

**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**

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Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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# RUF defends Gen Ibrahim Bah

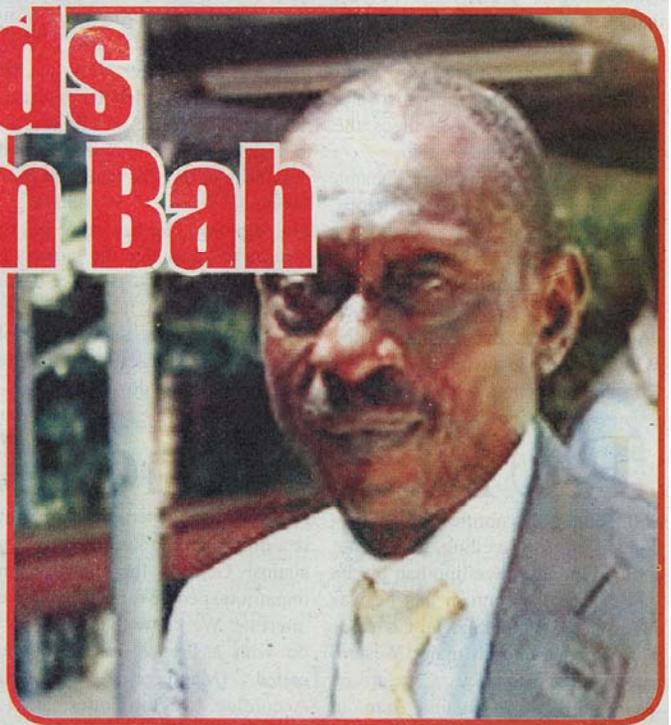
The Leader of the revolutionary United Front Party (RUF), Eldred Collins, has stated in a press release yesterday that the RUF never gave diamonds to General Ibrahim Bah, the man who has been linked to arms deal during the war in the sub-region in the 1990s and said to be under a UN travel ban.

"...I will like to make it clear that despite numerous false allegations, the RUF never gave diamond/s to General Ibrahim to purchase arms or as a free gift, and never received arms from him. Our revolution was a self-reliant revolution, people always use this argument just to harm

*Contd. page 2*

but never provide any prove," said Collins, adding that General Ibrahim was a close friend not only to the RUF leader but to all Pan African revolutionaries.

"Not for money or arms deals but Pan African convictions, he never fought in Sierra Leone not with RUF or any other factions. I can confirm with evidences available with me that he was not and he is not a fugitive. I have evidence that he was invited officially to this country to help bring in investors. I have another evidence of him not only meeting with the UN panel of expert on Liberia and Sierra Leone on September 5th, 7th and 8th



*Leader of the Revolutionary United Front Party (RUF), Eldred Collins*

## RUF defends Gen Ibrahim Bah

2002. but he also notified the security council on his travelling, he was not notified on any travelling ban by the UN. I can also confirm that he was investigated by the Special Court for Sierra Leone and all major Western intelligence Services regarding accusations made against him in 2000/2001, no prove linking him to those allegations were found," alleged Collins in defence of General Ibrahim.

Collins said he was reacting based on the resent press publications about General Ibrahim's presence in the country, linking matters to the RUF/RUF and trying to bring back the old history of the war that they have put behind them and in some cases treating the RUF as a mercenary institution in the city centre. He said as a responsible political party, the RUF seriously investigated the matter before reacting.

"I can now confirm to you with evidences available with me that the resent press publications have nothing to do with RUF's old

relations with General Ibrahim, but it is a dirty war engineered and waged against General Ibrahim by some unpatriotic people for selfish business interests. We know that it all has to do with a French based company called (Magforce International). According to the information I have, it was General Ibrahim that arranged to bring this company into this country to invest and to help mobilize investors. This company has already made considerable progress in arranging loan for an important project for this country worth more than hundred million dollars; it is this expected success that prompted these unpatriotic people to use some press houses to launch such attacks on General Ibrahim to get him out of the business and present the success as theirs for selfish interests and personal political agenda... they also want to appropriate the benefit," Collins continues to allege.

