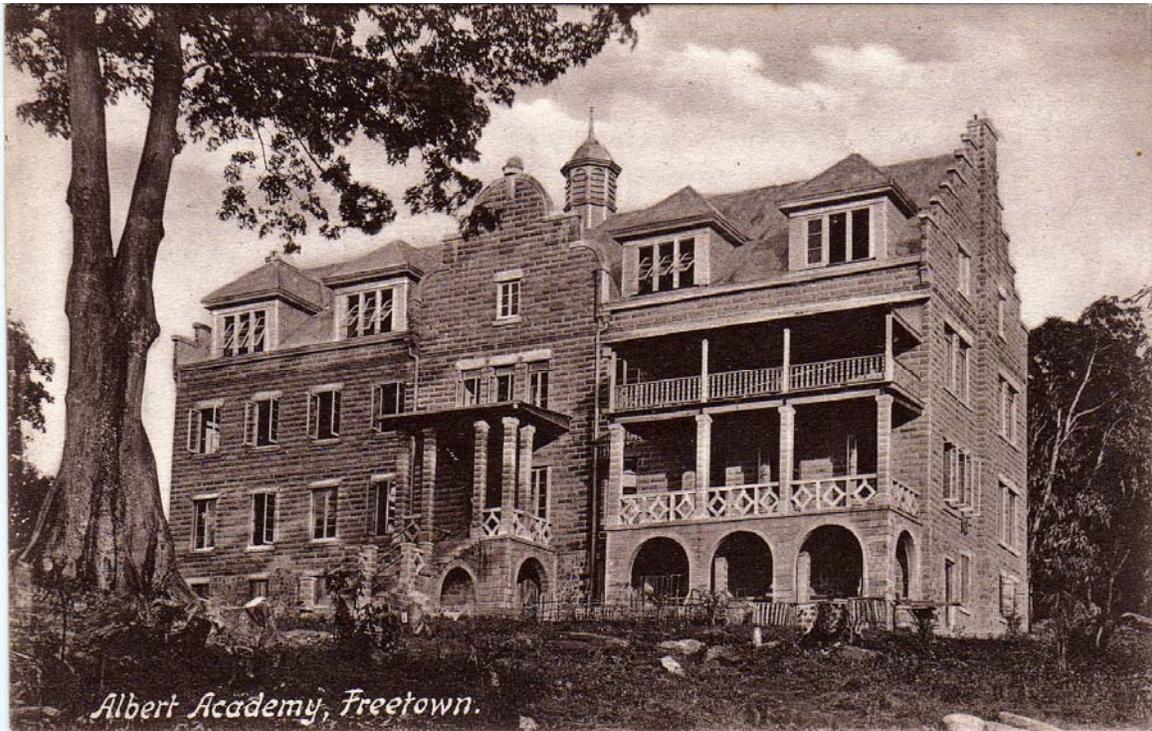


**SPECIAL COURT FOR SIERRA LEONE  
OUTREACH AND PUBLIC AFFAIRS OFFICE**



**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 July 2013

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
Martin Royston-Wright  
Ext 7217

## International News

S/L Court to Be Remembered for Taylor Trial / <i>The New Dawn</i>	Page 3
Continuation of the National Emergency with Respect to the Former Liberian... / <i>The White House</i>	Page 4
International Court More than a Symbol / <i>Winnipeg Free Press</i>	Pages 5-6
International Criminal Justice Day: Making the Impossible Possible / <i>TheBLOG</i>	Page 7
Celebrate International Criminal Justice Day: Go Arrest a Dictator / <i>Pacific Standard</i>	Pages 8-9
Victims to Participate in Trial of ex-Chad Ruler / <i>Associated Press</i>	Pages 10-11
Ghulam Azam and the wheels of Justice / <i>The Daily Star</i>	Pages 12-13
Rwanda Challenges ICC Role as Court Marks 15 Years / <i>Voice of America</i>	Pages 14-15
Is the ICC Unfair to Africans or Just Misunderstood? / <i>AllAfrica.Com</i>	Pages 16-17
Countries Must Not Waiver in Pursuit of Justice... / <i>UN News</i>	Pages 18-19

## The New Dawn (Liberia)

Thursday, 18 July 2013

### **S/L Court to Be Remembered for Taylor Trial**

The UN backed Special Court for Sierra Leone says it will be remembered for the trial and conviction of the first sitting president in the person of ex-President Charles Taylor since the Nuremberg trial. The court's mandate is expected to be completed in few months.

Taylor was sentenced to 50-years imprisonment after he was convicted of aiding and abetting the commission of serious crimes in Sierra Leone. He was also convicted of planning attacks on various towns including the diamond rich town of Kono. He is currently appealing his conviction.

In a speech marking the observance of the International Criminal Justice Day, the Sierra Leone Special Court President Justice George Gelaga King said he had no doubt that the court will be remembered for its jurisprudence on such important issues as head of state immunity, on the enlistment, recruitment and use of child soldiers, and on forced marriage as a crime against humanity.

"We will certainly be remembered as the first international tribunal to try and convict those responsible for abducting children and forcing them to fight in war; for abducting women and girls and forcing them to be "wives" of rebel combatants; and for attacks directed against United Nations peacekeepers," he said.

"We will also be remembered as the first international court since Nuremberg to indict and to try a sitting head of state, former Liberian President Charles Taylor, who is currently appealing his conviction and sentence," Justice King added.

"Soon – very soon in fact – we will be remembered as the first modern tribunal to achieve its mandate and to transition to the Residual Special Court for Sierra Leone," he continued.

However he said what is more important on an International Criminal Justice Day, is to remember those for whom these courts were established – referring to the victims.

"We should recall the thousands of men, women and children who were murdered during a decade of conflict in Sierra Leone, who were deprived of their families, or their homes or their villages. We should not forget the thousands of children who were taken forcibly from their families and forced to fight. We must not forget the thousands of women subjected to rape, sexual slavery and forced marriage.

It is my hope for International Criminal Justice Day that we will look back to what we have accomplished and feel honoured to have been a part of it; that we will look forward to what remains to be done and be determined to do even better, and that we will continue to build a consensus aimed at the ending of impunity for international crimes and in bringing about of a more just world."

The UN backed Special Court for Sierra Leone was established in 2002. It is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996.

# The White House – Office of the Press Secretary

Wednesday, 17 July 2013

Press Release

## **Message to Congress – Continuation of the National Emergency with Respect to the Former Liberian Regime of Charles Taylor**

TO THE CONGRESS OF THE UNITED STATES:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2013.

Although Liberia has made advances to promote democracy, and the **Special Court for Sierra Leone recently convicted Charles Taylor for war crimes and crimes against humanity**, the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, could still challenge Liberia's efforts to strengthen its democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA

Winnipeg Free Press  
Wednesday, 17 July 2013

## International court more than a symbol

By: Lloyd Axworthy

Fifteen years ago this week, the International Criminal Court came into being, ushering in a new era in the fight for global criminal justice by creating the first permanent international forum with the mandate to investigate and prosecute perpetrators of mass atrocities.

That day is marked every July 17 as International Justice Day. No longer could powerful people claim impunity for committing crimes against humanity, genocide, war crimes and crimes of aggression.

I remember, as foreign minister at the time, being in the large hall in Rome on July 17, 1998, when the final vote was announced on passage of the statute creating the court, generating a sense of exultation from the delegates when it was clear there would be an overwhelming majority (120 countries for, seven against, 21 abstaining) for the creation of this brand-new international body defending the emerging human-rights standard of protecting individuals against the violence which had scarred the decade in places like Rwanda and Srebrenica.

It is habit with anniversaries to reflect. How have these high hopes for the court been met? First, a disclaimer: Fifteen years is not a long time to make a judgment, considering the initial period was heavily involved in just putting in place the infrastructure, logistics and procedures of a new global institution.

But even with that caveat, the ICC has gone through an activist period of investigations under its first prosecutor, Luis Moreno Ocampo, and its first president and judge, Philippe Kirsch of Canada.

It is now entering a new period of reorganizing and consolidation under its new prosecutor, Fatou Bensouda, and president Sang-Hyun Song. The work that has begun builds upon the successful indictment of Slobodan Milosevic of Serbia by International Criminal Tribunal for the former Yugoslavia and the conviction of Charles Taylor of Liberia by Special Court for Sierra Leone. There was the daring indictment of Sudanese president Omar al-Bashir in 2009 for his alleged crimes in the killing of innocent people in South Sudan and Darfur.

Many lesser cases are on the docket, including some 30 indictments, and there is no doubt the court has become an important player in the ongoing, increasingly difficult task of institutionalizing a human-rights-based approach to global governance, but also to the defeat of impunity by state actors who have historically found themselves above the law.

The court has not been without its problems and its critics. The recent indictment of President Uhuru Kenyatta of Kenya for his alleged part in inciting violence and killings following elections in 2007 has brought a strong reaction from African states, claiming the court focuses too much of its work on Africa.

More serious is the continued argument that by applying indictments against those in conflicts, it impedes the search for peaceful solutions. A case in point is Joseph Kony from Uganda, who asserts he would come to the table to end his violence if the court drops its charges.

