

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



**An aerial view of Aberdeen village**

**PRESS CLIPPINGS**

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

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Press clips are produced Monday through Friday.  
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## Europe Online Magazine

Tuesday, 3 September 2013

### **Die großen Prozesse in Den Haag**

-SNIP-

Bisher gab es erst ein Urteil gegen einen ehemaligen Staatschef in Den Haag. Das Sondertribunal zu Sierra Leone verurteilte 2012 Charles Taylor (65), den ehemaligen Präsidenten von Liberia, zu 50 Jahren Gefängnis für Kriegsverbrechen im Nachbarland Sierra Leone. Anklage und Verteidigung legten Berufung ein. Dazu fällen die Richter am 26. September ihr Urteil.

Until now there is been only one judgement against a former head of state in The Hague. In 2012, the Special Court for Sierra Leone sentenced Charles Taylor (65), the former President of Liberia, to a 50-year prison sentence for war crimes in neighbouring Sierra Leone. Both Prosecution and Defence have appealed. The Judges will deliver their judgement on 26 September.

-SNIP-

NJ.com

Thursday, 5 September 2013

## **N.J. Congressman proposes Syrian tribunal as an alternative to U.S. strikes**

By Christopher Robbins/NJ.com

WASHINGTON – A New Jersey congressman weighing whether to support President Barack Obama’s call for punitive strikes against Syria is proposing a specialized court to investigate and punish war crimes committed in the country’s civil war.

U.S. Rep. Chris Smith (R-4th) peppered U.S. Secretary of State John Kerry with tough questions on American foreign policy Wednesday, asking whether an American response could have unforeseen consequences or unnecessarily put civilian populations in the way of harm.

Kerry, U.S. Secretary of Defense Chuck Hagel and Chairman of the Joint Chiefs of Staff Gen. Martin Dempsey appeared before the House Foreign Affairs Committee to lay down the Obama Administration’s argument for attacking Syria in response to the use of chemical weapons against the civilian population.

Comparing action in Syria to the 78-day bombing campaign of Serbian targets in response to the Kosovo genocide, Smith questioned the duration of intervention, asking whether authorization could lead to long term involvement in the conflict.

“How do you define ‘limited’ and ‘short duration,’ and what might Assad do in retaliation?” Smith asked. “What contingency plans do we have if and when he attacks in other areas that we may not have anticipated?”

Smith, who signed onto a letter urging the president seek congressional approval before authorizing strikes, is considered undecided on whether to authorize the strikes, but those close to him said he was leaning towards a no vote on Wednesday.

Smith has called for a special tribunal to investigate and prosecute crimes committed by the regime of Syrian President Bashar al-Assad and the rebel groups opposing him.

“I plan on introducing a resolution when Congress reconvenes to authorize the President to establish a specialized Court—the Syrian War Crimes Tribunal—to help hold accountable, all those on either side, including Assad, who had slaughtered and raped in Syria,” Smith said. “We have learned lessons from the **Special Court in Sierra Leone**, we have learned lessons from the Rwandan Court, and certainly learned lessons from the Court in Yugoslavia. Establishment of such a court has to be immediate, and I think it could be a rallying point.”

Under the plan, the U.S. would call for a Syrian cease fire, then engage the United Nations in the establishment of a court within Syria. America would also provide the Syrian court with any information or evidence needed.

The tribunal could be an alternative to military strikes, Smith said.

“You yourself said, Mr. Secretary, you would send them to jail, well let’s send them to jail,” Smith said. “Killing people—and not targeting Assad himself—may be accountability. but I think there are other more humane and efficacious alternatives.”

Smith argued that similar tribunals in Rwanda, former Yugoslavia and Sierra Leone were effective in finding and punishing the perpetrators of genocide and other war crimes.

## Project Syndicate

Friday, 6 September 2013

Opinion

### The Price of Peace

By Shlomo Ben-Ami

MADRID – The relationship between peace and justice has long been the subject of polarizing debates. Some argue that the pursuit of justice impedes conflict-resolution efforts, while others – including International Criminal Court (ICC) Chief Prosecutor Fatou Bensouda – contend that justice is a prerequisite for peace. As President Juan Manuel Santos leads Colombia through the most promising peace talks in five decades of brutal conflict with the Revolutionary Armed Forces of Colombia (FARC), he will have to consider this question carefully.

