

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



**PRESS CLIPPINGS**

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

**as at:**

Monday, 12 April 2010

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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## Guest Writer

### ICC in Kenya is bad news for our Contrickscians

*By Sheku Dumbuya*

The news Sierra Leonean politicians dread has been outed by the International Criminal Court (ICC). It has given the go-ahead to its prosecutor to investigate the 2008 post-election violence in Kenya which claimed over one thousand three hundred lives. What has this got to do with our politicians? You may want to know. Well, it means, a similar fate awaits them should they go out of the way to incite violence which claims lives in future elections. We already are seeing signs with the ward election in Tongo Field.

The prosecutor has said he will be in Kenya in May and indictments should be announced by the end of the year. The intervention of the ICC came about after months of bickering in which the Kenya authorities failed to investigate and prosecute those behind the killings. As a court of last resort it has to step in.

It would be recalled that the orgy of violence which marred the Kenya elections sent shock waves across the globe. In spite of its deeply divisive nature – which saw the largest ethnic group the Kikuyus pitched against the Luos - it saw the opposition led by Riala Odinga make huge gains in the parliamentary election but lose out to the President Kibaki's party in the presidential election. All indications point to heavy rigging by the ruling party. This resulted in the eruption of violence. Initially, it was spontaneous but as the days passed by the violence became very well organized and wild spread. Observers blamed the change in strategy on politicians their proxies.

It took mediation from the former Secretary General of the United Nations, Mr Kofi Annan to stop the violence and most importantly come up with a power sharing deal. The down-side is, the politicians put together a bloated gravy train cabinet which takes a huge chunk of the public purse at the expense of more important social services. Calls from civil society groups to reduce the government have so far gone unnoticed.

But the politicians were cornered by human right groups. What the politicians did not know at the time was that, their every move was monitored and abuses compiled. By the time the deal was struck, the list of those behind the killings was ready for handing over to Mr. Annan.

Since then, a lot of pressure had been on the Kenya government to prosecute those behind the violence. At the same time, the ICC has been doing ground work for quite a while, long before the prosecutor got the go-ahead to initiate an investigation. Since the start of the year, Sierra Leone's Maria Kamara of the ICC has been leading outreach activities in engaging with civil society groups.

By the end of the year we will be celebrating the indictment of those behind the violence which will bring about justice for victims. This will mark a major milestone in the fight against impunity on the continent. It will also offer an opportunity for them to know the truth and reconcile. In addition, it will bring about a closure to this sad chapter, meaning the victims will be able to move on. But, will this mark an end to the culture of impunity among politicians in Africa? One thing that is sure is, it will impact positively on existing efforts in this direction.

In neighboring Guinea, the ex-military leader, Dadis Kamara should be having sleepless nights over developments in Kenya. The possibility of his being indicted with crimes against humanity is real. The United Nations mission blamed him for the killing of a hundred and fifty opposition demonstrators. It is only a matter of time now to have him and his accomplices in the net of the ICC.

In Sierra Leone we have an enviable record in addressing impunity. Our Special Court is a success story by every sense of the word. It has spent less yet achieved a lot more compared with other war crimes tribunals. But are our politicians learning any lessons. I have my doubts judging by recent violence which they have provoked.

A view underscored by a US envoy only last week when he embarrassed our politicians by criticizing them for learning nothing from our past. He said, they are busy repeating the same mistakes which brought about the war. I can't really agree more. Every now and then we hear our politicians make a running commentary on events that could pass for incitement to violence and tribal hatred. Some are already threatening to turn the country to a battle field come the next election. It doesn't help doom-mongers within the press seems to parrot their view.

But those who forget their past will be doomed by it. The good thing though is that, as evil men plot, good ones are planning. Already, there is concern about messages politicians send out which portray a meaning of incitement to violence or hatred. One such is when politicians coerce their supporters into defending themselves, when there is nothing to defend themselves against.

Like the fire-for-fire Secretary General of the SLPP, Jacob Saffa who struggles to draw a line between the foolish bravado that go with being a student 'radical' at Fourah Bay College and being the secretary General of a political party which prides itself of some of the finest intellectuals. I learnt he is controlled by his emotions. I really have sympathy for him because these days politicians worth their salt fight ideological battles in their heads and not their heart. I find him a disaster under difficult situations especially those which demands maturity and levelheadedness. Like the interview he granted following the Tonga Field election. Though nobody believed a word from the parties, the Minister of Information, I.B.Kargbo at least sounded convincing.

We will continue to see more of these sick jokes as we approach 2012. The good thing is, unlike the past, this time around none, I mean none, will go away with impunity.

# LAWCLA: Melron Nicole To Exit

Human Rights Lawyer and Director of the Lawyer Centre for Legal Assistance, Mr. Melron Nicol-Wilson has indicated preparedness to step down from his current position in the next twenty days.

In a mini press briefing at LAWCLA he maintained that he has been the Director of the Centre since its formation in March 2001 and it is time for growth within the institution by allowing someone else with new energy and zeal to take over the Directorship of the Centre.

