Colombia, Honduras and Korea.

Bensouda has also opened investigations in two more African countries, Guinea and Nigeria.

The ICC was set up as a court of last resort, the place to which victims can turn when all other courts fail — when their judiciaries fail, when their governments fail.

On its 50th anniversary, the AU is once again marching in lockstep with the powerful, arm-in-arm with alleged perpetrators of crimes against humanity, and against Africa's citizens and victims.

"The International Criminal Court will not be reacting to African Union resolutions," ICC spokesman Fadi El Abdallah told AFP after the pan-continental bloc urged the Kenyans' trials be taken out of the ICC's hands.

Forty-three African countries have signed the ICC's founding Rome Statute and 34 have ratified, "making Africa the most heavily represented region in the court's membership," the ICC admits.

Prof Mahmood Mamdani, a Ugandan academic, says: "The fact of mutual accommodation between the world's only superpower and an international institution struggling to get its bearings is clear if we take into account the four countries whereby (by 2009) the ICC had launched its investigations: Sudan, Central African Republic, Uganda and DR Congo. All...are places where the US has no objection to the course charted by the ICC investigations.

"In Uganda, the ICC has charged only the leadership of the (rebel group) LRA but not that of the pro-US government (headed by President Yoweri Museveni). In Sudan, the ICC has charged officials of the Sudan government. In DR Congo, the ICC has remained mum about the links between the armies of Uganda and Rwanda – both pro-US – and the ethnic militias that have been at the heart of the slaughter of civilians."

Prof Mamdani notes further: "The ICC's attempted accommodation with the powers that be has changed the international face of the Court. Its name notwithstanding, the ICC is rapidly turning into a Western court to try African crimes against humanity. Even then, its approach is selective: it targets governments that are adversaries of the US and ignores US allies, effectively conferring impunity on them."

This is supported Jacqueline Geis and Alex Mundt who contend in "The Impact of timing of international criminal indictments on peace processes and humanitarian action", that "although the ICC was established as an impartial arbiter of international justice, both the timing and nature of its indictments issued to date suggest that the intervention of the ICC in situations of ongoing conflict is influenced by broader external factors".

Critics argue that the ICC has emerged as a de facto European Court funded by Europe, directed by Europe and focused almost exclusively on Africa. this serves Western political and economic interests in Africa.