The Nuremberg trials, which followed Nazi Germany's unconditional surrender in World War II, provide an ideal model for post-conflict justice. But, in conflicts in which no side has been defeated, the peacemaker's job becomes more challenging. Given what is at stake, a trade-off between reconciliation and accountability may well be inescapable.

Since 1945, more than 500 cases of amnesty in post-conflict transitions have been recorded; since the 1970's, at least 14 states – including Spain, Mozambique, and Brazil – have given amnesty to regimes guilty of serious human-rights violations. In South Africa, amnesty was a key feature of the “truth and reconciliation” process that facilitated the peaceful transition from more than four decades of white-minority rule to democracy.

Similarly, in 2003, Nigeria's president offered asylum to his Liberian counterpart, **Charles Taylor**, on the condition that Taylor retire from politics, thereby helping to end the rebellion against him. (In this case, justice was later served; **in 2012, the ICC convicted Taylor** of 11 counts of aiding and abetting war crimes in Sierra Leone, making him the first former head of state to be convicted for such crimes by an international tribunal since Nuremberg.)

Although it may be painful to offer a safe exit to war criminals and human-rights abusers, the prospect of ending the suffering of civilians can take priority over a principled stand for justice. Who today would oppose amnesty for Syrian President Bashar al-Assad if it ended the brutal civil war that has led to more than 100,000 deaths and created nearly two million refugees (including more than a million children) in just two years?

This is precisely the dilemma that Santos now faces. Given the innumerable atrocities that the FARC have committed, the prospect of suspending punishment is difficult to accept. But prolonging a conflict that has already led to more than 200,000 deaths and displaced roughly five million people is in no one's interest.

With Colombia's recent accord on agrarian reform having resolved the conflict's root cause, the question of transitional justice has become the determining factor in whether the peace process will succeed. If impunity for perpetrators of crimes against humanity, however morally repugnant, could protect potential future victims by ending the conflict, accepting such an outcome may well be worth sacrificing a full measure of justice for past victims.

Rather than launching an uncompromising campaign to defeat the insurgents, Santos has pursued the more politically challenging course: a negotiated settlement. This suggests a willingness to do whatever it takes to protect long-suffering rural communities from continued violence.

Santos would certainly not be the first head of state to go silent on accountability. In 2003, the United States and the European Union acquiesced to an accord that formally ended the Democratic Republic of the Congo's civil war, which had claimed nearly four million lives, though the agreement lacked provisions to hold war criminals accountable. The same is true for Sudan's 2005 Comprehensive Peace Agreement, which ended a 22-year civil war in which more than two million died.

In these cases – as in Colombia today – a fundamentalist approach to transitional justice was not feasible. Rather, justice had to be applied according to the specific political conditions that brought about the transition. After all, transitional justice is essentially a political solution, a historic contract of national reconciliation – not a strictly judicial matter.

For Santos, reconciling peace and justice in a complicated domestic political context may require alternative formulas, such as reduced sentences, community penalties, conditional verdicts, or asylum in third countries. But none of these options, let alone amnesty, should be allowed unless the demobilized insurgents cooperate fully with the courts, including by disclosing all of their crimes.

Following this logic, FARC leader Pablo Catatumbo has acknowledged the “pain and acts of cruelty” that the guerillas have committed and has requested a collective pardon that would cover human-rights violations committed by both the FARC and state security forces. He has also insisted on the identification and compensation of victims as a prerequisite for peace and national reconciliation.

When conflict-resolution efforts are on the line, a single-minded quest for retribution often is the wrong option. Archbishop Desmond Tutu, a leader of South Africa's democratic transition, has described an alternative – restorative justice – that focuses on “the healing of breaches, the redressing of imbalances, [and] the restoration of broken relationships.” With this constructive, forward-looking understanding of justice in mind, Santos, too, can succeed, thereby securing the peaceful, secure future that Colombians deserve.

*Shlomo Ben-Ami, a former Israeli foreign minister who now serves as Vice President of the Toledo International Center for Peace, is the author of Scars of War, Wounds of Peace: The Israeli-Arab...*

BBC

Thursday, 5 September 2013

## Kenya MPs vote to withdraw from ICC



The African Union wants the ICC to drop the charges against Uhuru Kenyatta

Kenyan MPs have approved a motion to leave the International Criminal Court (ICC) following an emergency debate.

A bill to this effect is expected to be introduced in the next 30 days, after opposition MPs boycotted the vote.

The ICC has charged President Uhuru Kenyatta and Deputy President William Ruto with crimes against humanity, which they both deny. Mr Ruto's trial is due to start in The Hague next week.

