

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



Rice at Makali

**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:**

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Press clips are produced Monday through Friday.  
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# ECOWAS Statement on Liberian Election

The attention of the ECOWAS Commission has been drawn to an undated press statement titled "CDC Final Position on the holding of elections on November 8, 2011" and issued on 4 November 2011 by Ambassador Winston Tubman, standard bearer of the Congress for Democratic Change (CDC), in the aftermath of a meeting held a day earlier in Abuja with H.E. Goodluck Jonathan, President of Nigeria and Chairman of the ECOWAS Authority.

In the statement, Ambassador Tubman informs about the withdrawal of CDC from the 8 November 2011 Presidential run-off election and calls on CDC followers and Liberians in general to stay away from the poll, citing 'unaddressed CDC complaints about voting irregularities' in the course of the first round of the election that took place on 11 October 2011. The ECOWAS Commission regards this statement as unfortunate, as it is intended to undermine the election and the democratic process that Liberians are striving hard to consolidate. It also goes against the grain of the discussions that Ambassador Tubman held with the Chairman of the Authority.

In that meeting, the Chairman advised the CDC lead-

ership against boycotting the remainder of the electoral process, and impressed upon them that it was too late in the day, and quite against the relevant ECOWAS Protocols, for the CDC to demand changes that would require a consensual constitutional process of amending relevant electoral laws. Subsequently, the Chairman strongly urged Ambassador Tubman and all Liberians to endeavor to fully participate in the run-off in order to ensure a credible outcome and assist in the consolidation of democratic culture in the country. In the light of the foregoing, the ECOWAS Commission deeply regrets the retro-

gressive tone of Ambassador Tubman's statement, which seeks to disrupt the concluding phase of the 2011 Presidential election. The Commission wishes, therefore, to reiterate that, for its part, provided the preparations and conduct of the second round of the presidential election are adjudged by the competent authorities and endorsed by credible observers to be in accordance with the electoral laws of Liberia, the Community will proceed to recognize the verdict of the Liberian people.

The Commission would further like to seize this occasion to launch a final appeal to the CDC, and in-

deed all Liberian stakeholders, not to miss this historic opportunity of consolidating democracy and peace in the country, and to actively participate in the 8 November poll. They are equally urged to refrain from all unconstitutional practices that may mar the concluding phase of the electoral process. The Commission wishes once more to caution that political leaders and any individual or group of persons adjudged to be instigating their fellow citizens to violence will be held individually and collectively accountable for their actions.



*H.E. James Victor Gbeho.*

*President of the Commission Abuja, 05 November 2011*

## Police Frustrated with Judiciary

By Mohamed Bah

**DUE to the alarming rate of Human Right and domestic abuse against women and the**



**girl child within Grafton Community and its environs, the Line Manager of the Family Support Unit (FSU), Sierra Leone Police, Grafton Police Post, Mr. Usm an Kabia has expressed grave frustration and dismay over the granting of bail by the judiciary to human right abusers who appear in court.**

Mr. Kabia made this disclosure in a day of advocacy campaign for women and the girl child on the theme: "Poverty and Literacy Right". The program which was held at Grafton Community Center was organized by COOPI. The Police officer told the gathering that the number of human rights incidents that took place within the last month has become a major concern for the police and general public.

*Contd. on Page 7*

## Police Frustrated with Judiciary

*From Front Page*

He continued that perpetrators are often arrested and charged to court but that they are later released by the courts who grant them bail. He further explained that these are the same criminals who go back to continue with their evil acts.

Mr. Kabia stated that they would see how best they can reach the justice sector. He said the essence of the campaign is to educate

women and the girl child on the theme gender rights and to further strengthen their capacities and empower them in leadership training.

The COOPI District Network Vice Chairman, Mr. Andrew Kamanda, underscored the importance of the workshop and advised participants to send their girl child to school. Mr. Kamanda further told participants that their objective was to empower women and the girl child through Adult Education.