The court, however, perseveres and is involved in the work to help set up regional courts to take account of the cultural and social differences in the application of justice. Its pioneering work in giving full standing to victims to be heard has set new judicial standards and it is slowly building an infrastructure of international criminal justice around the world. And it is clear that its role as a deterrent against those in power who otherwise would commit crimes continues to grow.

Perhaps the best judgment after these 15 years is that it does stand as one of the few established and respected institutions internationally that upholds the rule of law, a rare beacon, giving hope to many that their human rights will be respected and acted upon.

At a time where there is such fractured support for any form of international consensus and so many states are ignoring their responsibilities to defend and protect vulnerable populations, such as in Syria and the Democratic Republic of the Congo, it is vital that the ICC stand as a counterpoint to these regressive trends.

That is why its anniversary should be a time to restore confidence in our collective attention as global actors and reaffirm our commitment to the values it is based upon. It is also an opportunity to revisit the concept of justice and to recognize its role in moving us all towards global peace, with an eye focused on combating impunity and protecting the most vulnerable.

*Lloyd Axworthy, the president and vice-chancellor of the University of Winnipeg, is a former Canadian minister of foreign affairs.*

# TheBLOG

Wednesday, 17 July 2013

Opinion

## **International Criminal Justice Day: Making the Impossible Possible**

By Tiina Intelmann, Ambassador; President of the Assembly of States Parties, International Criminal Court (ICC)

On July 17 the international community celebrates the Day of International Criminal Justice. The decision to dedicate this day to international criminal justice was to mark the adoption of the Rome Statute, by which the International Criminal Court (ICC) was founded, and to commemorate and celebrate the steps taken toward ending impunity.

Recently, a ceremony marking the 15th anniversary of the Rome Statute was held in The Hague, a city that hosts the ICC and one that is increasingly seen as the justice capital of the world. At the event, representatives of the diplomatic community and civil society were joined by H.E. Navi Pillay, the United Nations High Commissioner for Human Rights. "Things always seem impossible until you do them," said Ms Pillay, quoting Nelson Mandela. "Making the impossible possible is what international criminal justice is about," she added, pointing to many challenges that may seem impossible to resolve today. Having served as a judge and president of the International Criminal Tribunal for Rwanda and as one of the first judges of the International Criminal Court, the High Commissioner certainly has many insights of the difficulties that the international criminal justice system faces.

Indeed, today, as many states are celebrating the achievements of international criminal justice, the Court finds itself dealing with the fact that one State Party to the Rome Statute has recently hosted a high-level visitor against whom the Court has issued two arrest warrants. Mindful of the fact that the Court has no independent enforcement measures, States Parties have repeatedly expressed concerns regarding the negative consequences that failure to comply with decisions of the Court has on the Court's ability to carry out its mandate. Acting collectively as an Assembly, the 122 States Parties have consistently voiced strong commitment to cooperate with the Court and recognized their responsibilities and obligations from arresting individuals to ensuring the protection of witnesses. Acting individually or regionally though, States sometimes find it politically challenging or outright impossible to cooperate and have even collectively undertaken not to comply with the Court.

However, as challenging or impossible as it may seem, the world is expecting international criminal jurisdictions, including the ICC, to focus on the leaders or architects responsible for international crimes, even if these people occupy a high office. "The trials of these leaders, watched by the world, can serve as an important deterrent to future abuses of power, in all countries. Furthermore, the trials of the leaders responsible for heinous crimes that have affected very large numbers of victims also enable more victims to benefit from justice and redress," stated Ms Pillay in her address in The Hague.

Today, celebrating the Day of International Criminal Justice, is a perfect occasion to not only commemorate the strides that have been made toward ending impunity but to also demonstrate a continued commitment to ensuring accountability for crimes that threaten the peace, security, and well-being of the world. In reaffirming their support to the international justice system, States Parties need to continue day-to-day cooperation with the Court to ensure its success in delivering justice.

I join the United Nations High Commissioner for Human Rights in her hope that over time we will see a systematic criminalization of war crimes, crimes against humanity and genocide across the globe and join her in her call on all States to ratify the Rome Statute and adopt implementing legislation.

Pacific Standard  
Wednesday, 17 July 2013

## Celebrate International Criminal Justice Day: Go Arrest a Dictator

Today the International Criminal Court is celebrating its creation. So are less high-minded politicians.



The ICC issued an arrest warrant for Omar al-Bashir of Sudan over alleged war crimes in Darfur. (PHOTO: PUBLIC DOMAIN)

By Marc Herman

Are you Sudanese strongman and International Criminal Court fugitive Omar al-Bashir? If so, today you may be celebrating International Criminal Justice Day, which marks the establishment of the same ICC that's out to get you.