Nicol-Wilson said that Civil Society groups must be democratic and must ensure change of guard at reasonable intervals in order to ensure internal

growth.

The Lawyer and lecturer said that he has developed LAWCLA to a point at which it will be able to move ahead without him.

The Director is proud to leave behind a property owned by LAWCLA with a value of about \$ 200, 000, numerous resource materials, staff capacity and funds to run the centre for sometime after his departure.

Nicol-Wilson maintained that LAWCLA, the first Legal Aid Centre in Sierra Leone has inspired and contributed to the establishment of other Legal Aid and Public interest Human Rights Firms in Sierra Leone.

He said LAWCLA has been a torch-

bearer for Human Rights issues in recent times not only in Sierra Leone but in the entire African continent.

Nicol-Wilson reassured that he will still continue to contribute to the development of the Law and the promotion of Human Rights in his capacities as Managing Partner of the private Law Firm, Nicol-Wilson & Co (Malaika Chambers) and lecturer in Law at Fourah Bay College, University of Sierra Leone.

Nicol-Wilson expressed profound gratitude to all those who have supported his Human Rights work during the last nine years including a foundation in the Netherlands and another undisclosed private foundation in the

United States of America, the Open Society Institute for West Africa (OSIWA) and the numerous staff, research fellows and former interns at LAWCLA.

The Chairman of the Board of Trustees of LAWCLA Mr. David Tam-Baryoh commenting on the departure of the Director of the centre said he will greatly miss him as he has contributed immensely to the promotion of human rights not only in Sierra Leone but internationally through his publications, trainings, advocacy and litigations. He wished him well in his future endeavours and expressed the hope that a new Director can be appointed soon to emulate Nicol-Wilson.

Standard Times  
Monday, 12 April 2010

## Centre for human rights ends seminar on Sudan's conflict

BY SANTI GIE KAMARA

The Centre of Human rights group in Freetown on Saturday 10th April 2010 held a seminar at the main hall of the Sierra Leone Police Officers Mess, King tom in Freetown.

In his briefing, the Executive Director of the Centre for Human Rights in Freetown Ibrahim B Kamara said that the conflict in Sudan is a humanitarian crisis.

The Executive Director of the Centre for Human Rights maintained that the 10th April 2010 was the 5th anniversary of the comprehensive peace agreement in Sudan and pointed out that the seminar coincided with the 365 days period to the

Sudanese referendum for the partition of that country.

Ibrahim B Kamara told the gathering that human rights issue cuts across boundaries and noted that the world is commemorating that particular day and pointed out that they received aid from Crisis Action a UK group.

Dilating further, Ibrahim Kamara intimated that Sierra Leone's foreign policy is always based on non alignment and stated that that there is no clear cut foreign policy on International Criminal Accountability on human rights crisis and made specific reference to President Umar Al Bashir of Sudan and noted that the government has been passive in addressing some of these issues.

He however urged on the government of President Ernest Bai Koroma to do more and come up with a statement especially on International Criminal Accountability.

Giving a historical background of Sudan, Nigel Nicol the Consultant of Centre for Human Rights said that the crisis in Sudan is based on race and religion.

He further stated that the first civil conflict in Sudan stated in 1955 and in 1956 she gained independence from Britain.

Revealing further, Nigel Nicol revealed that the first rebellion in Sudan broke out in 1983 and in 1989. Umar Al Bashir staged a bloody coup plot which brought him to power.

Nigel Nicol furthered that in 2006 the Comprehensive Agreement was signed, and dilated extensively on the Dafur Crisis and made it clear that Umar Al Bashir, Ali Mohammad Osabi and Ali Harun should surrender to the ICC.

The program was climaxed by a panel discussion and series of questions from the participants.

**United Nations**  **Nations Unies**

United Nations Mission in Liberia (UNMIL)

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**UNMIL Public Information Office Media Summary**  
**9 April 2010**

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

**UN News in Liberia**

Newspapers did not publish today because of the “National Fast and Prayer Day”, which is a National Holiday.

**Local News on Liberian issues**

Newspapers did not publish today because of the “National Fast and Prayer Day”, which is a National Holiday.

**Star Radio** (*News monitored today at 09:00 am*)

**DEA Arrests Four Drug Dealers**

- The Special Drug Squad of the Drug Enforcement Agency (DEA) has reportedly arrested four local drug dealers in the Logan Town Community.
- A DEA release issued in Monrovia identified those arrested as Mafa Fineboy, Emmanuel Beah, Malika Lassana and Philip Cooper.
- According to the release, Mafa and Emmanuel were arrested with four and seven wraps of Italian white respectively.
- Malika was picked up with five wraps of Italian white and eleven wraps of marijuana while Philip Cooper was found with five wraps of Italian white and eleven wraps of marijuana.
- The four suspects are undergoing investigation at the headquarters of the DEA for possible transfer to court.

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

**Police Investigates Man For Posting X-rated Video**

- Reports say the 42-year old man who reportedly videotaped his girlfriend and placed it on the internet has turned himself to the police.
- