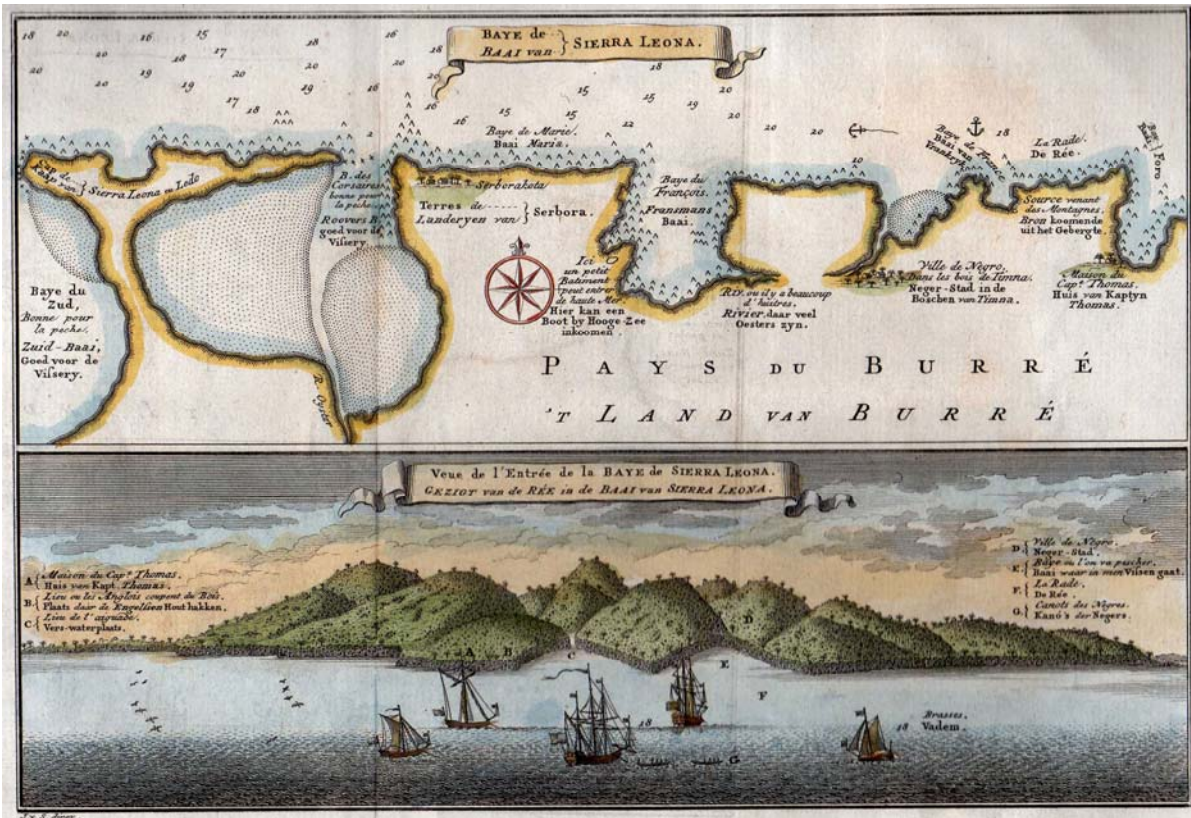


SPECIAL COURT FOR SIERRA LEONE OUTREACH AND PUBLIC AFFAIRS OFFICE



Bay of Sierra Leone, 1754

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:

Monday, 1 February 2010

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

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Concord Times

Monday, 1 February 2010

Taylor Turns up Late in Court

By Alpha Sesay

Former Liberian president Charles Taylor was grilled by prosecutors about bank transfers which they say allowed the accused to secretly buy weapons while his country was under a United Nations arms embargo. Mr. Taylor said he could not remember specifically what the money was used for.

The questioning followed a surprising start to the day with the accused failing to appear in court. Defense counsel for the former president said his client had reported a security breach in his jail cell and refused to appear at the Special Court for Sierra Leone in time for the trial to start. His counsel, Morris Anyah, told the court that security officers at the detention center had tampered with Taylor's confidential documents during their routine inspection of his cell. As the documents were in excess of a million pages, Taylor thought he needed about a week to cross-check all his materials. The judges refused and ordered him to appear.

When he finally arrived in court, prosecutor Nicholas Koumjian sought to expose how Taylor's Liberian government purchased arms and ammunition in violation of a United Nations arms embargo on Liberia. Mr. Koumjian went through portions of a United Nations expert report which accused the former warlord and his government of busting UN sanctions, as well as involvement in Sierra Leone's conflict.

Koumjian, reading from the UN

report told Taylor that in October 2000, the Bureau of Maritime Affairs transferred 150,000 USD into a bank in Dubai and the said money was used for "sanction busting."

"Did you know about this?" Koumjian asked the accused.

"Not specifically," Mr. Taylor responded.

Koumjian also told Taylor that during his administration as president of Liberia, a letter originating from the Liberian ministry of finance instructed one John Teng, the General Manager of Oriental Timber Company (OTC) in Liberia, to transfer 500,000 USD into a bank in Switzerland. The money, Koumjian said, was OTC's tax payment to the Liberian government.

"Were you familiar with this instruction to transfer this tax amount not to the Central Bank of Liberia or the Ministry of Finance but to a Swiss Bank?" Koumjian asked.

In his response, the former president said that "I wouldn't say specifically but generally, yes."

Asked what he meant by that response, Taylor explained that "a letter from the Ministry of Finance to Mr. Teng would have gone through some clearing from the presidency."

When asked what the money was meant for, Taylor said "I do not know. I cannot recollect specifically. All I can say is that an amount like that will need some presidential clearance."

According to the UN report, Taylor's government provided money to Mr. Sanjivan Ruprah, the former Deputy

Commissioner of the Bureau of Maritime Affairs in Liberia. As Koumjian pointed out, Mr. Ruprah was described by the UN Sanctions Committee on Liberia as "Businessman, Arms dealer in contravention of UNSC resolution 1343. Supported former president Taylor's regime in effort to destabilize Sierra Leone and gain illicit access to diamonds."

Taylor admitted knowing Mr. Ruprah, saying that he was an "ambassador at large for Liberia and worked for the Maritime Bureau." He said that he approved Ruprah's diplomatic status.

Taylor, however, added that he does not know every detail of Ruprah's life. Asked if he has been honest about his knowledge of Ruprah, the former president said that "yes, what I have said is what I know. I do not know every detail of Mr. Ruprah's life."

The prosecutor pointed out that according to the January 7, 2008 testimony of the prosecution's expert witness Ian Smilie who was also a member of the UN Panel of Experts, when Taylor was asked by the UN Panel whether he knew Ruprah, the former president had said that he does not know him.

"You know that Smilie and I disagree. I disagree with Smilie's account. I would know of him but I would not know him personally," Mr. Taylor responded.

"I don't know Mr. Ruprah, I don't know him personally. If you bring him now as big as this building, I would not know him," he added.

The former president also denied Koumjian's assertion that in 1999-2000, he authorized the disbursement of 1 million USD to Ruprah for the purchase of arms and ammunition.

"I did not authorize money to him to buy arms. I would have authorized money to him but the details of it, I do

not know. I do not recall the details of why these amounts were paid. All I can say is that I authorized them." Taylor said.

"Are you saying you do not know how a million dollars of your country's money was spent?" Mr. Koumjian enquired further.

The former president maintained that he could not recall what the money was meant for.

Prosecutors have been seeking to discredit Taylor's credibility as a witness, trying to convince the judges that his testimony cannot be relied upon because the former president has not been truthful in his accounts. From July to November 2009, Taylor testified as a witness in his own defense during which he denied providing support for Revolutionary United Front (RUF) rebels in Sierra Leone. He also denied providing arms and ammunition to RUF rebels, arguing that his government did not have money to purchase arms for his country and so could not have provided any to RUF rebels. The former president also denied sending monies to various banks in foreign countries. Prosecutors now seek to prove that he has not been telling the truth.

Also referenced in the UN report was an interview with former Ivorian leader, the late General Robert Guei, who himself took power by a military coup in Ivory Coast. According to the report, Gen. Guei told that Panel that shortly after the 1999 coup which brought him to power in Ivory Coast, he had requested and received arms and ammunition from Taylor in Liberia. Mr. Taylor admitted that he had indeed sent arms and ammunition to Gen. Guei in Ivory Coast.

"We sent some of the Ivorians in Liberia and they carried the light arms and ammunition to Ivory Coast," Taylor said.

The Spectator

Monday, 1 February 2010

Taylor Transferred to Foreign Bank Accounts...Says Prosecutors

Prosecutors this week grilled Charles Taylor on allegations that his rebel forces committed widespread and systematic crimes in Liberia similar to those committed by rebel forces in Sierra Leone, that he trained and used children for combat in Liberia, that he stashed away huge amounts of Liberian government money into foreign bank accounts, and that he has lied and given inconsistent testimony while testifying as a witness in his own defense. Mr. Taylor denies all charges against him, but this week did admit to inconsistencies in his own testimony.

During the former Liberian president's cross-examination, prosecutors have been seeking to prove that Mr. Taylor established control over Revolutionary United Front (RUF) rebels in Sierra Leone. These rebels, prosecutors say, replicated the types of widespread and systematic crimes that Mr. Taylor's own forces committed in Liberia during its civil war, including sexual offenses and recruitment of child soldiers. Prosecutors have also been seeking to impeach Mr. Taylor's credibility as a witness, trying to highlight inconsistencies in the former president's testimony and telling the judges that he has lied as a witness and therefore his accounts cannot be relied on. Cross-examination of Mr. Taylor is expected to finish in the coming week.

On Monday, lead prosecution counsel, Brenda Hollis, questioned Mr. Taylor about crimes committed by his National Patriotic Front of Liberia (NPFL) rebel forces during the conflict in Liberia as part of a broader effort to show consistent crime patterns with RUF rebels in Sierra Leone for whom Mr. Taylor is accused of providing support. In doing so, she sought to demonstrate that while the specific types of crimes committed in each country may have differed, the approach used by both sets of rebels were the same in that they involved widespread and systematic attacks against civilians. Mr. Taylor has consistently denied he was in control of the RUF rebels. The former president has also sought to show in his direct testimony that he held his own rebels in Liberia to account for any crimes committed - and that in any case, such crimes were not, he argues, widespread in nature.

"Crimes committed by all factions in Liberia including your NPFL were widespread and systematic in nature," Ms. Hollis told Mr. Taylor on Monday. "I'll say it's incorrect," Mr. Taylor responded. Ms. Hollis also pointed out that "the NPFL did not put in place the minimum standards to mitigate against these widespread abuses" in the NPFL. In his response, the former president said that "the NPFL had military tribunals to mitigate abuses." Mr. Taylor has previously maintained that crimes committed by rebel forces in Sierra Leone were a surprise to him because they did not occur in Liberia. Ms. Hollis disagreed with Mr. Taylor on this, pointing that Liberian rebel forces also subjected civilians to amputations, just like RUF rebels did in Sierra Leone.

"There were no amputations in Liberia.

That is a blatant and diabolical lie," Mr. Taylor said. On Tuesday, Ms. Hollis told Mr. Taylor that he recruited and used children for military purposes in Liberia and it was therefore no surprise to him to learn that child soldiers were being used by RUF rebels and the Armed Forces Revolutionary Council (AFRC), an illegal junta regime that overthrew the elected government of Sierra Leone in 1997. Mr. Taylor dismissed the claim as untrue. "You yourself had armed children, some as young as eight years old," Ms. Hollis accused Mr. Taylor on Tuesday.

"That is total nonsense. Every child that I held I put in an orphanage," Mr. Taylor responded. In response to prosecution allegation that he "used children as young as 10 to man check-points," Mr. Taylor said that "I did not use any children as young as 10 to man check-points. There were soldiers and some of them had their relatives around them but I did not use any children to man check-points." As Ms. Hollis asserted that "use of child soldiers by the RUF and AFRC was no surprise to you," Mr. Taylor responded that "I have no knowledge of what the AFRC and RUF did in Sierra Leone." In pointing out the activities of Mr. Taylor's NPFL rebels in Liberia, Ms. Hollis has been trying to convince the judges that Mr. Taylor knew of similar activities by Sierra Leonean rebel forces but could do nothing to stop them because he was doing the same things in Liberia.

"No surprise to you of what they (RUF) did in Sierra Leone because it is the same that you did in Liberia," Ms. Hollis persisted. "You were not truthful when you said that crimes committed in Sierra Leone were of surprise to you because they did not happen in Liberia," she added. "I had no knowledge of the inner workings of the RUF and AFRC." Mr. Taylor responded, adding that crimes such as amputations were not committed in Liberia and cases of rape were severely dealt with.

Also on Tuesday, Ms. Hollis told Mr. Taylor that he failed to take actions against some of his NPFL commanders who massacred civilians in various towns and villages in Liberia. Mr. Taylor insisted that he did take actions for any crimes that were brought to his knowledge. On Wednesday, prosecutors questioned Mr. Taylor about bank transfers which they say allowed him to secretly buy weapons while his country was under a United Nations arms embargo. Mr. Taylor said he could not remember specifically what the money was used for.

Prosecution counsel Nicholas Koumjian sought to demonstrate that Mr. Taylor's Liberian government purchased arms and ammunition in violation of a United Nations arms embargo on Liberia. Mr. Koumjian went through portions of a United Nations Expert report which accused Mr. Taylor and his government of busting UN sanctions, as well as involvement in Sierra Leone's conflict. Mr. Koumjian, reading from the UN report told Mr. Taylor that in October 2000, the Bureau of Maritime Affairs transferred 150,000 USD into a bank in Dubai and the

said money was used for "sanction busting."

"Did you know about this?" Mr. Koumjian asked Mr. Taylor. "Not specifically," Mr. Taylor responded. Mr. Koumjian also told Mr. Taylor that during his administration as president of Liberia, a letter originating from the Liberian Ministry of Finance instructed Mr. John Teng, the General Manager of Oriental Timber Company (OTC) in Liberia, to transfer 500,000 USD into a bank in Switzerland. The money, Mr. Koumjian said, was OTC's tax payment to the Liberian government.

"Were you familiar with this instruction to transfer this tax amount not to the Central Bank of Liberia or the Ministry of Finance but to a Swiss Bank?" Mr. Koumjian asked Mr. Taylor. In his response, Mr. Taylor said that he could not say what the money was transferred for but agreed that an amount like that could have had clearance from the presidency. "I do not know. I cannot recollect specifically. All I can say is that an amount like that will need some presidential clearance," he said.

According to the UN report, Mr. Taylor's government provided money to Mr. Sanjivan Ruprah, the former Deputy Commissioner of the Bureau of Maritime Affairs in Liberia. As Mr. Koumjian pointed out on Wednesday, Mr. Ruprah was described by the UN Sanctions Committee on Liberia as "Businessman, Arms dealer in contravention of UNSC resolution 1343. Supported former president Taylor's regime in effort to destabilize Sierra Leone and gain illicit access to diamonds."

Mr. Taylor denied that in 1999-2000, he authorized the disbursement of 1 million USD to Mr. Ruprah for the purchase of arms and ammunition. "I did not authorize money to him to buy arms. I would have authorized money to him but the details of it, I do not know. I do not recall the details of why these amounts were paid. All I can say is that I authorized them," Mr. Taylor said. While agreeing that he approved Mr. Ruprah's status as a Liberian diplomat, he, however, added that he does not know every detail of Mr. Ruprah's life. Asked if he has been honest about his knowledge of Mr. Ruprah, the former president said that "yes, what I have said is what I know. I do not know every detail of Mr. Ruprah's life."

On Thursday, Mr. Koumjian told Mr. Taylor that he told lies in his direct examination because he was too desperate to discredit prosecution witnesses. Mr. Taylor dismissed this assertion as "incorrect" - but the former president did admit to a series of

inconsistencies in his own previous testimony as the day wore on. Mr. Koumjian accused Mr. Taylor of giving different accounts of his relationship with National Union for the Total Independence of Angola (UNITA) rebel leader the late General Jonas Savimbi. In his previous testimony, Mr. Taylor had said that he had met Gen. Savimbi in Ivory Coast but later denied ever meeting the Angolan rebel leader, asserting that he only had communications with him. When the inconsistency in his testimony was brought out to him, Mr. Taylor said that ""to be honest, I've never met Gen. Savimbi. I concede, what I said then was incorrect."

Mr. Koumjian also questioned Mr. Taylor about his earlier denial that his Chief of Protocol Musa Sesay had not accompanied RUF commander Sam Bockarie to Zambia in February 2001. Mr. Bockarie, it is alleged had traveled to Zambia in February 2001 on route to Angola where Mr. Taylor had allegedly sent him to render military assistance to UNITA rebels. Mr. Taylor had previously said that it was not possible for Mr. Sesay to have travelled to Zambia without his knowledge because according to him, he saw Mr. Sesay everyday. During cross-examination on Thursday, Mr. Koumjian presented to Mr. Taylor a Liberian diplomatic passport with a photograph of Mr. Sesay, which indicated that Mr. Sesay had entered Zambia on February 10 and departed the country three days later, at about the same time Mr. Bockarie is alleged to have travelled to Zambia.

"We may have to determine the authenticity of this passport. We have seen many fake passports and fake stamps, so we'll have to determine the authenticity of it," Mr. Taylor responded. "The reason you lied to these judges that you are 100 percent certain that Musa Sesay was not in Zambia and you did not know Mr. Savimbi is because you were desperate to discredit the witness who spoke about these issues," Mr. Koumjian told Mr. Taylor. "That is incorrect," the former president responded.

Mr. Taylor is responding to charges that he was involved in a joint criminal enterprise with RUF rebels in Sierra Leone. Mr. Taylor has denied allegations that he supplied arms and ammunition to the rebels in return for Sierra Leone's blood diamonds and that he helped them plan certain operations during which atrocities such as rape, murder and amputation of civilian arms were committed. From July 14 to November 10, 2009, Mr. Taylor testified in direct-examination as a witness in his own defense.

Daily Observer (Liberia)

Saturday, 31 January 2010

‘Not Specifically, but Generally, Yes’



Taylor Plays Games with Prosecution

THE HAGUE – Former president Charles Taylor was grilled by prosecutors about bank transfers which they say allowed him to secretly buy weapons while his country was under a

United Nations arms embargo.

The defendant has said he could not remember specifically what the money was used for.

The questioning followed a surprising start to the day, which began with Taylor failing to appear in court.

The defense counsel for the former president said Taylor had reported a security breach in his jail cell and refused to appear at the Special Court for Sierra Leone in time for the trial to start. Taylor’s lawyer, Morris Anyah, told the court that security officers, during a routine inspection of Taylor’s cell, had tampered with confidential documents belonging to his client at the detention center. As the documents were in excess of a million pages, Taylor said he thought he needed about a week to cross-check all of his materials. The judges refused and ordered Taylor to appear.

When Taylor arrived in court, prosecutor Nicholas Koumjian sought to expose how the Liberian government under the accused former warlord purchased arms and ammunition in violation of a United Nations arms embargo on Liberia. Koumjian went through portions of a United Nations expert report which accused Taylor and his government of busting UN sanctions, as well as involvement in Sierra Leone’s conflict.

Reading from the UN report, Koumjian told Taylor that in October 2000, the Bureau of Maritime Affairs transferred US\$150,000 into a bank in Dubai and the said money was used for “sanction busting.”

“Did you know about this?” the prosecutor asked Taylor.

“Not specifically,” Taylor responded.

Koumjian also told Taylor that during his administration as president of Liberia, a letter originating from the Liberian Ministry of Finance instructed the General Manager of Oriental Timber Company (OTC) in Liberia, John Teng, to transfer US\$500,000 into a bank in Switzerland. The money, Koumjian said, was OTC’s tax payment to the Liberian government.

“Were you familiar with this instruction to transfer this tax amount not to the Central Bank of Liberia or the Ministry of Finance but to a Swiss Bank?” Koumjian asked Mr. Taylor.

“I wouldn’t say specifically but generally, yes,” the former president responded.

Asked what he meant by that response, Taylor explained that “a letter from the Ministry of Finance to Mr. Teng would have gone through some clearing from the presidency.”

Asked what the money was meant for, Taylor responded, “I do not know. I cannot recollect specifically. All I can say is that an amount like that will need some presidential clearance.”

Also according to the UN report, Taylor’s government provided money to, the former Deputy Commissioner of the Bureau of Maritime Affairs in Liberia, Sanjivan Ruprah.

As the prosecution pointed out, Ruprah was described by the UN Sanctions Committee on Liberia as follows:

“Businessman, arms dealer in contravention of UNSC resolution 1343. Supported former president Taylor’s regime in effort to destabilize Sierra Leone and gain illicit access to diamonds.”

Taylor admitted knowing Ruprah, describing his function as an “ambassador at large for Liberia [who] worked for the Maritime Bureau.” He said that he had approved Ruprah’s diplomatic status.

He argued, however, that he does not know every detail of Ruprah’s life. Asked whether he had been honest about his knowledge of Ruprah, the former president answered, “Yes, what I have said is what I know. I do not know every detail of Mr. Ruprah’s life.”

Koumjian pointed out that the January 7, 2008 testimony of the prosecution’s expert witness, Ian Smilie, who was also a member of the UN Panel of Experts, had revealed that when Taylor was asked by the UN Panel whether he knew Ruprah, the former president had said that he did not know him.

“You know that Smilie and I disagree. I disagree with Smilie’s account. I would know of him but I would not know him personally,” Taylor responded.

“I don’t know Mr. Ruprah, I don’t know him personally. If you bring him now as big as this building, I would not know him,” he added.

The former president also denied Koumjian’s assertion that from 1999 to 2000, he authorized the disbursement of US\$1 million to Ruprah for the purchase of arms and ammunition.

“I did not authorize money to him to buy arms. I would have authorized money to him but the details of it, I do not know. I do not recall the details of why these amounts were paid. All I can say is that I authorized them,” Taylor said.

“Are you saying you do not know how a million dollars of your country’s money was spent?” Koumjian further enquired.

The former president maintained that he could not recall what the money was meant for.

Prosecutors have been seeking to discredit Taylor’s credibility as a witness in efforts to convince the judges that his testimony cannot be relied upon because the former president has not been truthful in his

accounts. From July to November 2009, Taylor testified as a witness in his own defense, during which he denied providing support for Revolutionary United Front (RUF) rebels in Sierra Leone. Taylor denied providing arms and ammunition to RUF rebels, arguing that his government did not have money to purchase arms for his country and so could not have provided any to RUF rebels. The former president also denied sending monies to various banks in foreign countries. Prosecutors now seek to prove that the former president has not been telling the truth.

Also referenced in the UN report was an interview with former Ivorian leader, the late General Robert Guei, who himself took power by a military coup in Ivory Coast. According to the report, Guei told that Panel that shortly after the 1999 coup that brought him to power in Ivory Coast, he had requested and received arms and ammunition from Taylor in Liberia. Taylor admitted that he had indeed sent arms and ammunition to Guei in Ivory Coast.

“We sent some of the Ivorians in Liberia and they carried the light arms and ammunition to Ivory Coast,” Taylor said.

Prosecutors have alleged that as president of Liberia, Taylor sent arms and ammunition to RUF rebels in Sierra Leone, which were then used to commit heinous crimes against the people of Sierra Leone. Taylor has maintained that while he was president, he did not have arms for his own country and so could not have provided any to foreign forces. Prosecutors now seek to prove that he provided said arms to forces outside Liberia, such as those given to Ivorian forces.

Taylor’s cross-examination continues.
(Edited by LiberianObserver.com)

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PRIO

Monday, 1 February 2010

<http://www.prio.no>

PRIO Director's Speculations 2010

As tradition has it, the PRIO Director speculates about who will receive this year's Nobel Peace Prize. While the PRIO Director may be well placed to do this, his speculation does not confirm or endorse nominations. Nor does it reflect the opinion of the Nobel Peace Prize Committee. PRIO does not have any formal links to the Nobel Institute.

The Norwegian Nobel Committee bases its assessment on valid nominations that they receive by 1 February each year. A number of people around the world, including all members of parliaments, have the right to nominate. The members of the Norwegian Nobel Committee can also nominate candidates before their first meeting following the deadline. The winner is usually announced on the second Friday in October at 11:00 am (Norwegian time).

Kristian Berg Harpviken believes that the 2010 peace prize is most likely to be awarded to a candidate who has made a significant contribution to the prevention, amelioration or resolution of armed conflict, in line with the spirit of Alfred Nobel's will. A prize could go to somebody who has played a central role in resolving a particular conflict, but Harpviken thinks it is more likely that this year's prize will highlight a particular thematic. He suggests transitional justice, women and security, and peace research as three possible foci. Furthermore, Harpviken thinks that the committee, just as in awarding the 2009 prize to Barack Obama, will seek to use the prize to give weight to actors and initiatives that they see as particularly important at this time. Unlike 2009, however, the recipient of this year's prize is probably not going to be somebody who is a household name around the globe. PRIO Director Kristian Berg Harpviken finds it particularly important that the prize is awarded to a person or organization advocating peaceful ways of overcoming armed conflict.

The **Special Court for Sierra Leone (SCSL)** is Harpviken's first choice for 2010. The SCSL represents the trend of setting up conflict-specific tribunals in the aftermath of armed conflict. Rooted in international law, a traditional field in the prize's history, recent years have seen considerable innovation in transitional justice, and the SCSL is recognized both for its effectiveness and its local impact. A second, strong candidate is **Sima Samar**, the female Afghan human rights advocate, who also figured on Harpviken list for last year's prize. Samar is as a key candidate on the theme of 'women, peace and security', which is high on the global agenda as UN Security Council Resolution 1325 marks its 10th anniversary. A third favourite of Harpviken is **Gene Sharp**, scholar and non-violence advocate, as a representative of a new field for the Nobel Peace Prize: peace research.

Kristian Berg Harpviken's favourites for the 2010 Nobel Peace Prize are:

Special Court for Sierra Leone

Sima Samar

Gene Sharp

The **Special Court for Sierra Leone** (SCSL) was initiated by President Kabbah of Sierra Leone in 2000 and was set up in 2002 in agreement between the UN and the Government of Sierra Leone. The importance of transitional justice for war-torn societies to recover has been increasingly recognized over the past couple of decades, and the field has been characterized by innovation and institution-building. The SCSL sits within Sierra Leone's judiciary (though outside of the system structure), yet is still a domestic-international hybrid, in that it is set up to call upon the privileges of immunity otherwise given only to international courts. Its mandate is to try those responsible for serious violations of international humanitarian law and the laws of Sierra Leone committed in Sierra Leone since 30 November 1996 (even though the civil war started in 1991). In total, 13 indictments have been issued and 5 war criminals convicted. At present, the case against former Liberian president Charles Taylor is in the defence phase; a case which was moved from Freetown to The Hague due to the risk of instability and unrest in the region. The SCSL has been praised for its relative effectiveness, lack of serious delays and problems, and especially for its local outreach work. As such, it is a model of best practice within international law. The court will be closed down in 2010, as its mandate is seen to be fulfilled. Other potential candidates within the field of international law and transitional justice are **Richard Goldstone**, leader of the UNHRC investigation of human rights and humanitarian law violations in the 2008-09 Gaza war; and the **Special Tribunal for Cambodia**.

Sima Samar is a strong candidate within the area of 'women, peace and security'. She is an Afghan human rights activist who throughout her career has had a strong focus on women's rights. Currently, Samar leads the Afghanistan Independent Human Rights Commission (AIHRC). She also served as the UN Special Rapporteur on the situation of human rights in Sudan from 2005 to 2009. Samar is a medical doctor by training, and has also been heavily engaged in humanitarian welfare work, establishing Shuhada, an organization that focuses on health care, particularly to female Afghans. In 2002, Samar was appointed as a Minister of Women's Affairs in Hamid Karzai's transitional administration. She has been under frequent attacks both from conservative religious leaders and from Islamist radicals, and she is a prominent voice for the rights of women. Samar was nominated for the post of United Nations High Commissioner for Human Rights in 2008. In Afghanistan, the AIHRC has played an important role in monitoring human rights abuses, including bringing attention to the issue of civilian casualties. Yet, the commission's effectiveness has been hampered by a cautious president who relies on deals with many of the country's former warlords, by representatives of the international community who are equally cautious, and most importantly, by the amnesty on pre-2001 war crimes that was tabled by the country's parliament in 2005. While controversial in many political quarters, Samar does invite respect by being a principled and outspoken proponent of human rights and the need for a true reconciliatory process. As 2010 has been introduced by a call for seeking political accommodation with the Taliban, we shall expect Samar to engage in a debate about the implications of

this for human rights in general, and for women's rights in particular. Other potential candidates within the domain of women, peace and security are **Asma Jahangir**, the Pakistani human rights activist who is also the UN Special Rapporteur on Freedom of Religion or Belief; and **Denis Mukwege**, the doctor from the Democratic Republic of Congo who works with victims of sexualised violence.

Gene Sharp is known for his scholarly writings on and advocacy of non-violence. As such, he represents the wider category of 'peace research', but with a particular focus on the effectiveness of non-violent methods. He is widely seen as the most prominent thinker on non-violence currently alive.

Sharp holds a degree in political theory from Oxford University, and has spent almost three decades at the Center for International Affairs at Harvard University. He set up the Albert Einstein Institution (AEI) in 1983 as a platform for his engagement to both theorize and teach non-violence. Over the recent few years, Sharp and the AEI has been subject to considerable criticism from various regimes — with Venezuelan President Hugo Chavez at the front — for collaborating with the US government to overthrow regimes that are out of favour. The critique has been forcefully rebutted by a number of commentators and scholars.

When Sharp is considered a particularly promising candidate this year, it is because the shortcomings of coercive power have become increasingly apparent, not least as a result of the interventions in Afghanistan and Iraq. A wider human security agenda — crystallized in the 'Responsibility to Protect' principles — needs to engage with the lessons learnt from non-violence.

A Nobel Peace Prize to Gene Sharp would not only be a recognition of the role of peace research and the importance of knowledge for policy innovation, but also serve as a strong handshake to scholars and advocates of non-violence. Other potential candidates within peace research are **Paul Collier**, Oxford University Professor of Economics and one of the world's most influential analysts of the causes and consequences of war; **Michael Doyle and Bruce Russett**, proponents of the Democratic Peace theory; and the **Human Security Report Project (RSRP)** and its founder, Andy Mack, for persistently arguing and documenting the post-1995 decline of wars, battle-deaths and genocides.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Media Summary 29 January 2010

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Miami: Closings set in Liberian torture victims' lawsuit

The Associated Press

January 29, 2010

Acting as his own lawyer, the son of former Liberian President Charles Taylor will tell a Miami federal judge why he shouldn't have to pay money to five Liberians despite his criminal conviction for torture. Charles McArthur Emmanuel, also known as Charles "Chuckie" Taylor Jr., is scheduled Friday to give his closing statement in the lawsuit. The five Liberians are each seeking millions of dollars in damages from Emmanuel for torture they suffered during the West African nation's civil war. Emmanuel commanded an elite paramilitary unit in his father's regime that used torture and killings to silence opposition. The 32-year-old Emmanuel was convicted of violating U.S. torture laws in 2008. He is serving a 97-year prison sentence.

International Clips on West Africa

Guinea

Guinea's Military Leader Wants Army to Support Transitional Government

Source: VOA, 29 January 2010

Guinea's acting military leader is calling on soldiers to support the country's new transitional government which is meant to organize elections in June. After more than one year of military rule in Guinea, General Sekouba Konate says it is time the army return to its proper function and support civilians working toward new elections. General Konate says the army's mission is to defend the territorial integrity of the nation, to safeguard democracy, and to protect the people. General Konate took power in December when military leader Captain Moussa Dadis Camara was shot by the former head of the presidential guard who says Captain Camara was trying to blame him for the killing of opposition protestors in September. The gunmen and his supporters in the presidential guard escaped and are still at large.

Sierra Leone

Sierra Leone: 2009 UNICEF report not favorable

<http://www.thepatrioticvanguard.com>- Friday 29 January 2010.

A special Edition of 'The State of the World's Children' published by UNICEF in November 2009 has shown that the country's maternal and under-five mortality rates are the highest in the world, and nearly 40 per cent of children under five suffer from moderate or severe stunting. The report further shows that basic and maternal health facilities and services and environmental health infrastructures are in short supply and that one third of infants do not receive routine immunization in the form of three doses of diphtheria, pertussis and tetanus toxoid vaccine. According to the special report nearly 60 per cent of women deliver without the assistance of a skilled health attendant. In the area of clean drinking water, the report affirms that almost half of Sierra Leoneans have no access to improved drinking-water facilities, and roughly 7 in every 10 citizens are without adequate sanitation facilities. More than 30 per cent of children of primary-school-age are not enrolled in school, and there are moderate transition rates from primary school to secondary and tertiary education. Barriers to girls' education include child marriage – 62 per cent of girls marry before age 18, and 27 per cent before age 15 – and high levels of adolescent pregnancy the special report confirmed.

Cote D'Ivoire

Ivorian rubber to boom on China demand

Fri Jan 29, 2010 1:51pm GMT

ABIDJAN (Reuters) - Ivory Coast's rubber output is rising and will jump next year as soaring demand from China encourages its farmers to switch from growing cocoa and coffee. "Production has increased slightly this year ... after 2010 it is going to rise sharply as thousands of hectares of new plantations come in," Akpangni Attobra, general secretary of the Ivorian natural rubber association (APROMAC), told Reuters in an interview. Attobra said demand from China was far in excess of Ivory Coast's ability to meet it. "We have no problem with our markets -- all our produce is being sold," he said. "Chinese demand is getting stronger and stronger. A lot of Chinese clients are coming here to see us for supplies but we are failing to meet their demand."

Local Media – Newspaper

Senate Rejects INHRC Nominees

(The Inquirer and Heritage)

- The Senate Thursday rejected confirming nominees of the Independent National Human Rights Commission (INHRC).
- The rejection comes barely days after President Ellen Johnson Sirleaf asked the Senate to urgently confirm the nominees including Cllr. Bedor-Wla Freeman, Joseph Cornomia, George Dayrell, Anthony Boakai, Losene Bility, Clinton Layweh and Esther Seton-Cee.
- No reason was provided for the rejection but it emerged that some Senators feared the full implementation of the TRC report.
- Under the Truth and Reconciliation Commission Act, the INHRC is tasked to ensure the full implementation of the TRC report.
- Meanwhile, Sinoe County Senator Mobutu Nyepan has announced a motion for reconsideration over the rejection of the nominees.

Government Sets Up Probe Team for Rivercess, Sinoe Border Dispute

(Heritage, Public Agenda and Liberian Express)

- Acting Internal Affairs Minister Peter Kamei has set up a crisis management team to quickly resolve the boundary dispute between Rivercess and Sinoe Counties.
- It followed an emergency meeting with Superintendents Wellington Geevon-Smith and Milton Teahjay of Rivercess and Sinoe Counties respectively.
- During the meeting, Acting Minister Kamei constituted a high-level team comprising key ministries and agencies to proceed to the disputed site and settle the matter.
- Meanwhile, the Sinoe Legislative Caucus has called for calm amidst a boundary dispute between Rivercess and Sinoe Counties.

Former LTA Boss Indicted... Charged with Stealing Over US\$72,000

(The News, Daily Observer and FrontPage)

- Just weeks after his brother, Laurence Bropleh, the former Minister of Information, Cultural Affairs and Tourism resigned in the wake of corruption allegations linking him to the misuse of more than \$200,000, the former head of the Liberia Telecommunications Authority (LTA), Albert Bropleh has been indicted for embezzling over US\$72,000 from the coffers of the LTA.
- The Anti-Corruption Commission (LACC) recently recommended that Bropleh be formally charged and prosecuted.
- In a letter to Justice Minister Christiana Tarr, the LACC recommended that he be charged and prosecuted for acts of corruption.

U.S. Government Dedicates Paediatric Ward at Redemption Hospital

(The News and Analyst)

- The United States Government has dedicated a 40-bed paediatric ward and laundry at the Redemption Hospital in the New Kru Town suburb of Bushrod Island.
- The paediatric ward and laundry facility were built by officers of the U.S. Navy Seabees from the Naval Mobile Construction Battalion 3 and some officers of the Armed Forces of Liberia engineers.
- The U.S. Africa Command and the Africa Partnership Station funded the construction which ran from September 7, 2009 to January 25, 2010.
- Speaking at the dedication, U.S. Ambassador to Liberia, Linda Thomas-Greenfield said her Government was a strong partner in Liberia's health care delivery programme. The cost of the project is estimated at US\$65,000.

LPRC Gets New Management Team

(The News)

- President Ellen Johnson Sirleaf has appointed a new management team at the Liberia Petroleum Refining Company (LPRC).
- President Sirleaf named Mr. T. Nelson Williams as Managing Director replacing Harry Greaves who was allegedly sacked for financial improprieties.
- The president also appointed Messrs Jackson F. Doe Jr. and Aaron Wheagar, Deputy Managing Director for Administration and Operations respectively.
- The Executive Mansion says the appointments were made on the recommendations of the Board of Directors of the LPRC.

Some 60 Auditor Head for Rural Liberia...As Audit Widens

(The News, The Analyst, Daily Observer, Public Agenda and The Informer)

- The General Auditing Commission (GAC) will next week deploy some 60 auditors throughout the country to carry out field verification of the second phase of the Heavily Indebted Poor Countries (HIPC).
- The commission said financial transactions, documentations, payrolls and other relevant information from the outposts of the Ministries of Education, Finance, Public Works Health and Social Welfare and the Lands, Mines and Energy is expected to be verified during the audit.

Government, UNMIL Dedicate Bridge in Cape Mount

(Public Agenda)

- The Government of Liberia and the U.N. Mission in Liberia (UNMIL) on Thursday dedicated a Bailey Bridge constructed by the Ministry of Public Works in collaboration with UNMIL Pakistani engineers and officers of the Armed Forces of Liberia (AFL).

- Deputy Public Works Minister, Jenkins Mendscrole and UNMIL Force Commander, Lieutenant General, Sikander Afzal spearheaded the ceremony and jointly cut ribbons to the Sinje Bridge.
- Speaking during the ceremony, Minister Mendscrole put the construction of the bridge at approximately US\$85,000 saying it would accelerate economic and social activities of Grand Cape Mount and Bomi Counties.
- For his part, General Afzal said he was honoured by the performance of the Pakistani engineers along with officers of the AFL who jointly and successfully constructed the bridge.

Civil Servants Honoured for Meritorious Service

(The Inquirer, Heritage, Daily Observer, The Informer)

- Government has honoured seven civil servants for their dedication and commitment to service at their various places of work.
- A Civil Service Agency Press release issued in Monrovia said the seven civil servants were nominated for distinguishing themselves by going beyond the call of duty.
- Meanwhile, President Ellen Johnson Sirleaf has lauded the honourees urging other to emulate them.

Local Media – Star Radio *(culled from website today at 09:00 am)*

Senate Rejects INHRC Nominees

(Also reported on Radio Veritas, Truth FM, Sky FM, and ELBC)

Government Sets Up Probe Team For Rivercess, Sinoe Border Dispute

(Also reported on Radio Veritas, Truth FM, Sky FM, and ELBC)

LPRC Gets New Management Team

(Also reported on Radio Veritas, Sky FM, and ELBC)

Ex-Auditor General Wants Aspects Of TRC Report Implemented

- Former Auditor General Raleigh Seekie says some aspects of the Truth and Reconciliation Commission (TRC) final report should be implemented.
- Mr. Seekie said the economic viability of the country, historical and educational portions of the report should be implemented.
- He said people should stop calling the report a trash simply because it recommended prosecution for some former war-lords.
- According to Mr. Seekie, the aspect of the TRC final report that talks about prosecution and public sanction should not be overlooked.

Public School Teachers In Bong County Abandon Classes

- Reports from Bong County say public school teachers in the county have abandoned the classroom for the past ten days.
- The teachers are in Gbarnga undergoing formalities aimed at opening accounts at Liberia Bank for Development and Investment on orders of Government, the reports say.
- The situation according to the reports has created serious shortage of teachers in many schools.
- Many parents in the county have criticized the process saying it should be carried out in the various districts instead of allowing the teachers to go to Gbarnga.

Radio Veritas *(News monitored today at 09:45 am)*

Prosecution Rests Hans' Examination, Second Defense Witness Appears Today

- State lawyers have rested the cross examination of co-defendant Hans Williams in the Angel Togba murder case after examining the defendant for three days.
- During Thursday's hearing, Hans Williams again accused former Justice Minister Philip Banks, the Women in Peace Building Network and others for what he called lying on him.
- Hans and Mardea Williams are on trial in connection to the death of little Angel Togba.
- The case continues today with defense lawyers producing their second witness.

Truth FM *(News monitored today at 10:00 am)***Former Liberian Warlord Arrested In The United States**

- A former Liberian rebel leader George Boley has been reportedly arrested and detained by the US Immigration and Customs.
- According to American blogger Jeffrey Goldberg, Dr. Boley a resident of New York is being charged administratively, with lying in order to gain entry into the United States, and with committing extrajudicial killings while in another country.
- Mr. Goldberg said the former Liberian warlord who was arrested on January 15th is now sitting in a jail cell in upstate Batavia.
- Reports said other branches of the US Homeland Security, are looking at charging him with actual war crimes.

The Analyst (Liberia)

Thursday, 28 January 2010

Liberia: Conduct National Plebiscite On TRC Report

B. Ignatius George I

OPINION

After a halting TR process that lasted well over the original timeframe, the Truth and Reconciliation Commission (TRC) released an unedited final report complete with recommendations covering prosecution, continued probe, reparation and restoration, palava-hut style justice and reconciliation, and outright disenfranchisement and denial of the right to hold public service without due process.

The Commission believes the report is comprehensive, well researched, and well targeted to deliver justice to the victims of Liberia's decade-long civil war and political abuse dating back to 1979. The cutoff date is troubling, but not seriously, to some who would prefer going farther back to the 1950s. But not many agree that the Commission is on the right track. Now the edited version of the report, called the "Final Consolidated Report" is before the National Legislature for review and no one knows for certain what else. Simultaneously, the report is also on the desk of the President of Liberia. The NTLA Act establishing the TRC mandates the President to implement all recommendations of the Commission without provision for the input of the Presidency. From the look of things, the Independent National Human Rights Commission (INHRC) is the institution created and mandated to implement the recommendations on behalf of the government.

The setup seems perfect from the distance. But a closer look reveals a can of worms bordering on the constitutionality and therefore the legality of the TR process, the constitutionality and therefore the legality of the recommendations of the TRC, the political will of the government to view the recommendations disinterestedly, and the capacity of the government to support the process vis-à-vis fears expressed by the population. In the midst of all this, the questions that emerge are these: Can the government implement the TRC report, or fail to implement the report and not have its hands seared? Won't it be plausible and less problematic to have the citizens speak, through a plebiscite, to the government of Liberia and the international stakeholders in Liberia's peace and recovery processes, on whether to implement or not implement the TRC report?" The Analyst brings these questions, this week, in Focus. But, first a quick look at the philosophy that went into the preparation of the report, the controversies and posturing generated by the recommendations, the capacity issue, the precarious position of the government, and the hawkish look the international community is likely to give the government of Liberia in case of a misstep.

II. The Philosophy

Originally, stakeholders based their peace formula on the philosophical theory of détente, suspending military approach to the leadership question and adopting the political approach. This is based upon the plausibility of the understanding that by adopting the Accra Comprehensive Peace Agreement (CPA), which recommended the commissioning of the Peace and Reconciliation Commission (TRC), they were providing an enabling environment for the attainment of peace and reconciliation. The formula was this: the victim confronts the perpetrator under a TRC palava hut or public hearing arrangement. The perpetrator concedes or denies the accusation of the victim with due empathy and, where possible, help identify the perpetrator or incident in which the atrocity may have occurred. In the former case, the perpetrator will ask for forgiveness and the victim will grant him or her mercy or make demand upon the perpetrator. In a third case, where the accused was appropriately identified but he or she arrogantly and vehemently denied his involvement with the victim, or even refused to submit the palava hut process, or found to have committed more atrocities than he or she is willing to admit to, such accused will be subpoenaed for criminal trial by a tribunal to be established by the TRC. The formula affirms the general amnesty of the CPA, which requires perpetrators to reconcile with their former victims by publicly confessing their wrongdoings, asking for forgiveness, and receiving forgiveness on the victims' term. No one rejected this formula for obvious reason, even though it did not go deep down in exacting retributive justice based on an "eye for an eye,

a tooth for a tooth” terms. Liberians wanted to put the war quickly and permanently behind them to begin building their lives in a new nation ruled by laws and not men, where no man will be so powerful as to subject the rest of the population to mayhem. They wanted no part in drawn out prosecutions in the name of justice, which will produce nothing but more trouble and deepen the already existing societal crevices. The recalled that, however far it veered off the road of justice and being a brother’s keeper, the war was fought to cover over these crevices, establish democracy, and create opportunity for all. They wanted to establish justice as a way of closing a chapter on a conflict that ended on compromise – on the strength of the mutual need for peace and security and on detente based on mutual fears for hostility and fear of international backlash that though may never come in time as far as hindsight can tell.

Unfortunately, the TRC changed this formula, perhaps for reasons the original formula did not consider – security of the victims being the best guess. Instead of open confrontation between victims and perpetrators, the TRC held open public thematic hearings where speakers after speakers related to what level and extent they were involved in the civil war, including what they thought were their feats – famous and infamous. No victims, no perpetrators; it was all free-for-all rhetoric. Midway in the process that ran well over three years, the TRC reverted to the Kantian concept of retributivist justice that holds that if there is no punishment for wrongdoers, there is will be no deterrence and overriding good for society. By leaning so heavily on punitive justice, the authority of the Commission sought to respond more aggressively to the Utilitarian philosophy, which they obviously interpreted to mean that since there can be no peace without justice, justice, however obtained, leads to peace and reconciliation. This line of belief, brought home to the Liberian peace process, would translate to something like this: unless justice is delivered as aggressively as possible by nailing down the perpetrators of mayhem against innocent women and children, Liberia’s culture of impunity may grow new nefarious roots thereby subjecting the Liberian society to perpetual injustice, human rights violations, and political misfeasance and malevolence. Many stakeholders and rank-and-file Liberians (as a shifting a group), agreed though guardedly, that justice pursued more aggressively and persistently is peace generated and preserved and an enabling environment created for the attainment of reconciliation. The point of departure is not with seeking justice for these ends, but with how the Commission proposed to obtain justice. It is this, “how,” that has generated the controversies that have strapped the TR process to the floor. This group abides in the “compromise theory” of the Utilitarian philosophy of justice that even though the ends of justice is to establish good over evil for society, the bars for the search for justice may be lowered and alternative sought if punishment will not establish justice. But this compromise abidance does not lie well with pro-retributive justice group, giving birth to the controversies.

III. The Controversies: taking sides and posturing

The pro-retributive justice group will prefer to see the full implementation of the recommendations contained in the TRC’s Final Consolidated Report unaltered and unmodified in whatever way, whether for ease of implementation or in consideration of secondary factors that make unqualified implementation near impossible. For this group of Liberians, justice is paramount and that therefore anything done to ease its bite would mean justice denied or a cause watered down and sold to the devils. “Vindictive and engrossed with score-settling with no due regard for consequence” seems the phrase that best describe the underlining thrust of this group’s position. There is the second group that is concerned the methods of seeking justice. This group believes that the Commission’s choice of method of justice delivery is possible only under the following conditions: (1) the situation of international conflict where there is a clear victor and a clear routed vanquished; (2) the situation where the victor has the power and authority to compel the vanquished to amend to its selected method of justice; (3) the situation where the victor has the capacity to establish an impartial tribunal complete with international judges and jurists; (4) the situation where the victor has the capacity to respect the rights and human dignity of those on trial; (5) the situation where the victor has the capacity to provide and maintain the dignified post-trial facilities for the guilty; and (6) the situation where the victor has the capacity to provide maximum security for the facilities and ensure that those in detention do not unduly stir up social dissent against the state and society.

Since this group believes that Liberia, under its present states of security, economic recovery, and reconciliation cannot meet half of these prerequisites for delivering retributive justice, it should reserve the aggressive method as a last resort. It should instead adopt other less aggressive but effective equally justice-exacting methods – methods that may not punish perpetrators as severely as some would like but that delivers peace even more easily, completely, and permanently with the full participation and consent of the aggrieved victims. In this wise, this

group will prefer the TRC Consolidated Report reviewed for ease of implementation and attainment of justice based on the terms of the victims and not on the whims of some judge who may not be around long enough to see the consequences of his judgment. They would prefer the nation goes down this path: (1) a palava hut style of justice; (2) prosecution for those refusing to amend to the palava hut style justice; (3) national rehabilitation program for established victims; (4) the institution of major institutional reforms to ensure easy access to justice and to discourage impunity; and (5) the availing of opportunities to get the best out of both victims and perpetrators and to encourage reconciliation. There is also the third aggregate that, even though does not qualify as a group, agrees in principles. It includes the chairman of the International Technical Advisory, the group that add international dimension to the work of Liberia TR process; two dissenting commissioners of the TRC; and a number of legalists – some from the public and recently one from the Liberian Senate. This group contends on technical and legal grounds that the whole debate about implementing or not implementing is useless because the TR process is yet to commence. This group holds that the TRC, plus its recommendation, is unconstitutional and therefore it is illegal an institution to decide and set the tune for Liberia's peace and reconciliation process. One member of the group questions the authenticity of the report vis-à-vis how the TR Commission translated available data into indictment lists.

The debate seems healthy to this level. The points on all sides are reasonable and have unique places in the equation. But there, unfortunately, are no points of convergence, points required so badly to reach a national consensus for the way forward.

III. Implementation and Precarious Position of Government

Here is where the government – at the levels of the Executive and the Legislature – comes into the picture as crucial deciders, as tiebreakers. But they come at cross-paths in two fundamental ways that compromise their standings. Here's how: first, the NTLA Act, which created the TRC, involves the two branches of government on the same terms without establishing the priority authority, even as it excludes the Judiciary without explanation. This effectively baffles the government's effective involvement as tiebreaker. Section 48 of the TRC Act requires the President of Liberia to report to the National Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendations. It notes, "All recommendations shall be implemented. Where the implementation of any recommendation has not been complied with, the Legislature shall require the Head of State to show cause for such non-compliance." But then it requires earlier in Section 43 that "The TRC shall submit a final report containing recommendations at the end of its tenure to the National Legislature". It is conspicuously and embarrassingly silent on what the Legislature should do with the report, but it proceeded to state that the TRC must "have key findings of the report published simultaneous with its presentation in at least three local dailies in pursuit of transparency and public interest objectives." The absence of further comment gives force to the conjecture that the National Legislature is only to play a referee role and the Executive, a mandatory implementer role! The second point of compromise is that quite a few of those who make up the current government at the upper level are the very ones who stand indicted for war crimes if they endorse the TRC's prosecution recommendation for "individuals bearing the greatest responsibility for war crime and crimes against humanity".

There is a life dilemma here. Had the government been one that is the victor, it would have delivered justice on its own terms. It would have adapted the WWII style justice, where the victorious allied forces selectively hunted the Nazi commanders, or the recent Rwandan style justice where the victorious Tutsi authorities grilled the defeated Hutu perpetrators. It would have simply adapted the half-baked Sierra Leonean style justice where most accused died in detention before the cases against them were concluded. But the Liberian government have no such standing. Go with the majority amnesty view and be damned or uphold the TRC Consolidated Final Report as is and get entrapped by attempts to let the benefit of the doubt lie. There is where the government finds itself – in a fix. And all it hears is "Implement the report!" "Don't implement the report!"

Not only does the government not appear to have the logistic capacity some Liberians argue is required for standard delivery of punitive justice, it seems impossible even under the Stoicism concept of inevitability, that the government will endorse a justice search that has all the likelihood of boomeranging. No one in government seems ready and prepared to submit to the apocalypse recommended by the TRC and jeopardize their current position by flinging the boomerang of a search for justice. None seems ready and prepared to sanction his own incarceration

and/or summary debarment from political activities or the incarceration and/or summary debarment from political activities of his or her colleagues. So, it seems the possibility of modifying the report is being discussed currently in the government cycles as the only way out of the political and legal woods created by the TRC's report. The Legislature "suspended" hearings on the report shortly before it went for "agriculture break", promising to introduce the report on the floor upon return. What exactly the Legislature is planning to do with the report remains a matter of wait-and-see. And the Executive seems to be sitting pretty tightly perhaps waiting for the Legislature to act, to remove the legal bottlenecks to the implementation of the report. But this is exactly what the NTLA Act did not recommend – review of the report by a second body, whether independent or attached. There is a catch-22 situation here. The Sirleaf Administration is mandated to implement the report as is, but it cannot implement the report until all legal obstacles to its implementation are removed; the legal obstacles cannot be removed unless the Legislature acts to repeal certain provisions; but the Legislature cannot repeal any provision because the NTLA Act does not authorized to do so. So, the place to begin is with the amendment of the NTLA Act itself.

This raises another fundamental question: "Can the Legislature or the government put its oar in the process without violating the sanctity of its purpose, without stirring up the suspicion of those who believe that the report addressed the needs of Liberia's peace and reconciliation process?" "What about the international community – what would they be thinking about the government's respect for rule of law, about having the political guts to implement that which is not in its best interest?" The answers to these questions depend largely on where the respondent stands. But it almost seems clear what the international community's reaction will be – the administration will be taken to task and in extreme cases technical and financial supports may be reduced or even denied. Hindsight suggests that if that happens, it is ordinary Liberians, the so-called war victims, who will bear the brunt. For now, the Administration and the Legislature seem to have no choice to modifying the report for ease of implementation and the conditions for collision course seems left to fate. But it does not have to be so; there are three windows for escape, one of them more appealing. This is the focus of this discourse. One way is the holding of a national conference to draw up a communiqué regarding what to do with the report. The positive side of this is it taps on the opinions of community, political, traditional, and rights leaders to obtain a national decision – theoretically at least. The negative side of the concept is national conference organizers usually do not only control what form the conference takes and the selection of delegates and speakers, but that they also decide the content and depth of the final communiqué. Recent examples are the TRC consultative national conference to decide the recommendations of the final reports and the July 1998 Vision 2024 National Conference organized by the Taylor administration. The latter conference ended endorsing the administration's preset policy agenda on politics, the economy, security, and peace. That conference's peace formula failed to affect the LURD arm insurgency that was unfolding in northern Lofa County at the time. The second window of escape is what Senator Isaac Nyenabo of Grand Gedeh County has already started – the amendment of certain provisions of the NTLA-crafted TRC Act of May 2005. The positive side of the amendment of certain provisions is it will purge the TRC Act and the Commission's Final Consolidated Report of the legal hurdles and extremist retributive justice postures that stand in the way of implementation "as is". The negative side or rather the fear is that the Legislature may water down the report – thereby rendering it a paper tiger in the process – besides that the current TRC law makes no room for the review or revision of the report by a second party for whatever purpose. The third window is the conduct of a national plebiscite. The positive side of a plebiscite is it taps directly on the opinion of the Liberia people for the first time – no delegate selection; no contriving of communiqués to fit the agenda of organizers. It has close to the force of the Constitution of Liberia and the power of the people behind it – it puts participatory democracy to work and illuminates the mediators. No negative sides.

IV. Holding a Plebiscite

The conduct of a plebiscite or referendum to decide the way forward is the best way out of these thorny woods. Plebiscite is a vote of all citizens – a vote by a whole electorate to decide a question of importance. It will involve the whole population in decided whether to implement or not to implement the TRC report – shared action, shared responsibility. What is more appropriate under these circumstances than to have the people, themselves, speak to the international community, the government of Liberia, and the TRC without mediators or interveners? What is wrong with bringing the full force of constitutional and participatory democracies to bear on the TRC question? Articles 91 and 92 of the Constitution of Liberia authorizes the National Elections Commission (NEC) to conduct referenda or plebiscites under the auspices of the National Legislature to decide an important national question.

The plebiscite will address this simple but crucial question: Do you want the TRC Consolidated Report implemented by the Independent National Human Rights Commission (INHRC) or do you want it modified in order to get rid of the controversial aspects and clear the legal and constitutional obstacles to its implementation? The plebiscite must, of course, be preceded by the following programs and activities:

- (1) Nationwide scheduled public debates on why and why must the recommendations not be implemented as are.
- (2) Organizers must circulate simple English flyers outlining the strongest points of discontent on all sides of the debate, carefully explaining background concepts, ideas, and perceived consequences.
- (3) Daily vernacular radio programs must air the contents of these flyers.
- (4) ICGL, ECOWAS, EU, U.S., UK, China, France, Germany etc., must be encouraged to offer technical advices and play observers' role in the plebiscite.

In order to legitimize the plebiscite, the President of Liberia must issue an appropriate Executive Order in consultation with the National Legislature. The outcomes of the plebiscite must be final and enforceable – all other laws, besides the Constitution of Liberia, notwithstanding.

V. Conclusion

After a halting TR process that lasted well over the original timeframe, the Truth and Reconciliation Commission (TRC) released an unedited final report complete with recommendations covering prosecution, continued probe, reparation and restoration, palava-hut style justice and reconciliation, and outright disenfranchisement and denial of right to hold public service without due process. The controversies, which arose over the implementation of the recommendations of the report, produced two divergent, rancorous groups. For the sake of identity, the groups are labeled the “pro-implementation as is” group and the “revisionist group” – the label suggesting each group’s key contention.

All arguments about security, legal propriety, and logistical and political capacity of the government of Liberia to implement the report point to one thing: the Final Consolidated Report of the TRC cannot be implemented without upsetting the already fragile security situation of postwar Liberia. This means the report it has to be revised. But the revision options being discussed, including legislative amendment of certain provision establishing the TRC, have hurdles in tow. This leaves the holding of a plebiscite to end the debacle. The plebiscite is expected to decide the implementation question using the participatory democracy mode that involves the direct response of the Liberia people to a national question.

Radio Netherlands Worldwide

Friday, 29 January 2010

An appeals court in The Hague heard a challenge Thursday to the immunity of the United Nations by survivors of the 1995 genocide in Srebrenica.

"Immunity is never absolute," said Axel Hagedorn, a lawyer for the survivors group "Mothers of Srebrenica," which represents some 6,000 survivors and next-of-kin of victims of the massacre.

"It cannot be that the UN is above the law and may itself violate human rights," he said, adding there was an obligation on the UN "to employ all means to prevent genocide."

The rights of victims for access to justice were guaranteed by the European Convention on Human rights and should prevail over the immunity claimed by the UN, Hagedorn argued.

"The essential functioning of the UN would not be affected by not granting immunity in this case."

Responsibility

The survivors are seeking a trial of the UN and the Dutch state over peacekeeping troops' alleged failure to protect the enclave. They also want compensation.

Srebrenica was a UN-protected Muslim enclave until July 11, 1995, when it was overrun by Bosnian Serb forces who loaded thousands of men and boys onto trucks, executed them and threw their bodies into mass graves.

The Serbs brushed aside lightly-armed Dutch UN peacekeepers in the "safe area" where thousands of Muslims from surrounding villages had gathered for protection.

In July 2008, a district court in The Hague found that the Mothers of Srebrenica could not sue the UN on the grounds that "in international law practice the absolute immunity of the UN is the norm and is respected."

The UN has admitted it failed to protect the Muslims of Srebrenica from mass murder, but none of its officials were held responsible.

"The (district) court correctly upheld the immunity of the UN and declared that it had no jurisdiction to hear the case," a lawyer for the Dutch state, Bert-Jan Houtzagers, told appeals judges on Thursday.

"To subject the actions or failures of a UN mission to the evaluation of national judges would have far-reaching consequences for the functioning of other, existing and future, UN peace missions," he argued.

There was no UN representative at court on Thursday.

The Mothers of Srebrenica's case against the Dutch state remains suspended pending judgement on UN immunity by the appeals court, scheduled to be delivered on March 30.

Radio Netherlands Worldwide

Friday, 29 January 2010

ICC prosecutor expects Bashir genocide charge

The prosecutor of the International Criminal Court (ICC) says he expects judges to add a charge of genocide within weeks against Sudan's "fugitive" President Omar Hassan al Bashir.

The ICC issued an arrest warrant for Bashir last March on seven counts of war crimes and crimes against humanity in Sudan's Darfur conflict, including murder, rape and torture, but ruled it had insufficient grounds for a charge of genocide.

Prosecutor Luis Moreno Ocampo, who appealed the ruling, said the continued plight of 2.5 million people in Darfur camps justified the label of genocide.

"The people in the camps are still suffering what I consider genocide," the prosecutor said. "And in a few weeks the appeal chairman will rule on my request to include genocide charges. I think I will win."

The United Nations says as many as 300,000 people have been killed since conflict erupted in Darfur in 2003, although Sudan rejects that figure.

Ocampo said conditions in the camps amounted to a "slow death" which the world had lost interest in.

Bashir, who is seeking re-election in April, has denied responsibility for wide-scale killing in Darfur and said the arrest warrant against him was part of a plot against Sudan.

Although Bashir has brushed off the charges and remained in office, Ocampo said his authority was diminished.

"President Bashir is indicted. He is a fugitive president," he said, citing what he said were refusals by South Africa, Uganda, Nigeria, Turkey and Venezuela to host the Sudanese leader since the warrant was issued.

"It's a process of marginalisation.... Bashir's destiny is to face justice -- in two years or 20 years."

Read more on the situation in Darfur on [The Hague Justice Portal](#)

Agence France Presse

Monday, 1 February 2010

UN chief appoints envoy to curb rape in wars



*Addis Ababa,
Ethiopia*

UN Secretary General Ban Ki-moon on Sunday said he intended to make Sweden's Margot Wallstrom his special representative tasked with

combating sexual violence against women and children in conflicts.

Ban announced he wanted to appoint the 55 year old outgoing vice-president of the European Commission during a speech at the opening of the African Union's 14th summit in Addis Ababa.

"I have informed the UNSC of my intention to appoint Margot Wallstrom, vice-president of the European Commission, as my special representative to intensify efforts to end sexual violence against women and children in conflict situations," he said.

"We will continue efforts to end the conflicts in the east [of the Democratic Republic of Congo], restore state authority, facilitate the return of refugees, and protect civilians against all forms of violence including sexual violence," Ban said.

"I'm horrified and outraged by the use of rape as a weapon of war," he said.

Sexual violence in war

The Swedish diplomat said Sunday she would lobby for sexual violence in war to be recognised as a war crime, attacking what she said was a tendency to explain the abuse of women as "cultural."

"I say this is not cultural, it is criminal. It is a crime under international law and it is also a war crime," she told Swedish public radio.

The long running conflicts in Somalia, Sudan and the Democratic Republic of Congo (DRC) - where abuses against women and children are rife - are expected to top the agenda of the AU summit, which winds up on Tuesday.

The United Nation sounded the alarm in November over systematic rape by warring parties in the DRC, where some 5,000 conflict linked rapes were reported in Sud-Kivu alone for the first half of 2009.

Agence France Presse

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Khmer Rouge killing machine exposed at Sundance



Utah, United States of America

Ten years in the making, a documentary showing at the Sundance Festival

explores the inner workings of the Cambodian regime through hundreds of hours of interviews with the Khmer Rouge regime's number two.

"Enemies of the People," in competition at the independent film festival held in Park City in the mountains of Utah, is the product of a collaboration between Cambodian journalist Thet Sambath and Briton Rob Lemkin.

Up to two million people - a quarter of Cambodia's population - were executed or died of torture, starvation and overwork under the 1975-1979 regime led by the notorious Pol Pot.

Thet Sambath paid a heavy price, losing his father, mother and his older brother to the hardline movement's catastrophic attempts to abolish money, empty cities and set up an agrarian utopia.

In an attempt to understand the tragedy, he spent the last ten years researching those responsible.

Before long he came across Pol Pot's second-in-command and chief ideologue, Nuon Chea, who at the time was living on the Thai border.

"At the beginning he told me that he wouldn't tell anything about the Khmer Rouges. He had not said anything, even to his children or his wife. But after I met him for many years, talking friendly, he finally talked to me," Teth Sambath told AFP.

Thet Sambath recorded everything, first on audio cassettes and then, afraid that no one would believe him, on video. Then he decided, with Lemkin's help, to make a documentary.

Silence broken

Nuon Chea talked about everything, from his rise to power to his relations with Pol Pot, and recounted the killings which wiped out all those considered "enemies of the people."

"When I interviewed him, I said it's for history, not for the newspaper, and I respected that. For many years, I didn't write anything. He said: 'If you come with another people, I will not say the truth,'" Sambath said.

Nuon Chea, now aged 83, has finally been brought to justice. Arrested in 2007 under the authority of a UN-backed tribunal, he is awaiting trial for genocide, war crimes and crimes against humanity.

"The film is going to be used by the court and given to the court. We are very proud of it," said Lemkin. But he said that they "hope the film can be part of the process of reconciliation" in Cambodia after the Khmer Rouge era and subsequent two decades of civil strife.

The Khmer Rouge remains a sensitive subject in Cambodia, with former members now living at all levels of society.

Cambodian Prime Minister Hun Sen - a former Khmer Rouge cadre who defected - has strongly opposed the pursuit of more suspects by the UN court, warning that it could start another civil war.

Thousands implicated

"Many people were killed, but many people did the killings. The number of killers who are still alive, who actually have blood on their hands or ordered the killings is around the thousands," Lemkin said.

The filmmakers say that the often difficult task of dealing with killers and confronting them with their crimes is a necessary one.

"This has got to be cleared up before these people die because otherwise the next generation in Cambodia will be growing up with this feeling of history as a black hole. And that's not healthy," Lemkin said.

But throughout the making of the film Teth Sambath was careful to leave his own family history to one side.

"If I use only my family members for this work, this is not good. Because not only my family but many people were killed," he said. "You have to think about... what is the most useful for all the people."

Lemkin said during the making of the film it was clear that Teth Sambath was not out for revenge.

"But actually the whole process of this investigation that he carried out was his own personal kind of non-violent revenge, in a kind of way. Because the truth is the revenge," he said.

Source: AFP