The Hague-based court has only existed for a little over a decade, but in that time it has received mixed reviews for its inability to do anything other than bring toothless indictments. With no enforcement power, the ICC needs local governments to turn over fugitives; they usually don't. al-Bashir recently visited Nigeria, for example, even though the Nigerian government is a signatory to the treaty that created the court. Though the world body brought charges of human rights violations against al-Bashir in 2009 for his hand in the brutal Darfur massacres of earlier in the 21st century, the rogue leader can be found anywhere but a courtroom, and the Hague body isn't empowered to do a single thing about it.

What happens without enforcement power? Besides not giving al-Bashir his day in court, the ICC also can't promise victims of an ICC target much justice. That invites local justice by other means. In perhaps the most famous case, the late Libyan dictator Muammar Gaddafi, indicted by the ICC for crimes against humanity, fell into the hands of an armed opposition during Libya's civil war; he was shot dead on the spot rather than turned over for prosecution. That wasn't particularly surprising: the ICC indictment had been, at best, a symbolic step.

So what's really being celebrated today? An ICC representative, Estonian diplomat Tiina Intelmann, tries to sum it up, at the Huffington Post:

Today, as many states are celebrating the achievements of international criminal justice, the Court finds itself dealing with the fact that one State Party to the Rome Statute has recently hosted a high-level visitor against whom the Court has issued two arrest warrants.

Not much to celebrate. That "high-level visitor" she's referencing would be al-Bashir again, whose ICC war crimes indictment hasn't affected his travel schedule around his neighborhood for years—long before his recent jaunt to Lagos. Intelmann knows this, of course:

Acting collectively as an Assembly, the 122 States Parties have consistently voiced strong commitment to cooperate with the Court and recognized their responsibilities and obligations from arresting individuals to ensuring the protection of witnesses. Acting individually or regionally though, States sometimes find it politically challenging or outright impossible to cooperate and have even collectively undertaken not to comply with the Court.

Starkly, every case brought by the ICC in its first decade-plus has involved African leaders (a helpful summary, by the Institute for Security Studies' Solomon Dersso, is here). An analysis in Kampala's Observer newspaper by reporter Emma Mutaizibwa argued that the ICC's dependency on local governments has let politicians use ICC indictments as political footballs. Sub-Saharan African nations enthusiastically embraced the ICC's formation. Other regions and countries didn't—the U.S., for example, isn't a signatory. Though envisioned as a global body, the ICC so far appears to be evolving into a narrow, heavily political instrument. "Part of the African leadership has used the ICC to solve its internal problems," a local law professor told Mutaizibwa, the Observer writer.

Associated Press  
Wednesday, 17 July 2013

### Victims to participate in trial of ex-Chad ruler

DAKAR, Senegal — More than 1,000 people who suffered abuse under former Chad dictator Hissene Habre have submitted applications to participate in his trial on charges of war crimes, crimes against humanity and torture, lawyers said Wednesday.

Five of those who submitted applications spoke in Senegal's capital about the abuse they endured under Habre's regime, including food deprivation, electric shock and being forced to dig graves for hundreds of prisoners who died in detention. Habre has been charged by a special court in Senegal.

Clement Abaifouta, who is from Chad, said he was arrested in 1985 just as he was preparing to leave to study abroad in Germany. For four years, he dug graves while his health deteriorated to the point where he was no longer able to walk.

"I'm here to try to know exactly why I was arrested," he said, fighting back tears. "Because I cannot understand why, for wanting to go abroad, I was forced to lose four years of my life."



Clement Abaifouta, president of the association of victims of former Chadian dictator Hissene Habre, wipes away tears after he was overcome with emotion while listening to fellow victims recount their stories, at a press conference in Dakar, Senegal, Wednesday, July 17, 2013. Abaifouta, arrested in 1985, said he was forced for four years to dig graves for hundreds of prisoners, while his health deteriorated to the point where he was no longer able to walk. A lawyer said more than 1,000 victims of Habre have formally asked to participate in his trial on charges of war crimes, crimes against humanity and torture.

Habre ruled Chad from 1982 to 1990. Human rights and victims groups said that soon after coming to power, he promoted members of his Gorane ethnic group to lead a ruthless torture and killing campaign that targeted members of other ethnic groups that threatened his rule. Habre's victims also included migrants from other countries, including Senegalese national Abdourahmane Gueye, who explained Wednesday that he was working as a trader in Chad before being rounded up in 1987 and imprisoned for six months, sharing a cell with 60 other people.

In May 1992, a Chadian truth commission reported that Habre's government was responsible for an estimated 40,000 deaths. The commission placed particular blame against the Directorate of Documentation and Security, Habre's political police force, which "distinguished itself by its cruelty and its contempt for human life."