## Inner City Press

Thursday, 10 November 2011

<http://www.innercitypress.com/icj1slug111011.html>

### **For ICJ Seat, Ugandan Presiding at Sierra Leone Court Duels Koroma**

By Matthew Russell Lee

UNITED NATIONS, November 10 -- After filling four of five seats on the International Court of Justice Thursday morning, the Security Council and General Assembly could not come to an agreement if the fifth seat would go to Sierra Leone's incumbent Abdul Koroma or Uganda's Julia Sebutinde.

As both bodies took a break for lunch, a reading of the c.v.'s shows that Sebutinde presides over the Special Court for Sierra Leone. But she has been unable to garner the needed nine votes in the Security Council, despite getting 109 in the General Assembly.

Koroma, meanwhile, had 10 votes in the Security Council, but only 88 in the General Assembly, less than the 97 needed. How a sitting judge could fall below 50% support in the General Assembly is surprising.

While the candidates of Bulgaria and Senegal dropped out -- Senegal's microphone in the General Assembly was not working, forcing the announcement to be made from Serbia's seat and mic -- it was "Uganda versus Sierra Leone for another round," as one diplomat put it to Inner City Press.

The other winners, save the Italian Giorgio Gaja, were incumbents, including the Slovak Peter Tomka regarding whom questions were raised. The President of the ICJ, Hisashi Owada, took note of the complaint, which for the record Tomka denied.

Whether chicanery in the upcoming election of International Criminal Court judges, including France offering to support an unqualified candidate in exchange for support for its Bruno Cathala - [click here for exclusive story by Inner City Press](#) - will be treated the same is not yet known.

In the strange process of "simultaneous" Security Council and General Assembly voting or at least announcing, a concern was raised about how information from one organ might reach another. Envelope were carried, telepathy attempted - all to no avail, at least as of 1:30 pm.

The Security Council was to hear a briefing about the situation between Sudan and South Sudan, including reports of Sudan bombing a refugee camp in South Sudan and killing 12 that Inner City Press asked Ban Ki-moon's spokesman about at Thursday's noon briefing, without answer.

But the Council can't do anything until the ICJ voting is over. Could (South) Sudanese be losers in this election? Watch this site.

Update of 1:50 pm - a video screen, for former President Thabo Mbeki to brief on Sudan along with Haile Menkerios, was wheeled into the Council during its break. At least they are ready for the briefing.

## Pan African News Agency

Wednesday, 26 October 2011

### **Justice: Tanzanian Chief Justice, Gambian prosecutor on ICC prosecutor's shortlist**

Nairobi, Kenya - Tanzanian Chief Justice Chande Othman and a Gambian deputy prosecutor were among four lawyers short-listed on Tuesday ahead of elections for a new prosecutor of the International Criminal Court (ICC). British military prosecutor Andrew Cayley, a Canadian war crimes expert; Robert Petit, who served as a prosecutor at the International Criminal Tribunal for Rwanda (ICTR) and Fatou Bensouda of Gambia, the Deputy ICC Prosecutor were also short-listed as candidates for possible replacement for Luis Moreno-Ocampo by an ICC search panel. President of the ICC State Parties Christian Wenawesser, said a five-member search committee submitted the list. One of them could be selected on a consensus basis to succeed the current prosecutor.

The incumbent Prosecutor is expected to leave office in July 2012 having served a full term.

The search committee was set up in December 2010, made up of five members representing each regional grouping and mandated to facilitate the nomination and election by consensus of the next prosecutor.

The main candidates in the race have all served in all the major international criminal tribunals set up by the UN and regional bodies to deal with crimes against humanity.

Petit worked at the Extraordinary Chambers in the Courts of Cambodia, aiming to try Khmer Rouge leaders for international crimes in Cambodia.

The Canadian lawyer also served as legal officer, at the ICTR from 1999 to 2004 and worked as senior Trial Attorney for the Special Court for Sierra Leone.

Currently, Petit serves as the Counsel in the crimes against humanity and the war crimes section of Justice Canada.