The ICC said the cases would continue even if Kenya pulled out.

The charges against both Mr Kenyatta and Mr Ruto stem from violence that broke out after disputed elections in 2007, in which more than 1,000 people were killed and 600,000 forced from their homes.

Mr Kenyatta is to go on trial in November.

### 'Defend Kenya's sovereignty'

They were on opposite sides during the 2007 election but formed an alliance for elections in March this year, and analysts say the ICC prosecutions bolstered their campaign as they portrayed it as foreign interference in Kenya's domestic affairs.

The BBC's Gabriel Gatehouse reports from the capital, Nairobi that even though the vote does not halt the cases, it sends a powerful signal of defiance to The Hague - a sentiment that is becoming increasingly popular, in Kenya and across much of Africa.

No other country has withdrawn from the ICC.

Kenya's parliament is dominated by the Jubilee coalition formed by Mr Kenyatta and Mr Ruto.

The motion, tabled by majority leader Adan Duale, said the pair had been "lawfully elected" and the government should take steps to "immediately" withdraw from the Rome Statute, which established the ICC.

The sentence stating that Kenya would "suspend any links, co-operation and assistance" to the ICC was removed during the debate.

Mr Duale noted that the US had refused to sign the Rome Statute to protect its citizens and soldiers from potential politically motivated prosecutions.

"Let us protect our citizens. Let us defend the sovereignty of the nation of Kenya," Mr Duale is quoted as saying.

MPs from the opposition Coalition for Reforms and Democracy (CORD), led by former Prime Minister Raila Odinga, walked out of the debate, calling the motion "capricious" and "ill-considered".

Kenya's withdrawal would not bring "honour to the nation and dignity to our leaders", CORD said in a statement.

"Kenya cannot exist outside the realm of international law," it said.

### **'Disturbing'**

ICC spokesman Fadi El Abdallah told the BBC's Newsday programme that Kenya's withdrawal would have no bearing on the cases against the two men.

"A withdrawal has an effect only for the future and never for the past," he said.

If Mr Kenyatta and Mr Ruto failed to co-operate, ICC judges "may decide to issue arrest warrants against these accused", Mr Abdallah added.

Amnesty International said the parliamentary motion was the latest in a series of "disturbing initiatives to undermine the work of the ICC in Kenya and across the continent".

"Amnesty International calls on each and every parliamentarian to stand against impunity and reject this proposal," said Netsanet Belay, the group's Africa programme director, in a statement.

Our reporter says that the withdrawal still has to pass at least one more parliamentary hurdle, and could take a year or more to come into effect.

Both Mr Kenyatta and Mr Ruto have repeatedly called for the cases against them to be dropped, saying the charges are politically motivated.

The ICC has refused and says it pursues justice impartially.

In May, the African Union accused the ICC of "hunting" Africans because of their race.

The ICC strongly denies this, saying it is fighting for the rights of the African victims of atrocities.

The ICC was set up in 2002 to deal with genocide, crimes against humanity, war crimes and the crime of aggression.

The court has been ratified by 122 countries, including 34 in Africa.



Reuters

Thursday, 5 September 2013

## ICC says cases against Kenyan President, Deputy will go ahead



By Thomas Escritt and James Macharia

AMSTERDAM/NAIROBI

The International Criminal Court's cases against Kenya's president and deputy will go ahead, the prosecutor said on Thursday in a statement released hours before the Kenyan parliament votes on withdrawing from the court's jurisdiction.

Chief prosecutor Fatou Bensouda also said relatives of witnesses had been continually approached with bribes and threats to disclose the whereabouts of witnesses in the cases against President Uhuru Kenyatta and deputy William Ruto, who are accused of orchestrating violence after elections in 2007 in which 1,200 people lost their lives.

The two are scheduled to go on trial in The Hague soon - Ruto's trial is set to open next week - despite Kenya's efforts to have the cases dropped or moved closer to home.

"The judicial process is now in motion at the International Criminal Court. Justice must run its course," Bensouda said in a video posted on the court's website.

"Witnesses have gone to great lengths to risk their lives and the lives of their relatives to support our investigations and prosecutions," she added.

Kenya's parliament began debating a motion on Thursday afternoon to withdraw from the Rome Statute that underpins the International Criminal Court.

"I am setting the stage to redeem the image of the Republic of Kenya," Aden Duale, majority leader from Kenyatta's Jubilee coalition, told parliament in a televised session laying out the motion.