"I'm not going to reveal names at this point in time, but I reserve the right to do so at any time convenient,

especially if they continue to tarnish the RUF/RUF name for their selfish interests... The RUF also reserves the right to use legal means against them," he said.

Collins also said he can confirm with evidence available with him that General Ibrahim has registered a subsidiary of the company in the country by the name of (Magforce (SL) Ltd) under his office address at Signal Hill.

He said he knows General Ibrahim will cooperate fully with any government investigation regarding the allegations as he did with the UN investigators 11 years ago.

"I know that he will provide full details for the national press on all these allegations and their root causes very soon," he said.

He said what many Sierra Leoneans don't know and need to know, is that General Ibrahim was the architect of the Lome Peace Talks and eventual Peace Accord and that no one can dispute that in front of him.

"He is the only one that knows and

can explain how it all started in 1996 with the late President Gnassingbe Eyadema of Togo, and how we got to the peace talks and Lome Peace Accord in 1991. The former RUF know that he was the only one that contacted us about peace talks in Togo and put us in direct contact with the Togolese authority. I can also confirm that he was the only one that went to us several times in the bush to convince us to send a delegation to Togo for peace talks after making all the necessary arrangements with the Togolese authorities. People are not talking about that but just concentrating on fabricated lies that no one has proven for the pass thirteen (13) years and no one can prove. We all should know that the Washington Post journalist behind these first major allegations in 2001 was Douglas Farah, in his book (Blood for Diamond) where he made these allegations and was called by the CIA Chief Spokesman at that time as a Pile of Horseshit," Collins further alleged.

The New Citizen  
Thursday, 25 July 2013

# UN : Attacks Against Peacekeepers May Constitute War Crimes - ICC Prosecutor

**I**n the wake of the latest attack on United Nations peacekeepers in the Darfur region of Sudan, the Prosecutor of the International Criminal Court (ICC) reiterated today that such incidents may constitute war crimes. Prosecutor Fatou Bensouda condemned the killing on 13 July of seven peacekeepers serving with the joint UN-African Union peacekeeping mission in Darfur (UNAMID), and the wounding of 17 military and police personnel.

The ambush carried out by a large unidentified group, which drew condemnation from Secretary-General Ban Ki-moon and the Security Council, was one of the most serious attacks against the mission since its deployment in early 2008, and the third in the past few weeks.

The office will not hesitate to investigate and prosecute those alleged to have committed such crimes should the national authorities fail to. "The Prosecutor reminds all parties to the conflict that the International Criminal Court

has jurisdiction in Darfur [...] and that the intentional directing of attacks against peacekeepers may constitute war crimes," said a statement issued by the Prosecutor's office. "The office will not hesitate to investigate and prosecute those alleged to have committed such crimes should the national authorities fail to," it added. "The Prosecutor calls on the Government of Sudan to carry out a prompt and full investigation and to hold all those responsible to account."

Located in The Hague, in the Netherlands, the ICC is an independent, permanent court that 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 Darfur region of Sudan is one of eight situations currently under investigation by the ICC. The others are northern Uganda, the Central African Republic (CAR),



**Fatu Bensouda**

the Democratic Republic of the Congo (DRC), Kenya, Libya, Mali and Côte d'Ivoire.

Voice of America  
Wednesday, 24 July 2013

## ICC Urged to Investigate Ivory Coast's Forces Nouvelles Leaders

Peter Clottey

The former chief of investigations for the United Nations Special Court for Sierra Leone has called on the International Criminal Court (ICC) to investigate and prosecute leaders of the Forces Nouvelles over alleged atrocities the group committed during Ivory Coast's civil war.

Alan White says there is need for the ICC to administer equal justice in Ivory Coast.

"All we are looking for is to ensure there is a balanced investigation and a balanced prosecution. Quite frankly that is one of the areas right now that the country of Ivory Coast is struggling from is the fact that there is not a sense of justice," White said.



*Dr. Alan W. White (in jacket) is former chief of investigations for the United Nations Special Court for Sierra Leone (Credit; Alan white)*

The ICC is gathering evidence to prosecute former Ivorian president Laurent Gbagbo for his role in the civil war after he refused to accept the October 2010 presidential vote. The election dispute led to the

conflict.