Mohamed Othman served as Tanzanian Supreme Court Judge. He is a former Chief Prosecutor for Timor. He also served as Chief of Prosecutions at Arusha Tribunal.

Cayley, a former platoon commander, served as a British military prosecutor. Later, he served as Prosecutor of International Criminal Tribunal for the former Yugoslavia.

In 2005, Cayley became senior Trial Attorney at the ICC. He left the ICC to represent former Liberian President Charles Taylor. He has worked as co-prosecutor for the Special Court, trying the war crimes committed in Cambodia under the Khmer Rouge.

## The New Times (Rwanda)

Sunday, 30 October 2011

### **Prison Warders Police Officials Train in Security Techniques**

Gasabo — 28 prison warders and 8 policemen last week completed a three-week training in various skills of escorting inmates.

The workshop which took place at Murindi in Ndera Sector, Gasabo District, was organised by Rwanda Correctional Services (RCS) in partnership with the Special Court for Sierra Leon.

Assistant Inspector of Prison (AIP), Moses Rutembana, who was among the trainees, said: "I thank RCS for organising this training because now I know how best to escort a prisoner without using a gun and handcuffs and to easily arrest an inmate who tries to escape".

He noted that the techniques and knowledge they have acquired from the workshop will enable them to carry out their daily duties at international standards.

"Every individual deserves the basic human rights, so among the techniques we gave to the trainees is how they can master the use of minimum force in order to control prisoners without injuring them," Robert Franks, Close Protection Coordinator for the Special Court for Sierra Leone, who was among the trainers, said.

He added that they trained the participants on how they can teach the inmates to easily comply with all RCS rules and regulations.

The Deputy Commissioner General of RCS, Marry Gahonzire, who officially closed the workshop, requested the trainees to pass on the skills and knowledge they had acquired to their fellow warders who did not manage to attend.

"The training is in line with our government program of vision 2020, and I advise you to always promote professionalism in your respective duties because it will enable our organisation to become one of the most vibrant and productive institutions in the country," Gahonzire said.

## The Standard (Kenya)

Friday, 11 November 2011

### Anyah: Meet victims' lawyer at The Hague

By Evelyn Kwamboka

Morris Anyah is familiar to many Kenyans. He is the lawyer for 233 post-election violence victims who interrogated suspects at The Hague last September.

His dress code – a black robe and a black nib – gave him the seriousness his role deserved. He was the voice of his victims aged between 21 and 83, and who suffered sexual violence, forced displacement, property damage, and loss of loved ones.



**DEFENDING VOICELESS:** The ICC lawyer for Kenya's victims of post-election violence says what his clients went through is heart rending. Photo: Boniface Okendo/Standard The victims were enjoined in a case against Finance Minister Uhuru Kenyatta, Head of Public Service Francis Muthaura, and Postmaster General Hussein Ali.

He was picked to represent them by the Pre-Trial Chamber II judges a few weeks before the confirmation of charges hearings.

Anyah's vast experience in international criminal law, having handled cases touching on high-ranking personalities as a defence and prosecution lawyer, is of value to his clients.

Anyah left his home country, Nigeria, after high school to study architecture at age 16 in the US. But his dream was thwarted when he was advised instead to study law as he was late in enrolling for the course at the University of Illinois in Chicago.

"I did not initially want to be a lawyer. It wasn't something at the back of my mind. It just happened that the courses I enjoyed in school and that I excelled at were related to criminal justice," he told The Standard in an interview in Nairobi this week.

He went into private practice after graduating in 1996, but left for an international job two years later.

Eyes locked

"I moved to The Hague where I dealt with Yugoslavia cases for three years and three months. Then I went to Atlanta, Georgia, where I worked for five years as a defence lawyer," he says.

At The Hague, he worked as a legal officer in the office of the Prosecutor from 1999 to 2001.

Among the people he prosecuted, former Rwanda Prime Minister Jean Kambanda stands out. Ten years ago, Anyah had argued before the Appeals Chamber of the International Criminal Tribunal for Rwanda cases in Arusha in an appeal filed by Kambanda and two others.