Even if Kenya does vote to withdraw, its departure from the first permanent international criminal court would take at least a year and would have no effect on cases already in train, Fadi El Abdallah, the court's spokesman, said on Wednesday.

"It's not possible to stop independent judicial and legal proceedings via a political measure," he said.

The Kenyan president's spokesman was not immediately available for comment, but Ruto's lawyer said he would continue to cooperate with the ICC.

"The deputy president has and will continue to cooperate with the court," said Karim Khan, Ruto's counsel before the ICC.

"He wants to clear his name from this nonsense that's being bandied about."

Khan described as "offensive" Bensouda's claim that the relatives of witnesses against Ruto had been intimidated and said she was trying to divert attention from her office's "amateurish" investigation.

"To seek to create a fog of mystery around the inadequacies of her office by alleging witness intimidation is to distort the truth in hideous fashion," Khan said.

He would not comment on whether Ruto supported the motion on withdrawal from the ICC.

## RETALIATORY ATTACKS

Kenya has long campaigned against the trials taking place and has rallied support from other countries in Africa. Kenya has asked the ICC to refer its case against Kenyatta back to the east African country, a move that has been backed by other African Union nations.

The African Union has previously accused the ICC of selective punishment by primarily targeting Africans.

Kenyan officials concede the country has not in the past had the ability to try suspects accused of crimes against humanity, but say its reformed judiciary now does. The ICC has rejected attempts to have the cases moved back to Kenya.

Jakoyo Midiwo, deputy majority leader of the opposition in parliament, criticized the action to pull Kenya out of the ICC, saying the opposition would vote against the motion, which "has divided the country down the middle".

The 2007 violence erupted after supporters of former prime minister Raila Odinga of the Luo ethnic group claimed that former president Mwai Kibaki, a Kikuyu, had stolen victory in the presidential poll.

At the time, Ruto, a Kalenjin, was a key ally of Odinga. Attacks on Kikuyu supporters of Kibaki triggered a bloody cycle of retaliatory attacks against Kalenjins and Luos.

Activists greeted the news of Thursday's parliamentary vote with dismay.

"This motion to leave the ICC is a significant setback for a country that once proudly ratified the Rome Statute in 2002," said William Pace, convener of the Coalition for the ICC, a pressure group.

"In the long run, the promoters of this action are hurting the reputation of Kenya as a nation that supports international human rights and the rule of law."

The trial against Ruto starts on September 10 in The Hague, while Kenyatta's is scheduled to open on November 12.

(Editing by Sara Webb and Will Waterman)

Voice of America  
Friday, 6 September 2013

## **Rights Campaigner Says Ruto Must Appear Before ICC**

James Butty

A human rights campaigner says that as the trial of Kenyan deputy President William Ruto is set to begin September 10 at the International Criminal Court in The Hague, the focus should be on the victims of the crimes against humanity that he is accused of committing and not on the politics.

This comes as Kenya's parliament voted Thursday to withdraw from the ICC, where President Uhuru Kenyatta and his deputy are due to go on trial for crimes against humanity for their alleged roles in the country's 2007 post-election violence.

Richard Dicker, director of the International Justice Program at Human Rights Watch said the parliament's decision would not impact Ruto's upcoming trial.

In addition, Dicker said Ruto cannot refuse to appear before the ICC because he had pledged to cooperate with the court.

He said the ICC got involved because Kenya's parliament failed to pass legislation establishing a domestic tribunal to try those accused of complicity in the post-election violence.

"I think what's really important to understand is that Kenya's leaders broke their promises to hold national trials in Kenya. That failure obliged the ICC to step in as a court of last resort. And as Deputy President William Ruto's trial begins, the focus needs to be on the horrific crimes committed five years ago not on the politics," he said.

Dicker said Ruto cannot refuse to appear before the ICC because he had pledged to cooperate with the court.

"The motion adopted today, with all respect to the Kenyan parliament, has no impact whatsoever on the obligation of the deputy president to do what he pledged to do, and that is be there for the start of his trial on these serious charges," head said.

The African Union has criticized the ICC of focusing intensely on the continent. For example, over the last decade, it has been noted that the ICC has opened eight investigations, all of them in Africa, with more than two dozen people indicted.

But ICC Chief Prosecutor Fatou Bensouda has denied the court targets only Africans. She said the court is simply seeking justice for victims of crimes against humanity.

Besides, Dicker said, the ICC was invited by several African countries to investigate crimes against humanity.