In 2001, Human Rights Watch researcher Reed Brody discovered the force's archives on the floor of its headquarters. The documents mentioned more than 12,000 victims of Chad's detention network.

Habre fled to Senegal after he fell from power, and for more than 20 years he lived a life of quiet luxury in exile, taking a second wife and becoming an uncomfortable reminder of Africa's unwillingness to try its own.

Last year, the government of President Macky Sall finally reached an agreement with the African Union to try Habre at a special court, and he was arrested on June 30. Two days later, judges formally charged him.

The applications for 1,015 victims trying to join the case as civil parties were submitted Monday by a legal team headed by Jacqueline Moudeina. Civil party status means the victims are formally recognized by the court. Nearly 300 are direct victims, meaning they were detained or otherwise victimized by Habre, and the rest were indirectly affected, meaning they had relatives who were victims and have since died.

The court has the power to order that reparations be paid into a victims' fund, but there is no guarantee it will do so. Those reparations would be available to all victims, not just those who participated in Habre's trial.

Defense lawyers have dismissed the tribunal as a political tool of Habre's enemies, emphasizing that the government of Chad President Idriss Deby, who removed Habre from office, is the court's largest donor. The defense team has filed a formal challenge to the tribunal at a separate court run by the regional West African body ECOWAS.

On Wednesday, Moudeina, the victims' lawyer, criticized what she described as an attempt to paint Habre as a victim. She compared Habre's legal strategy to that of other former heads of state -- such as Liberia's Charles Taylor-- who have challenged the authority of the courts where they were ultimately tried.

Habre's challenge at the ECOWAS court should have no bearing on the case, regardless of how the court rules, she said.

"It's clear that the ECOWAS court doesn't have the ability to invalidate the acts of the African Union," she said.

Younous Mahadjir, who was arrested toward the end of Habre's rule for distributing pamphlets critical of the regime, on Wednesday described forms of torture including being forced to drink water until he lost consciousness. He said he lost 77 pounds in just four months of detention.

He said the court was the best chance for victims to see justice, though he acknowledged having doubts about whether the trial will be a success.

"It's difficult to have confidence. The court doesn't have a lot of money. Hissene Habre has a lot of money," he said. "I don't have complete confidence, but I know there are people who are trying to help us get a good result."

Read more here: <http://www.sanluisobispo.com/2013/07/17/2586300/victims-to-support-trial-of-ex.html#storylink=cpy>

## The Daily Star (Bangladesh)

Wednesday, 17 July 2013

### Ghulam Azam and the wheels of justice

Syed Badrul Ahsan

THE wheels of justice do not always turn. But when they turn, they do so with the clear message that the perpetrators of ancient crimes always get their comeuppance at a point in historical time. The judgement delivered in the matter of the crimes committed by Ghulam Azam during Bangladesh's War of Liberation reinforces the old argument that sooner or later those who commit misdeeds must pay for their acts. Now a frail ninety-one year-old man, Azam is proof that criminality is never forgotten, some sins are never expiated. He joins the ranks of men who have killed or helped to kill and were therefore condemned by law and censured by history.

There are meanings to be drawn from the trials of old men for old crimes. And there are all the instances of justice meted out to remind the world that a point comes when the victims of crime and their families and the societies they are part of need to be satisfied that the law has prevailed, that morality has triumphed. Forty two years after 1971, the law and morality have taken centre stage through the verdict delivered on Ghulam Azam. No, he will not be around for ninety years more to go through the entirety of his punishment. Mortality will not allow him to live that long. He is ninety one. He may not have many more years to live.

The question of Ghulam Azam's longevity of life is irrelevant here. What eventually matters is that his past has finally caught up with him, even if it took more than four decades to do so. The past, as they say, is always with us, in various forms. And Ghulam Azam's past, like that of any other individual notorious in history, never quite left him or his party. In an incredible sort of way, Azam and the Jamaat-e-Islami have always played truant with history, have always remained outside the bounds of respectability owing to the darkness of their record and the venality of their deeds.

The Jamaat-e-Islami caused murder and mayhem when it went after the Ahmadiyya community in Lahore in 1953. Hundreds of Ahmadiyyas died in the violence; their homes were destroyed because the Jamaat said they were heretics, were no part of the Islamic faith. Syed Abul A'la Maududi's version of Islam was one that stood at variance with that of the founders of the faith. Not until martial law was imposed on Lahore did the violence subside.