"After I had argued for the prosecution in the morning to confirm his genocide conviction, I went to the airport for my flight back to The Hague. Then, to my horror, I saw him seated in a car nearby with his security all over him. Our eyes locked.

"That look in his eyes has lasted ... I looked at him, not as a lawyer but as a human being. The feeling is indescribable. After arguing so vigorously to have a man locked up for the rest of his life, then you see him..."

For a while, he returned to Atlanta and in 2007, went back to The Hague. By then he wasn't a prosecutor but a defence counsel, representing former Liberian President Charles Taylor.

The Taylor case is due for determination before the end of this year.

Lawyers easily switch roles depending on the client they are representing.

Honest with clients

In the Kenya case, Anyah has met and talked to his clients; something that usually leaves him emotionally drained.

"You can't help it. You get emotionally moved when you hear what they went through yet none of them did anything to deserve the suffering."

All he does is to assure them that their plight would not be forgotten.

As a way of preparing the victims for any eventuality as regards the outcome of the case, Anyah says he is honest with them.

"They are prepared but that is not something I draw much attention to because I do not want people to remain confused about the legal process or leave them unnecessarily worried. We have done our work in court and we leave the judges to do their work," he says.

**BBC**

Friday, 11 November 2011

### **Liberia election: President Sirleaf set for re-election**

Liberian President Ellen Johnson Sirleaf holds an unassailable lead in the country's election run-off over rival Winston Tubman.

With 86% of polling stations reporting, Mrs Sirleaf was headed for re-election with more than 90% of the vote.

Mr Tubman, who had urged supporters to boycott Tuesday's vote, won 9%, the National Election Commission said.

He has alleged the election process was rigged in favour of Mrs Sirleaf, a charge international observers deny.



Turnout was 37.4% - about half the number who turned out for the election's first round last month.

Mrs Sirleaf won the most votes in that round, but failed to gain an outright majority, forcing a run-off.

With such a low turnout and no majority in parliament, her task promises to be all the more difficult, says the BBC's Thomas Fessy in the capital, Monrovia.

She said she would reach out to all presidential candidates to work within an inclusive government.

"What I will offer them is not yet known," she told reporters on Thursday. "I am confident we will be able to reconcile the people."

But Mr Tubman said he would not participate in her administration, our correspondent says.

The run-up to Tuesday's voting was marred by violence in which two people were killed when security forces opened fire. Mrs Sirleaf has promised an investigation.

International observers said the election process was credible and transparent.

## Human Rights Watch

Friday, 11 November 2011

Press Release

For Immediate Release

### **Guinea: Investigate Detention, Intimidation of Activists**

#### Conakry Governor and Police Interfering With Judiciary Independence

(Washington, DC, November 11, 2011) – The Guinean government should investigate the role of two high-level officials in the apparent illegal detention and intimidation of members of a prominent Guinean human rights group, Human Rights Watch said today. The actions of the Conakry governor, Sékou Resco Camara, and a high-level police colonel, Amadou Camara, amount to both an abuse of authority and a clear attempt to interfere in the independence of the judiciary, Human Rights Watch said.

Five staff members of Les Mêmes Droits Pour Tous (Same Rights For All, or MDT), including its president, Frédéric Foromo Loua, a lawyer, were detained on November 3, 2011, and subjected to hours of interrogation by police, apparently under the orders of the two officials. At one point, witnesses heard the governor order the police to shoot the activists if they moved.

The members of the group were detained as they tried to accompany two released prisoners out of Conakry's main prison. Both the attorney general in Conakry and the national director of prisons had ordered the men's release. The police have since returned the two released prisoners to detention, where they remain. One had been held in pretrial detention since 2001 and the other since 2005.

"These unacceptable actions by Conakry's governor and a high-level police officer are not only a gross abuse of authority, but also a blatant interference with judiciary independence," said Corinne Dufka, senior West Africa researcher at Human Rights Watch. "The authorities need to investigate immediately what happened to these rights advocates and to hold everyone responsible to account."