Human rights groups accused supporters of both Gbagbo and current President Alassane Ouattara of human rights violations during the conflict.

White says for credibility and real reconciliation, the ICC will need to prosecute those on the pro-Ouattara side and since the court granted jurisdiction to the prosecutor to investigate and prosecute crimes against humanity and war crimes dating back to September 19, 2002 to the present.

Gbagbo supporters have accused the ICC of favoritism, claiming that the former leader has been singled out for prosecution.

"If the court continues to pursue a balanced approach, I think the credibility will improve and certainly Gbagbo's supporters, although they may not change their mind about the court, if they are fair about the court they will certainly reserve judgment if they see that there is a balance prosecution to eliminate this perception of persecution," said White.

Guillame Soro, leader of the Forces Nouvelles, is currently Ivory Coast's speaker of parliament. Human Rights Watch, Amnesty International, and the United Nations documented what they say are atrocities allegedly committed by the Forces Nouvelle.

Critics have said they wonder if the ICC has the political will to go after Mr. Soro due to his current position as the speaker of parliament. Others, however, say the ICC is experiencing a financial crunch, which has hampered its ability to investigate and prosecute alleged perpetrators in Ivory Coast.

"For international justice to succeed, it must be viewed as fair, free and balanced. If it is seemingly balanced on one side, it will certainly be cause for alarm for the people that would cooperate with the court," said White.

## Leadership

Thursday, 25 July 2013

### ICC And Africa: The Kenyan Perspective

By: Abba Mahmood

The International Criminal Court (ICC) at the Hague has been accused severally of being biased towards Africa. Since the inception of the ICC about a decade ago, only Africans have been subjects of its investigations and prosecutions, as if human rights violations and crimes against humanity are perpetrated exclusively in Africa or by Africans alone.

ICC had earlier indicted the Sudan's president AlBashir and even issued a warrant of arrest for him -- a sitting president! This is even as the Sudan is not a signatory to the Rome Statute that set up the ICC. Like the US, therefore, the Sudan does not recognize the ICC and so wouldn't have been subjected to any ICC jurisdiction. ICC has prosecuted Charles Taylor of Liberia and is currently prosecuting Laurence Gbagbo of Cote d'Ivoire.

What these leaders have in common is their opposition to imperialist designs in their respective countries. Taylor became Liberian president despite the opposition of the US. Ellen Sirleaf, the current US-backed Liberian president, may never be fully in control as long as Taylor is free, hence his sentence. Gbagbo did not succumb to French machinations, hence he had to be overthrown by French troops for Alassan Ouattara to become president AlBashir is radically anti-imperialist.

The new ICC agenda in Africa is in Kenya but the Kenyans ignored ICC and voted overwhelmingly for President Uhuru Kenyatta and his deputy in the last election, as if daring the ICC to do its worst. The verdict of Kenyans is a clear indication that the ICC manipulations and interference in purely African issues cannot continue. In Africa we have our own methods of dispute settlements and the white imperialists have to recognize that. In fact, the ICC and the West's partisan indictment partly made Uhuru Kenyatta's victory possible in Kenya two months ago.

Below is what Ambassador Kacharia Kamau, Kenya's new UN permanent representative, wrote; entitled "Kenya's Interests and the ICC", it is very apt:

"My recent communication to the UN Security Council, requesting the cessation of weak-and-weakening cases against Kenyan officials by the International Criminal Court, has caused considerable public commentary. What has been missing in the commentary is an understanding of the issue from the perspective of the Kenyan state, both as an embodiment of the will of its people and as a co-equal participant in international relations. I was not making a defence of the ICC inductees, but instead was representing the interests of the state I serve.

"In the free and fair democratic elections of March of this year, the principals – the president and the deputy president – were entrusted with executing the will of 40m Kenyans. In pursuit of the Kenyan people's domestic and international interests, state officials (under the direction of the principals) deal with multiple institutions whose work affects the ICC and in which the Kenyan state is an active member. When matters of the ICC arise, are those officials to pull back from vigorously pursuing their responsibilities because there is a perception that they represent only the principals' personal interest? Certainly not.