"African states were active participating members of the group that created the ICC. And five governments, those in Uganda, Congo, Central African Republic, Mali and Cote d'Ivoire had asked the ICC to come to their countries and begin work there," he said.

Dicker said he does not expect that the decision by Kenya's parliament to withdraw from the ICC would lead to other countries leaving the court.

He also said the parliament's decision is unlikely to enhance Kenya's standing internationally or in Africa.

## The Globe and Mail (Canada)

Thursday, 5 September 2013

Opinion

### **Trial of Kenyan leaders thrown in limbo**

GEOFFREY YORK, JOHANNESBURG

The International Criminal Court is vowing to push forward with the prosecution of Kenyan leaders for crimes against humanity, despite the Kenyan parliament's vote on Thursday to withdraw from the court.

But while the prosecutions are technically unaffected, the vote is a symbolic blow to the ICC and a sign of mounting African anger at the court. If Kenya goes ahead with its threatened withdrawal, it would be the first country to quit the court, and it could embolden others to do the same.

The Kenyan decision is a vote for impunity and could hamper the court's ability to investigate crimes in Kenya after the withdrawal takes effect, human-rights activists say.

Kenya's president, Uhuru Kenyatta, and its deputy president, William Ruto, are facing trial at The Hague for their alleged role in orchestrating a wave of murder, rape and forced deportation after the 2007 Kenyan election. More than 1,000 people were killed and 600,000 were forced to flee their homes.

The trial of Mr. Ruto and Kenyan radio broadcaster Joshua arap Sang is scheduled to begin in The Hague next week, and Mr. Kenyatta's trial is set for November. But a number of prosecution witnesses have disappeared or died, and some analysts predict that the cases could collapse.

The ICC is planning to set up large television screens in public places across Kenya next week so that ordinary people can follow the trials in The Hague.

On Thursday, the MPs voted for a motion urging the Kenyan government to "immediately withdraw" from the Rome Statute, which set up the international court. The motion also calls for a bill to be introduced within 30 days to formalize Kenya's withdrawal.

The earliest that Kenya could formally leave the court would be a year from now. There is still a chance that Mr. Kenyatta – who could become the first sitting president on trial in The Hague – might veto the bill to avoid the appearance of evading trial.

Independent analysts said the Kenyan motion could dramatically increase the chances that the ICC would issue an arrest warrant for Mr. Kenyatta and Mr. Ruto. So far the two leaders have been allowed to remain free because they promised to co-operate with the court. But the parliamentary vote could signal that Kenya has stopped co-operating with the court, triggering the arrest warrants.

Amnesty International was among the groups criticizing the Kenyan vote. "This move is just the latest in a series of disturbing initiatives to undermine the work of the ICC in Kenya and across the continent," said a statement by Amnesty's Africa director, Netsanet Belay.

“Essentially, a withdrawal would strip the Kenyan people of one of the most important human-rights protections and potentially allow crimes to be committed with impunity in the future. ... This also sets a dangerous precedent for the future of justice in Africa.”

William Pace, spokesman for a coalition of ICC supporters, said the Kenyan vote is a “significant setback” for a country that had originally ratified the Rome Statute in 2002.

“In the long run, the promoters of this action are hurting the reputation of Kenya as a nation that supports international human rights and the rule of law.”

The motion in the Kenyan parliament was supported by the ruling Jubilee coalition, which backs Mr. Kenyatta and Mr. Ruto, who were elected in March. The main opposition coalition walked out of parliament before the vote.

Many Africans complain that the ICC is biased, since it has only indicted Africans while global powers such as the United States and China refuse to accept the court’s jurisdiction. A leader of the African Union has charged that the court is leading a “race hunt.”

In the debate on Thursday, Kenyan MPs said the court was a “neo-colonialist” institution that should be relegated to “the cesspool of history.” One MP said the court was designed to “arm-twist” African countries and “pander” to Western interests.

Opposition MPs warned that Kenya cannot place itself outside the realm of international law. It could become a pariah state if it quits the Rome treaty, they said.

Human-rights groups in several African countries said the Kenyan motion has set a poor example for the rest of the continent.

## The Globe and Mail (Canada)

Thursday, 5 September 2013

### Why it's never too late to prosecute war criminals

BERNIE FARBER

The writer Joseph Conrad once observed that “the belief in a supernatural source of evil is unnecessary; men alone are quite capable of every wickedness.” This certainly rings true with respect to perpetrators and enablers of war crimes, genocide and crimes against humanity.