The MDT staff members were detained within the headquarters of the Police Special Interventions Unit (Compagnie Speciale d'Intervention de la Police, CSIP), which is under the command of Colonel Camara. Witnesses told Human Rights Watch that Colonel Camara objected to freeing the prisoners "because releasing them would encourage crime." Shortly thereafter, Governor Camara, who is not related to the colonel, arrived at the headquarters and ordered the arrest of the five MDT staff for "supporting delinquents." The governor then ordered about 20 policemen, some of whom were armed, to accompany the MDT staff to their offices and to have them produce their work authorization.

A witness told Human Rights Watch that before leaving the CSIP, he heard Governor Camara order the policemen to shoot any MDT staff trying to flee from the office. Camara was also heard to say that, "I've heard people talking about this NGO and it's time that we're finished with them."

After the police officers brought the rights advocates back to the police station, they were questioned for two hours. After nearly nine hours in police custody, the staff members were released, but ordered to return the next morning for additional questioning.

When they returned on November 4, the rights advocates were held for five more hours. After the prosecutor general and attorney general met with the regional security director, the MDT staff members were released without charge.

MDT has been working since 2004 to promote and defend the rights of Guineans denied the right to due process, by providing free legal aid to adult and juvenile prisoners, particularly those held illegally or suffering from serious medical conditions. They have provided free legal assistance to over 2,000 prisoners held in illegal pretrial detention.

Facely Fofana, one of the two men returned to prison, had been held since 2005 for his alleged involvement in armed robbery and murder and was released because his file had been lost. Mamadou Bilo Barry, the other man returned to prison, had been charged with armed robbery and held without trial since 2001. Barry, had been ordered released because he is gravely ill.

The police presented no evidence to justify the detention and arrest of the human rights defenders who were merely accompanying Fofanah and Barry after their freedom had been authorized by officials of the Ministry of Justice. Furthermore, the contravention by the governor and police of an order issued by Justice Ministry officials constitutes a failure to respect the rule of law. Lastly, Fofanah and Barry's current detention without an arrest warrant constitutes an unlawful or arbitrary detention.

Guinea has long suffered from a culture of impunity, endemic corruption, and crushing poverty. The 2010 elections, which brought Alpha Condé to power, were envisioned as a turning point for a country that has endured a series of authoritarian and abusive leaders. While President Condé has taken some steps to address the serious governance and human rights problems he inherited, progress toward better respect for the rule of law is undermined by a lack of discipline in the security forces and inadequate support for the chronically neglected judiciary.

Severe shortages of judicial personnel, poor record keeping, insufficient infrastructure and resources, and unprofessional conduct by judiciary and corrections employees have led to widespread detention-related abuses, notably prolonged pretrial detention and poor prison conditions, Human Rights Watch said.

An estimated 80 to 90 percent of prisoners held in Maison Centrale, Guinea's largest prison, located in Conakry, have not appeared before a judge or been convicted of the offense that led to their detention. Many, like the two prisoners whose orders for release MDT had secured, have been held for more than five years without trial.

Lack of independence from the executive and intimidation of the judiciary by members of the security services has long been a feature of the Guinean judicial system, Human Rights Watch said. The justice minister should ensure that the orders signed by the national director of prisons and the attorney general of the Court of Appeal ordering the release of the two detainees is respected by the authorities of the country.

“The justice minister should intervene and ensure that human rights organizations are able to operate freely, as guaranteed by both Guinean and international law,” Dufka said. “They should not be subjected to threats and arbitrary arrests by local government officials and security forces.”