“The Kenyan state is not on trial at the ICC despite the prosecutor’s continuous use of a media bullhorn to try and erase the important distinction between the inductees and Kenya’s state institutions. The state has an obligation to ensure that it operates from the strongest possible position, defending itself from foreign intimidation and manipulation, from attacks on its credibility and prestige as well as any attempts to curtail its full participation in the community of nations.

“These are matters of national priority and security that Kenya cannot afford to neglect even as it busies itself in furthering its democratic gains and implementing a new constitution. If, as is the case this month, the UN Security Council has a debate on the functioning of international tribunals and courts, Kenya must participate on the same footing as other states and advance the nation’s interest without self-censure. My critique of the ICC prosecution of Kenyan state officials is legitimate, and cannot be dismissed as carrying water for the president and deputy president. And the fact is that my observations of the prosecutions are not frivolous.

There is overwhelming and mounting evidence that the cases are frail. The prosecution has had repeated censure from the ICC judges. It has even, by its own admission, used witnesses who are on record confirming they were coached to lie. With increasing frequency, witnesses are dropping out and the prosecution’s only response is to make vague and unsubstantiated public attacks on the integrity of the accused.

“These irregularities should give pause to any individual or institution concerned with due process. That the prosecution has continued to pursue the cases despite their evident weakness only gives credence to suspicions, both in Kenya and abroad, that the prosecution is using the cases in questionable faith to sustain the relevance of a failing institution.

“It is a matter of dismal record that the prosecution has only managed one conviction in a decade, at a cost of hundreds of millions of dollars. That all its indictees have been Africans, at a time when there have been multiple conflicts outside Africa leading to hundreds of thousands of civilian deaths at the hands of repressive and oppressive state actors, indicates strongly that the prosecution lacks true legitimacy in the international community. The gap between its duty and its performance widens when we note that Kenyans made a sovereign electoral choice incompatible with the continuation of prosecutions that are purported to benefit them.

“The prosecutions are not only grave attacks on persons but are also political in their effect of undermining the will of the people. Can the ICC still be said to be safeguarding the political rights of Kenyan people – their freedom and democracy – when the cases threaten to consume the time and effort that the people of Kenya have tasked the principals with to improve their lives?

“It is therefore only reasonable that, as a representative of Kenya, I should request the international community to consider ending this damaging diversion of energies.

“This is not to attack the ideals and the aspirations of the ICC, but certainly the project as currently undertaken is not working and will not work without a sober and concerted effort of the international community to revisit its fundamentals. In the meantime, the main purposes of the ICC seem to be to advance the career interests of a handful of jurists and academics, and to enrich international law jurisprudence. I can see no reason to sacrifice the interests of the Kenyan people to such vain ends.

“Finally, it should never be forgotten that the death of 1,133 Kenyans and the displacement of 650,000 others remains a deep wound of concern on the Kenyan psyche. For anyone to suggest otherwise is disingenuous and untrue. Kenyans fear nothing more than a repeat of the 2008 events, and the 2013 elections, peaceful, restrained, free, fair and universally acclaimed, bear testament to that fact. As a founding member state and co-author of the ICC and the Rome Statute respectively, Kenya wants to see the ICC succeed by competently and fairly pursuing cases with merit.

Few of the state parties that established the court expected that the Office of the Prosecutor would fail so dismally in its duty. There is little doubt that the bungling prosecution of the cases against Kenya’s president and deputy president has fallen far short of reasonable standards and besmirched the reputation of an institution sorely needed by the world. It is time to end the charade and allow Kenya to get on with the urgent work of its own development.”