Media reports this week say German prosecutors intend to lay charges against a number of alleged Auschwitz guards despite the fact that the youngest is 87 years of age.

Hopefully the judicial system will finally work before the latest of these alleged Nazi war criminals succumbs to natural causes.

Just as important is some troubling reaction to this story: There remain those who believe that given the age of these perpetrators and that the murderous brutalities occurred more than 65 years ago, we should simply move on.

Really? Should we forget that according to many sources the SS battalion of guards at Auschwitz were cruel beyond all imagination. Charged with ensuring that the Jews who arrived by cattle car, starved, demeaned frightened beyond words were properly divided between those healthy enough to work and those to be gassed, they took on their task with a maniacal zeal.

The elderly, women and children were the first to be rounded up after the trains emptied. The guards used whips, truncheons and vicious German Sheppard dogs known as Hundesstaffe to relentlessly drive their victims into the gas chambers.

Following the war a number of Auschwitz guards were captured and put on trial. During subsequent interrogations one guard described what he witnessed:

He was a serjeant [sic] with the Bavarian Gendarmerie and came to the Waffen SS as an Oberscharfuehrer, a broad, thick-set beer swiller and a real swine. He was like death incarnate, always thinking out new methods. In June '41 I saw him chasing a Jew behind a dray until he was exhausted. Then he asked him if he would like some water. So he made him kneel down in front of a bucket and when he bent down to drink he pushed his head down under water with his foot and held him until he drowned.

Then there was Untersturmfuehrer Mueller... who used to practice the most incredible obscenities on the corpses when he was drunk. He was generally known as the 'crematorium clown'. Another of them, Emmerich, if he didn't like anyone's face, just ordered the guard to eliminate them. One couldn't bear the cries and screams very long, and the smell used to remain in your nostrils for days. In modern times, no one singular act by a nation-state has captured the nightmares of civilization more than the Holocaust. The act, therefore, of bringing the enablers of this horrific genocide to justice as long as one walks this earth is vital.

The hunting down of war criminals sends a universal message that such unspeakable crimes will not be tolerated by a civil society. It tells potential perpetrators that there is no place to hide; that they will be hunted for the rest of their lives.

Indeed, were we not to have continued in our efforts against Nazi murderers would there have been any ethical justification for bringing brutes like **former Liberian leader Charles Taylor** to justice? Without fidelity to justice no matter how much time has elapsed could we justify the ongoing manhunt for Ugandan warlord Joseph Kony, who ruined the lives of thousands of children by kidnapping them as child-soldiers?

The fact that the perpetrators and enablers of the Nazi genocide may today be elderly can be no reason to shirk our duty to the victims. We ought not see them as they are today, but should remember them for the thugs and murderers they were more than 65 years ago. To allow their crimes to go unpunished would give Nazism a posthumous victory and send a message of hope to the genocidares of tomorrow.

At this time in human history we still face the specter of genocidal crime and mass murder. At a time when modern day war criminals look for sanctuary far from where they committed their crimes, we must not waver; doing so sends a message that if you can escape justice for 65 years, mass murder is of no relevance.

For the sake of the victims, we must demand continued justice with no get-out-of-jail-free card simply because you reached old age. It is no exaggeration to say that we must all be the protectors of our society and its values. We rely on our government to act on our behalf. As a society we must ensure fidelity to law because we understand that evil is possible but also that justice is achievable and in the end, we are all responsible.

We have a solemn obligation to the victims and the survivors alike to hold the wicked accountable for their heinous crimes and to effect some measure of justice for what they have done.

There is nothing supernatural about that.

*Bernie M. Farber is the former CEO of Canadian Jewish Congress. Today, he writes on human rights issues while working with Gemini Power Corporation building sustainable industry on First Nations Reserves.*

## Global Research

Thursday, 5 September 2013

### War Crimes, International Law and the “Perception Management of Genocide”

By John Bart Gerald

*but here Death is already chalking the doors with crosses, and calling the ravens and the ravens are flying in. – Anna Akhmatova*

Overruling the foundations of international law, the U.S. is intent on attacking Syria. The UN has not given permission. U.S. President Obama will ask Congress for permission. Syria has not attacked the U.S... The United Kingdom and Canada have refused to partake overtly. France awaits U.S. Congressional approval.