## Associated Press

Friday, 11 November 2011

### Prosecutors tell court to hold off on trial in absentia for Hariri slaying suspects

By Associated Press,



*( Peter Dejong, Pool / Associated Press ) - Judges Janet Nosworthy, Micheline Braidi, Robert Roth (presiding), David Re, and Walid Akoum, from left to right in red, are seen during a special session of the UN-backed Special Tribunal for Lebanon, to determine whether to stage a trial in absentia for four Hezbollah members indicted in the political assassination of former Lebanese Prime Minister Rafik Hariri in Leidschendam, near The Hague, Netherlands, Friday Nov. 11, 2011.*

LEIDSCHENDAM, Netherlands — Prosecutors at a U.N.-backed court set up to prosecute the killers of former Lebanese Prime Minister Rafik Hariri told judges Friday it is too early to stage a trial in absentia for four Hezbollah members indicted in the assassination.

The fact that judges at the Special Tribunal for Lebanon are even considering a trial in absentia underscores the difficulty the court faces in having the suspects arrested in a country where the Iranian-backed Shiite militia Hezbollah is the most powerful force.

Hezbollah denies involvement in the Feb. 14, 2005, truck bombing that killed Hariri and 22 others, including the suicide bomber, on a Mediterranean seafront boulevard in Beirut.

Hezbollah's arsenal far outweighs that of Lebanon's national army, and the group's leader has vowed he will never allow a Hezbollah member to be arrested for the killings.

Unusually for an international court, the Special Tribunal for Lebanon's rules allow for the suspects to be tried in their absence if Lebanon fails to arrest them.

But prosecution trial lawyer Iain Morley said Beirut should be given more time to track down and arrest the suspects before judges order a trial in absentia. Arrest warrants for the four were issued in June.

"A trial in absentia should be a last resort and not a first choice," Morley told three judges and two alternate judges.

He said Lebanese authorities explain to the court's judges "why there are no further reasonable steps which can be taken to locate and effect the arrests."

The four suspects include Mustafa Badreddine, a Hezbollah commander who is also the suspected bombmaker for the 1983 bombing of the U.S. Marine barracks in Beirut that killed 241 Americans.

The other suspects are Salim Ayyash, also known as Abu Salim; Assad Sabra and Hassan Oneissi, who changed his name to Hassan Issa.

The suicide truck bomb that killed Hariri was one of the most dramatic political assassinations in the Middle East. A billionaire businessman, Hariri was Lebanon's most prominent politician after the 15-year civil war ended in 1990.

Hariri was one of Lebanon's most powerful Sunni leaders; Hezbollah is a Shiite group.

Prosecutors analyzed a vast network of telephone records to link the "assassination team" to the suicide truck bombing that killed Hariri and 22 others, according to the 47-page indictment.

The indictment says the records showed "a coordinated use of these phones to carry out the assassination." According to the records, there was a flurry of calls shortly before Hariri's murder, but they stopped two minutes before the explosion.

The phones were never used again.

Morley said Lebanese authorities have "diligently and dutifully" tried to serve arrest warrants, but he added that was "not the same thing necessarily as locating and arresting" the suspects.

"There is more that can be done," he said.

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# The Associated Press

Friday, 11 November 2011

## **NATO fears Libya war crimes investigation by world court**

'If there are allegations of crimes we will review that,' ICC prosecutor says

NATO officials are worried the organization may be investigated by the International Criminal Court after its prosecutor said allegations of crimes committed by NATO in Libya would be examined "impartially and independently," according to diplomats accredited to NATO headquarters.

The diplomats said action to pre-empt a war crimes investigation would likely include an immediate internal legal review of all incidents in which NATO bombing or other actions caused civilian casualties.

They spoke on condition of anonymity because of the sensitivity of the issue.

The alliance has always maintained that its operations in Libya were carried out strictly in keeping with a U.N. Security Council resolution that authorized member states "to take all necessary measures to protect civilians and civilian populated areas under threat of attack" in the North African country.

NATO leaders have repeatedly hailed the precision with which the mission was carried out, citing the small number of civilian deaths caused by the bombing as evidence of its success.

Still, in a briefing to the Security Council on Nov. 2, International Criminal Court prosecutor Luis Moreno-Ocampo said "there are allegations of crimes committed by NATO forces (and) these allegations will be examined impartially and independently."

Moreno-Ocampo did not elaborate further on the accusations against NATO forces, or who was making them.