*Ambassador Kamau sits on the advisory board of IC Publications. He wrote this opinion piece in a personal capacity. He heads the Kenya Mission to the UN in New York.*

*- See more at: <http://leadership.ng/news/250713/icc-and-africa-kenyan-perspective#sthash.x3gQGhdP.dpuf>*

Inter Press Service  
Wednesday, 24 July 2013

## U.S. Courts Uphold Conflict Minerals Disclosure

By Carey L. Biron

WASHINGTON, Jul 24 2013 (IPS) - A U.S. federal judge has upheld a key regulatory provision aimed at ensuring that the profits from products mined in central Africa are not used to benefit armed groups, particularly in the Democratic Republic of Congo (DRC).

Artisanal diamond miners at work in the alluvial diamond mines around the eastern town of Koidu, Sierra Leone. So-called ‘blood diamonds’ helped fund civil wars in Sierra Leone and Liberia, but now provide much-needed jobs as well as revenue for the government. Credit: Tommy Trenchard/IPS

Rights groups are lauding the decision, stating that the so-called “conflict minerals” provision has already led to positive impacts on the ground, both in Congo and in U.S. boardrooms.



“This is a major victory, and shows how important this rule is for holding companies to account and ensuring that they take responsibility for the impacts of their purchases,” Corinna Gilfillan, head of the U.S. office of Global Witness, a watchdog group that filed a court brief in the case, told IPS.

*Artisanal diamond miners at work in the alluvial diamond mines around the eastern town of Koidu, Sierra Leone. So-called ‘blood diamonds’ helped fund civil wars in Sierra Leone and Liberia, but now provide much-needed jobs as well as revenue for the government. Credit: Tommy Trenchard/IPS*

“This provision has generated unprecedented levels of attention towards the eastern Congo, significantly increasing scrutiny around supply chains. After all, what company wants to be associated with funding human rights violations in Africa?”

The rule, known as Section 1502 or the “conflict minerals” provision, was originally signed into law in 2010 as part of a massive piece of financial industry legislation known as the Dodd-Frank Act. Two years later, in August last year, U.S. regulators finalised details on how companies listed in the United States would be required to implement the provision.

Under Section 1502, starting in early 2013 companies using any of four minerals – gold, tin, tungsten or tantalum, widely used in modern electronics – sourced from the DRC or neighbouring countries would

need to provide proof that they had carried out due diligence to ensure that these products were not benefiting armed groups.

Yet the rule immediately faced a lawsuit by powerful trade associations representing U.S. businesses and manufacturers. They claimed that the conflict minerals provision would impose inordinate costs that U.S. regulators had not fully analysed, among several other complaints.

Another Dodd-Frank provision, requiring large extractives companies to disclose any payments made to foreign governments, was struck down by the U.S. courts earlier this month.

On Tuesday, however, Judge Robert Wilkins rejected each of these contentions, finding the Security & Exchange Commission (SEC)'s economic analysis to have been "eminently appropriate".

"Taking all of these elements of the disclosure scheme together, the Court finds a 'reasonable fit' between the relevant provisions of Section 1502 and the Final Rule and Congress's objectives in promoting peace and security in and around the DRC," Judge Wilkins wrote in a detailed 63-page opinion.

The U.S. Chamber of Commerce, one of the main litigants in the case, told IPS in a statement that it is still "reviewing the court's decision and our options going forward. We continue to believe this rule, while well intentioned, is unsupported by the Agency's own record."

### **'Major opportunity'**

For now, Tuesday's fairly resounding decision clears the way for full implementation of Section 1502, with no other lawsuits on the issue currently pending.

Yet despite the legal uncertainty, this rule has already led to significant action from the Congolese government as well as several major U.S. companies – including those technically party to the lawsuit.

"There has actually been a rather strong disconnect between these big industry groups and their extreme positions and what we've been seeing individual companies doing to comply," Global Witness's Gilfillan notes. "Many have not been counting on lawsuits to get them out of this, but rather have been proactively working to comply."

The utilities giant General Electric (GE), for instance, stated in May that it "shares ... a commitment to take responsibility to alleviate suffering caused by the conflict in the DRC", and noted that while it is a member of the U.S. Chamber of Commerce, "the views and positions expressed by the Chamber are its own, and not GE's."

Other major electronics companies to break with the Chamber on this issue in recent months have included Microsoft and Motorola. International industry initiatives – such as the Conflict Free Smelter Programme – have likewise been started or strengthened in the aftermath of Section 1502's passage.