In 2011 the Libya newly formed by NATO officially recognized as the legitimate government of Syria, the Syrian National Council, one of the rebel groups which would make up the Syrian National Coalition. In 2012 the following Islamic countries recognized the entire rebel Syrian National Coalition: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates. In 2012 these Judao-Christian NATO countries officially recognized the Syrian National Coalition: France, Turkey, Italy, U.K., Spain, Denmark, Norway, Germany, Belgium, Luxemboug, U.S., Australia, and the Netherlands. Official recognition followed extensive covert assistance to rebels.

The transition to direct military actions against the current selected victim, without UN approval violates the UN Charter, the law against aggression as defined by the Rome Statute of the International Criminal Court, the Convention on Genocide, and the Laws of War.

According to the ICC definition in Article 8 of the Rome Statute: “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations (Wikipedia). Article 15 states: In respect of a State that is not a party to this Statute, the Court shall not exercise its jurisdiction over the crime of aggression when committed by that State’s nationals or on its territory. So the law does not apply to the U.S. and Israel (and Sudan) since these refused to ratify the Rome Statute. Countries who have ratified it, subject to the law, are not likely to participate in a military attack on Syria.

The Rome Statute does not protect leaders of nations who aren’t members of the International Criminal Court from prosecution for the crime of genocide. Foreseeing a tactical need for what might be declared genocide, the U.S. commitment to the Convention on Genocide itself is accompanied by Reservations which make its application to the United States subject to U.S. interpretation. This provided some warning of U.S. foreign policy intentions.

In the U.S. people’s natural fear and hatred of genocide is reinforced by seventy years of propaganda, entertainment, academic curricula, and literary and intellectual understandings about Europe’s Holocaust of the Jews in WWII. The agenda of a non-ICC member committing genocide, would be to perception manage the people’s awareness of contemporary genocide into norms of profit making and wars of defense.

North American discussion of genocide is kept rigorously apart from the defense industry’s arsenal of nuclear weapons or discussion of nuclear power. The threat of genocide in the nuclear destruction of



national groups and particularly nuclear strike policies, forced the West's understanding of the Convention to focus on the singular threat to scapegoated groups within its own cultures.

When the U.S. with NATO powers attacked the Federal Republic of Yugoslavia in 1999, bombing civilian areas and infrastructure, FRY President Milosevic correctly charged the NATO powers with genocide at the International Court of Justice. NATO country defense against the charge relied on legal technicalities rather than refutation. It also relied on the un-adjudicated death of Milosevic in the Tribunal's prison, and the replacement of the International Court of Justice with the International Criminal Court. The charge of genocide against NATO countries remained; the offending countries were not absolved of guilt. When the genocide is obscured its perpetrators wander into old age un-prosecuted.

Milosevic 's fate may have dissuaded other victim nations from appealing to international courts for justice.

U.S. policy toward the countries it destroys through military actions removes the victim government's recourse to international justice. The denial of legal justice begins well before the military action with the transformation of the victim country's leader into a monster. U.S. media focus on the leader's violation of human rights, for policies as ugly as those at Guantanamo Bay but noted by the press as extreme, inhumane, intolerable, despicable, and criminal. This transfers the people's outrage at their own leaders to crimes of a foreign leader.

The war on Islam has allowed dehumanization of Muslims, followed by the bombing of civilian centres, civilian infra-structure, and subsequent destruction of national cultures, ie. Iraq, Afghanistan, Libya. The human rights violations of the naturally evolved governments were used as justification for US/NATO intervention. The English speaking world, fearing the strict morality of Islam and its purity, centered its attacks on Islam on the immorality of Muslim leaders. Saddam Hussein was executed in a victor's court after 15 years of a Western media hate campaign.

The propaganda against Muammar Gaddafi led to his degradation and extra-judiciary murder. Both adhered to moral codes and were more effective, protective and humane leaders than those who replaced them. Portraying Islam on a world-wide stage as morally deficient began with an Anglo-American literary campaign using Salman Rushdie's Satanic Verses, which provoked such extreme response from Muslim fundamentalists that literary establishments devoted to freedom of speech rose in arms. As though the Jewish and Christian intellectuals of nuclear powers had the right to judge religious sensibilities of less well armed religions. The concept of a "war on Islam" itself was carefully avoided by the media.

At what point do unequal religious wars, which have resulted in the destruction of several Muslim nations and Muslim peoples so far become clearly a genocide ?

The genocidal aspect of destruction of the Federal Republic of Yugoslavia as a national group, was diluted by focusing on the genocides of individual ethnic and religious groups of Croats, Serbs, and Muslims.