His office is currently focusing on crimes committed by members of the ousted Gadhafi regime and is waiting for a report by a U.N. Commission of Inquiry in Libya, due in March, before deciding whether to proceed with a formal investigation into alleged crimes by NATO.

NATO has said it was confident its actions were in compliance with international law. "In the event we receive a request for information, NATO is prepared to assist in any way it can," said an official who could not be identified under standing rules.

Officials from the alliance say that between March and October NATO warplanes flew 26,000 sorties, including more than 9,600 strike missions, destroying more than 1,000 tanks, vehicles, and guns, as well as buildings claimed to have housed "command and control" centers.

These included facilities such as Moammar Gadhafi's heavily fortified compound in Tripoli, but also residential homes of his supporters — targets which could be considered outside the UN mandate.

NATO is already involved in a civil suit in Belgium that accuses the alliance of killing 13 civilians in the bombing of a residential compound near Libya's capital, Tripoli. Attorneys for the plaintiffs say that, although NATO and other international organizations enjoy diplomatic immunity in criminal cases, they fall under Belgian jurisdiction in civil suits.

The immunity applies only to those holding diplomatic status.

The definition of war crimes, as described by international conventions on the laws of war, includes any destruction of civilian targets not justified by military necessity. It has been invoked in a number of trials dealing with a number of conflicts, including those in Bosnia, Croatia and Kosovo.

The possibility of an ICC probe is already causing friction within the alliance, officials said.

At a meeting last week of NATO ambassadors and their counterparts from partner countries, the Russian ambassador, Dmitry Rogozin, noted a number of airstrikes could be considered potential war crimes.

But envoys from some nations that participated in the bombing reacted angrily, describing the comment as "libel."

A French Rafale fighter-bomber is said to have bombed a convoy of vehicles fleeing Gadhafi's besieged hometown of Sirte last month, resulting in the capture and subsequent killing of the dictator by opposition forces.

The incident is particularly controversial because during the siege — characterized by massive shelling of Sirte's downtown area by the former rebels — NATO warplanes never struck the attackers. Instead, they attacked a fleeing convoy of civilian vehicles.

Lt. Gen. Charles Bouchard, the Canadian who commanded the NATO operation, explained that commanders ordered the strikes because they believed the convoy would try to link up with other pockets of pro-Gadhafi resistance in the west.

While Moreno-Ocampo has said allegations of NATO crimes would be examined, that does not necessarily mean he will open a formal investigation.

Depending on the U.N. commission's findings, he could decide there is no need for further investigations or ask judges for authorization to open a formal probe.

He could also determine that there are proceedings at the national level that would negate the need for a case to be brought before the ICC, a court of last resort.

"We are not talking about any specific incident. We are saying, 'Yes, if there are allegations of crimes we will review that,'" Moreno-Ocampo told The Associated Press.

### **Pretext for regime change?**

Currently, nearly 120 states are parties to the ICC. All European NATO members and Canada have accepted its jurisdiction.

Since NATO is not a signatory to the ICC treaty, it would appear likely that any violations of the conventions on the laws of war would require direct dealings between the court and its member states, and not with NATO as an institution.

The operation's critics — including Russia, China and the African Union — have argued that NATO misused the limited U.N. resolution as a pretext to promote regime change in Libya.

Its daily air raids were instrumental in enabling the ragtag rebel forces to advance on Tripoli and later capture the rest of the country.

The issue threatens to have far-reaching consequences for future U.N. interventions.

Russia and China have already vetoed a Security Council resolution that would have imposed sanctions on Syria for its violent crackdown on opposition demonstrators, arguing that NATO could again misuse a U.N. measure to justify months of air strikes.

"If there were to be evidence that NATO is also involved in activities illegal under international law, something should be done about that," said Nicolas Beger, director of the Amnesty International European Institutions office. "Nobody should be allowed to commit war crimes, and nobody should be able to get away with it."

He also said there needed to be an impartial probe into Gadhafi's death.

"If he was captured alive and then killed, that's a war crime. That's clear."