"So now we're calling on all of these companies to do everything they can to ensure that the minerals they're using aren't fuelling human rights violations," Gilfillan continues. "We have a very difficult situation in eastern Congo, so we can't afford any more delays."

In addition, the Congolese government has sought to build on the groundwork laid by Section 1502. In late 2011, the country's mining minister reportedly stated that the legislation offered a "major

opportunity” to delink minerals and violence in Congo, which has been at the centre of natural resources-driven conflict for more than a century.

Last year, the Congolese government introduced legislation requiring companies using these minerals to undertake supply chain due diligence to ensure that the products weren’t funding rights violations. Since then, the government has suspended at least two Chinese export companies for failing to adhere to this process.

### **Global principles**

Dodd-Frank is also catalysing broader global action on conflict minerals, with the European Union in particular currently considering adopting policies similar to Section 1502. A public consultation process on this proposal just closed, and some are expecting draft legislation by the end of this year.

But while the United States may be leading global policy in this particular area, some groups are frustrated that Washington has yet to implement nascent international guidance on the human rights-related responsibilities borne by multinational corporations.

On Wednesday, a dozen rights, development and environment groups, under the umbrella of the International Corporate Accountability Roundtable (ICAR), sent a letter to President Barack Obama, calling on him to prioritise implementation of the United Nations Guiding Principles for Business and Human Rights, passed in 2011.

During a fact-finding mission to the United States, the letter notes, a U.N. working group found “significant gaps” in the U.S. efforts to implement the Guiding Principles, as well as “little appreciation of human rights being material to the conduct of business”.

Tuesday’s court decision on Section 1502 “recognises that business has a responsibility to respect human rights, and that the government, including agencies like the SEC, can and should ensure that business operations do not negatively impact human rights,” Amol Mehra, director of the Washington-based ICAR, told IPS.

“In this regard, we are calling for the development of a government-wide approach to business and human rights, and for President Obama to use appointments to critical positions in agencies and departments to effectuate the U.S. government’s duty to protect human rights. We look forward to further engagement to ensure that precedents like the conflict minerals provision are defended, promoted and extended.”

## Extraordinary Chambers in the Courts of Cambodia

Wednesday, 24 July 2013

### **Supreme Court Chamber orders second Trial Chamber panel to be explored and dismisses appeals against scope of Case 02/01**

On 23 July 2013, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) issued a summary of its decision on immediate appeals from the Co-Prosecutors and Nuon Chea against the Trial Chamber's second decision to sever Case 002 into a series of discrete, smaller trials.

While refusing the appeals on the merits, the Supreme Court Chamber took a corrective action and ordered that the evidentiary hearings in a second trial (Case 002/02) shall commence as soon as possible after closing submissions in the current trial in Case 002/01. It further ordered that Case 002/02 shall include, at a minimum, the charges related to S-21, a worksite, a cooperative, and genocide. The Chamber also instructed the Office of Administration of the ECCC to explore the establishment within the Trial Chamber of a second panel of national and international judges to hear and adjudicate Case 002/02.

The Supreme Court Chamber held that Trial Chamber's failure to comply with its previous instructions about developing a tangible plan for the adjudication of the entirety of the charges while giving due consideration to reasonable representativeness of the indictment in Case 002 within the smaller trials constitutes an error of law and an error in the exercise of the Trial Chamber's discretion.

The Supreme Court Chamber noted that the Trial Chamber has declined to adjust its original position on severance in order to accommodate the parties' requests and address any of the parties concerns with the consequences of renewed severance for any future trials, and that this suggests that the Trial Chamber may be unprepared to adjudicate the remaining charges in the Closing Order within the current trial. As such, the Supreme Court Chamber considers that, in the present circumstances, to order an expansion of Case 002/01 and to require the Trial Chamber to reconfigure its schedule would inevitably result in unnecessary delays.