Ghulam Azam and his fellow Jamaatis in Bangladesh are not the first to be hauled up for murder and related crimes. Their mentor Maududi was placed on trial, in the aftermath of the Lahore riots, and sentenced to death. The sentence was subsequently commuted and in the end Maududi was pardoned. Twenty one years after 1953, the Jamaat went after the Ahmadiyyas again, forcing the hand of Zulfikar Ali Bhutto. Pakistan's prime minister formally declared that the Ahmadiyyas were not Muslims, that therefore they could not practice Islam. The Ahmadiyyas are a cowed lot in Pakistan these days. Intolerance has been part of the Jamaat psyche. And it was hatred of others — Hindus, secular Muslim Bengalis, Awami Leaguers, liberals, intellectuals — Ghulam Azam and his cohorts preached in occupied Bangladesh in 1971. These men did what Yahya Khan and Tikka Khan wanted them to do. Beyond that, they did what they on their own wanted to do. The result was the murder of three million Bengalis and the rape of two hundred thousand Bengali women by the Pakistan army. Ghulam Azam's fault was not that he believed in Pakistan. It was that he continued to be on Pakistan's side even when the state resorted to genocide. Worse, Azam and other flunkies of the Pakistani regime demonstrated a remarkable ability to

misread their own people's minds, to look upon every instance of opposition to the soldiers' moral depravity as a threat to the state of Pakistan. Every freedom fighter for Azam was a miscreant or an Indian agent. Every instance of trouble in 'East Pakistan' was the doing of Hindus. The lust-driven soldiers of Pakistan were only saving Islam and Pakistan.

The trial of Ghulam Azam and the judgement delivered on him are therefore a reminder for us that bad men and their terrible crimes must never be forgotten. The verdict delivered on Monday deserves to be studied in other contexts as well. One simple context will suffice: the verdict on Azam's criminality is a hard slap on the face for those who looked the other way when the visa on his Pakistani passport ran out in the late 1970s and yet he was allowed to stay in Bangladesh; for those who have had no shame in forging political alliances with Ghulam Azam or his party and helping them to enter government.

Bad men need shaming everywhere. Pol Pot, Khieu Samphan, Nuon Chea and their accomplices sent tens of thousands of Cambodians to death between the mid and late 1970s. In the end the law and global conscience caught them by the scruff of the neck, in the interest of justice. Radovan Karadzic and Ratko Mladic waged an enormous battle to save themselves from life in prison. **Charles Taylor once ruled Liberia and then was hauled off to an international war crimes tribunal.** The genocidaires of Rwanda 1994 are unable to escape the law. The message cannot be missed: criminals camouflaged as politicians can strut around on the stage for a while and then are forced to pay the wages of sin.

In 1971, Ghulam Azam ceased to be a politician and reinvented himself as an instrument of fanatical oppression, shaped and forged by a murderous military regime in Pakistan. On his watch, the goon squads called al-Badr and al-Shams picked up and picked off Bengal's leading figures in the various professions and felt no contrition. Once Bangladesh emerged into a blood-drenched dawn, Azam continued to do Pakistan's bidding — badmouth the new country abroad through bare-faced lies and go on an expedition in the Middle East for a restoration of 'East Pakistan' on geography that did not exist any more.

In 2013, let the message go out of this land, loud and clear: evil may live and thrive for decades on end, but it will have no place to hide forever and someday will be made accountable before the forces of civility and decency. Ghulam Azam may not hang. He will not live for the next ninety years. But he has been tried, found guilty of participation in genocide and sentenced. We the people are satisfied.

Justice has been done. Never again will any citizen of this land consort with a foreign power and conspire to murder his own people, along with their values and dreams and nationalistic convictions.

*The writer is Executive Editor, The Daily Star.*

## Voice of America

Tuesday, 17 July 2013

### Rwanda Challenges ICC Role as Court Marks 15 Years

Gabe Joselow

Rwanda's justice minister says the International Criminal Court only delivers "selective justice" - mostly targeting African leaders. His comments come as the world marks the 15th anniversary of the statute that established the court. Some are questioning whether Africa still needs the ICC, as discontent with the institution grows.

On July 17, 1998, delegates at an international conference in Rome voted to form the so-called "court of last resort" to try perpetrators of genocide, war crimes and other major offenses where local courts were unable or unwilling to act.



Today the International Criminal Court - based in The Hague - has cases involving eight African countries including Kenya, Sudan and Ivory Coast.

*Kenyan Deputy President William Ruto (C) sits in the courtroom of the International Criminal Court in The Hague, May 14, 2013.*

Rwanda is one of the countries never to sign the Rome Statute, and remains one of the strongest critics of the court's activities.

#### Justice Minister defends Rwanda

Rwandan Justice Minister Johnston Busingye told VOA that while Rwanda supports the concept of international justice, he feels the ICC has unfairly targeted Africans.