In Iraq however, the national group was of one predominant religion. By emphasizing and encouraging sectarianism within Iraq, the public's perception of a genocide was bent to internal dissent and civil war. The red mist of the 1990 U.S. / Coalition invasion, where thousands of shopkeepers in uniform were machine gunned and bulldozed into desert trenches (with military and civilian casualty statistics suppressed by Global media), the statistics on the damage to Iraq, its people, its culture, its intellectual

community, the diaspora of Iraqi refugees seeking lives in foreign countries, were ground to a fine powder by the second Gulf War and establishment of the NATO country controls which left us with Iraq of today.

Since 1990 a proliferation of U.S. organizations and foundations became devoted to the issue of genocide, and based in the Universities or governments which provided us with the leaders propagating the genocides. Yale which supplied the nation with Presidents Bush Senior and Junior, hosts the the Genocide Studies Program at Yale (founded 1998). Harvard which provided President Obama with a curious education in law boasts the Carr Center for Human Rights Policy (founded 1999) that provided Samantha Powers and the Canadian Michael Ignatieff a platform for supporting the invasion of Iraq, an aggression. U.S. Organizations devoted to the prevention of Genocide have been reluctant to recognize Israel's policies toward Palestinians as violations of the Convention.

Throughout North America, the 'genocide prevention' establishment (which now includes the FBI) is unswervingly dedicated to supporting U.S. Government policy, excusing, or ignoring it.

In Canada most organizations devoted to Genocide prevention, as well as the experts on genocide, are firmly Canadian government advocates, while it is usually government which presents the primary threat of genocide against a people.

It is just because the contemporary government policies which allow extremes of injustice against Aborigines have a history, that their continuation is "intentional". The effect is made clear by history, evidence, statistics, and human suffering. To confuse contemporary policies which assure the termination of a group, with the ugliness or glories of conquest, insists on historical crimes as a norm and re-writes history to accommodate a contemporary and essentially bureaucratic evil. The intention of discovering and settling the Americas was not genocide. Its tactical use of genocide, which continues for profit, is genocide, and the need to manage the public into perceiving the damage against American Indians as "collateral damage" has laid the groundwork for the tragic crimes of American history: the bombing of Hiroshima, of Nagasaki, the firebombing of Dresden, the defoliation of Vietnam, the bombing of Iraq. Each involves the immense "collateral damage" of millions of civilian lives. It is when the creation of "collateral damage" becomes a policy that it becomes clearly genocide. U.S. and NATO policy in the Middle East is consistently killing hundreds of thousands of civilians, displacing millions, destroying infra-structure, and past any claim of "collateral damage," outside international law and without assuming the care of a conquered people as required by law.

Canada's Montreal Institute for Genocide [sic] and Human Rights Studies (founded 1986) hosts the government's "All-Parliamentary Group on the Prevention of Genocide" and "Will to Intervene Project." Canada's Senator Romeo Dallaire tries to move the concept of "Right to Protect" (R2P) which can result in military intervention 'to stop a genocide', toward peace keeping, ie. to keep the fighting groups apart. General Dallaire, commander of the UN peace keeping mission during genocide in Rwanda was doing just that when abandoned by the world powers that signed the Convention on Genocide.

Currently, Dallaire would have favoured intervention in Syria some years ago but wonders why military intervention is suggested now when it would do no good for the people. He advises against a military attack on Syria, particularly without accurate field information. The UN report of its chemical weapons investigators is neither prepared nor released.

The domain of what genocide is and where the word applies is fairly strictly controlled, manipulated and media managed, by or to the interests of the offending government. Perception of contemporary genocide is increasingly controlled by statistics in the hands of government and corporate organizations. What

happens to the people is one factor in an economic equation. Genocide becomes less a matter defined by race, ethnicity, religion, economic status or class, and more a tool of the powerful to depopulate, control, and organize accepting groups into consumerism.

People tend not to cooperate with what they know is a crime. This doesn't always express itself in underground movements, political activism, or guerrilla warfare, but simply in non-cooperation. North America, built by its people, is entirely vulnerable to its people. All the refineries, nuclear facilities, power stations, military bases, government offices, rely finally on human security. Finally the people are responsible for whether the society will function or not. Perception management in the government's statements and media propaganda offer the illusion of its control over millions of powerless individuals. Yet each person thinks, and loves, and wants a future. So if the U.S. President insists on another illegal attack on yet another Muslim country it isn't only up to Congress, which may show the limited understanding of a very wealthy elite, but the decision of a people who pays for the government's decisions with their future.