The Supreme Court Chamber considers that a more appropriate course of action in the present circumstances is to instruct that charges that should have been included within the scope of Case 002/01 will instead form part of the scope of Case 002/02, to ensure that the combination of Cases 002/01 and 002/02 will be reasonably representative of the indictment in Case 002. The Supreme Court Chamber further considers that Case 002/02 must therefore commence as soon as possible, and that the establishment of a second panel in order to achieve this has now become imperative.

The accused persons on trial in Case 002 are Nuon Chea who was the deputy secretary of the Communist Party of Kampuchea, and Khieu Samphan who was the head of state of Democratic Kampuchea. The Trial Chamber initially decided to sever the charges in Case 002 into a series of smaller trials, the first being Case 002/01, which is currently ongoing. Following an appeal from the Co-Prosecutors against the scope of charges in Case 002/01, the Supreme Court Chamber on 8 February 2013 invalidated the Trial Chamber's initial severance decision. After having solicited the views of the parties, the Trial Chamber issued a renewed severance decision on 29 March 2013, maintaining the same scope of the trial in Case 002/01 as it was before the Supreme Court Chamber's invalidation decision. The result of the appellate decision issued today upholding the scope of charges in Case 002/01 is that they remain limited to alleged crimes against humanity related to the forced movement of population of Phnom Penh in April 1975, the second phase of population movement which commenced in September 1975, and the alleged executions of Lon Nol soldiers at Tuol Po Chrey in Pursat province.

## Council on Foreign Relations

Tuesday, 23 July 2013

### Sudan's Bashir in Nigeria

By John Campbell

Omar Hassan al-Bashir, the president of Sudan, is under indictment by the International Criminal Court (ICC), which has a warrant out for his arrest. He briefly attended a July 13-14 African Union (AU) health summit in Nigeria, but left when Nigerian human rights groups called for his arrest. The ICC justices in The Hague also issued a statement reminding Nigeria of its obligation to “honor its warrants” and hand over Bashir.

A Sudanese government spokesman was quoted by the New York Times saying that Bashir's departure had nothing to do with fear of arrest but that “he had matters to attend to in Khartoum.” Reuben Abati, Nigerian president Goodluck Jonathan's press spokesman, said that Nigeria had not invited Bashir to come. Rather he was present for an AU event and that “Nigeria is not in a position to determine who attends an AU event and who does not attend.”



*Sudan's President Omar Hassan al-Bashir addresses a joint news conference with his South Sudan's counterpart Salva Kiir in Juba April 12, 2013. (Andreea Campeanu/Courtesy Reuters)*

This Day, a Nigerian newspaper, reported that the Abuja government was not even aware that Bashir would be attending until a few days before the conference. While President Jonathan had personally invited some of the other African leaders, Bashir was not one of them. Moreover, if Nigeria had stopped Bashir from attending, it may have risked losing

the honor of hosting the summit altogether.

According to Bashir's spokesman, while in Abuja Bashir met with the presidents of Nigeria, Kenya, and Ethiopia. The president of Kenya, Uhuru Kenyatta, is also under ICC indictment. However, the court has not issued a warrant for Kenyatta's arrest because he is cooperating with the court—unlike Bashir.

The ICC is awkward for the AU. Two of its chiefs of state are now under indictment. But, the court is unpopular among many Africans who think that it unfairly targets Africa for its prosecutions. The U.S. position on the ICC is not straightforward; U.S. policy is to support the court, and the United States signed the founding Treaty of Rome. But no administration has ever sought Senate ratification of it.

There has been some speculation that Nigeria's welcoming of Bashir was somehow intended to distance itself from the United States. I think that is highly unlikely. Bashir's visit seems to have posed quandaries for the Jonathan government, which must be mindful of its relationship with the AU. Nigeria has provided the largest number of peacekeepers in Sudan's Darfur. Like Charles Taylor, the former Liberian warlord, Bashir is also deeply unpopular among many in Nigeria, not least because of his alleged human rights violations in Darfur and South Sudan.

Under these circumstances, I find Abati's explanation credible: Nigeria admitted Bashir because he had been invited by the AU to its summit that Nigeria was merely hosting. I also find it credible that Bashir bailed out essentially without notice because he feared being arrested.