"Africa seems to be taking the lion's share of the ICC, for example, in the last one decade or so. So our position has really been this kind of justice is selective, and we do not want to have international justice being used as a tool, or being perceived as a tool to control Africa," said Busingye.

When Rwanda was confronted with bringing justice to the perpetrators of the 1994 genocide it pursued two paths. One was the establishment of a U.N.-backed international tribunal to try suspected criminals. The other was a community-based system of so-called gacaca courts.

Busingye said the international court, where trials still are ongoing, has fallen short of its potential of holding the ringleaders of genocide accountable.

But Busingye said, “By and large, gacaca delivered immensely, in terms of number we have delivered on about 1.5 million cases that we probably would never have dealt with,” said .

### **Human rights groups states its case**

Human rights groups say that while the gacaca courts did speed up trials of an enormous number of cases, they fell far short of international legal standards.

Across the continent, support for the ICC is waning as former supporters of the court now have turned their backs on The Hague.

In May, the African Union voted to refer back to Kenya the case against that country’s president and his deputy for deadly violence that followed the 2007 presidential election. AU Chairman and Ethiopian Prime Minister Hailemariam Desalegn accused the court of “race hunting.”

The ICC denies it is targeting any one region or ethnicity, saying decisions on cases are based on the law, available evidence and where national courts have not taken action.

While some African leaders may be worried they could be next to appear in at The Hague, the real point of the court is to protect the victims of violence where domestic courts have failed, according to Leslie Haskell, counsel for the International Justice program at Human Rights Watch.

“People often don’t talk about the fact that the ICC and the court is meant to provide justice to victims and the fact that the court only gets involved when national courts are unwilling or unable to prosecute,” said Haskell.

### **Changing mood**

Discontent is not limited to African leadership. A poll of Kenyan citizens published last week showed only 39 percent want the trials against Kenya’s leaders to remain at The Hague, while the rest would prefer they return to Kenya, or be dropped altogether.

Stephen Musau, chair of the Rights Promotion and Protection Center in Kenya, said despite the mood of the country, the fact remains that Kenya so far has failed to bring the perpetrators of the post-election violence to justice.

“The failure is what led us to the ICC and that failure cannot be blamed on Kenyans. It is the state machinery, which failed to show the way in terms of how we deal with these issues and because we failed in that, we are supporting the ICC,” said Musau.

Not surprisingly, Kenyan President Uhuru Kenyatta and Deputy President William Ruto have led a major lobbying effort against the ICC. Their trials at the court begin later this year.

But it was in Kenya, after the disputed election, where the phrase was coined: “Don’t be vague, let’s go to The Hague.” It is clear now that tune has changed.

AllAfrica.Com

Tuesday, 17 July 2013

## **Africa: Is the ICC Unfair to Africans or Just Misunderstood?**

By George Ntambaazi

Opinion

The African Union heads of State and Government summit proposal in Addis Ababa - Ethiopia in May, and President Museveni's recent criticism of the International Criminal Court (ICC) represents the most elaborate attempt to strengthen sovereignty of African States not only from the internal political realm, but also from the external sphere of international justice system.

The heads of states urged the ICC to refer the 2007 post-election charges against President Uhuru Kenyatta and his deputy William Ruto to the Kenyan Courts. They said Kenya has a credible judiciary.

Museveni, as a key note speaker at their inauguration ceremony in April, castigated those using the ICC for selfish ends.

He advised the ICC to avoid being used by what he described as 'a bunch of self-seekers and shallow-minded people whose interest is to mint revenge on those who hold opposing views. Former Kenyan PM Raila Odinga is leading the pro-ICC group.

It is an absurdity that the objectivity of ICC is under question. Facts and rumours are swirling around that ICC investigations and trials of African suspects are conducted in a manner which is in most circumstances inconsistent with the intent to bring the persons concerned to justice. That the institution is used to witch-hunt Africans to appease the conscious of the international community

Last month, during the joint press conference in Entebbe, Uhuru, an ICC indictee promised to cooperate with the ICC as long as it respects Kenyan sovereignty.

To Africans, Uhuru's victory and the voters' rejection of ICC sympathisers demonstrated that the endeavour to ever again get rid of African sovereignty can never be quite successful.

Formed almost 15 years ago on July 17, 1998 in Rome, over 120 nations voted to create a permanent court to try war crimes, crimes against humanity and genocide. Article 5 of the Rome Statute grants the court universal jurisdiction over these crimes.

The framers intended to have it as a court of last resort to eradicate the culture of impunity by investigating and prosecuting crimes where national courts failed.

However, although the UN recognises that crimes against humanity may be committed by constitutionally elected and responsible leaders, one wonders why its only African leaders and none of the western leaders is facing trial. Some suggest that leaders such as George Bush, and Tony Blair should be investigated.

The world wonders why the US is not a state party to the treaty. Africans look on in horror as Sudanese President Omar Bashir travel is restricted yet newly elected Uhuru flew to London in May and even met British Premier David Cameron at a Somalia Summit.

Frankly, I would be gratified if the ICC avoids selective justice. 99 percent of cases before the ICC are against Africans.

Those for home grown justice systems argue that a precedent to try ICC suspects in Africa has already been set. In December 2003, Uganda referred to the ICC the LRA case in Northern Uganda and the Court in July 2005 issued arrest warrants for Joseph Kony and his commanders. Since the LRA leaders demanded immunity from ICC in return for the end of the insurgency, the Government established a tribunal that meet international standards allowing the ICC warrants to be set aside.

Similarly, although the International Criminal Tribunal for Rwanda (ICTR) was set up in Arusha, to arrest and try planners of the genocide, Rwandan leaders instead set up the Gacaca tribunals that guaranteed the victims and survivors of the genocide justice, but also gave the perpetrators a chance to reintegrate in society and play a productive role in development.

Who then says Africa cannot confidently take care of itself using its national courts and traditional justice systems?

*The Writer is a Regional Political Analyst*

## UN News

Wednesday, 17 July 2013

### **Countries must not waiver in pursuit of justice, says head of International Criminal Court**

Marking International Criminal Justice Day, the head of the world's first permanent court set up to try war crimes, crimes against humanity and genocide today stressed the need to ensure that the countries do no waiver in the pursuit of justice.

“While we have come a long way, we cannot afford complacency,” said Judge Sang-Hyun Song of the International Criminal Court (ICC).

International Criminal Justice Day is dedicated to celebrating the development and achievements of international criminal justice institutions. It is observed on 17 July, the date on which the Rome Statute, the founding treaty of the ICC, was adopted in 1998.



*Headquarters of the International Criminal Court in The Hague. Photo: Vincent van Zeijst*

Judge Song recalled in his statement to mark the Day that the international community, gathered in Rome, had agreed on the creation of a permanent international court with a mandate to punish the perpetrators of the most inhumane crimes imaginable and to provide reparations to the victims of such acts.

“By adopting the Rome Statute of the International Criminal Court, the world embarked upon an audacious plan to create a global justice system based on international cooperation aimed at holding accountable those responsible for genocide, war crimes and crimes against humanity.

“Many said that this was an impossible task, that the adversity could not be overcome. But the global justice project proved strong,” he stated, noting that the ICC today is “a vibrant, independent international organization” with 122 member States – and many more have expressed their intention to join.

With eight ongoing investigations, eight preliminary examinations, and the issuance of 23 arrest warrants and nine summonses to appear, the ICC is undertaking more investigations and conducting more proceedings involving more suspects than ever before, he added.

In addition, more than 12,000 applications for participation in proceedings as a victim and more than 9,000 applications for reparations were received. More than 5,000 victims are participating in ICC proceedings, giving them a voice in the courtroom. The Trust Fund for Victims is providing support to an estimated 80,000 victims of crimes under the ICC's jurisdiction.

“The story of the International Criminal Court gives us hope; it is proof that audacious goals can be achieved,” said Judge Song.

At the same time, he noted that the ICC faces threats today as real as ever before. “There are those who seek to undermine the international justice movement, who politicise its action, who question its value, and who purport to speak for the victims it serves. There are those who refuse to cooperate, leaving more than ten ICC suspects still at large,” he stated.

“That is why on this day – 17 July – it is worth pausing to gather our resolve and to affirm why we must not waiver in pursuit of justice.”

He noted that international criminal justice is not owned by any one culture, nor driven by any one people. “It is an ideal which is intensely human; it is why the International Criminal Court has been embraced across all the world's continents.

“We have travelled a long way down the path of accountability, but it is a journey which will never be complete. We see obstacles on our way, but know they will be overcome. We have always moved forward, and we take no backward steps, because our eyes are fixed on the cause, because we travel this path together, and because we do so with conviction. I am honoured to have your company on the road.”

Located in The Hague, in the Netherlands, the ICC tries persons accused of the most serious crimes of international concern – namely genocide, crimes against humanity and war crimes – if national authorities with jurisdiction are unwilling or unable to do so genuinely.

The eight situations currently under investigation by the ICC are the Central African Republic (CAR), the Darfur region of Sudan, the Democratic Republic of the Congo (DRC), Kenya, Libya, Mali, northern Uganda, and Côte d'Ivoire.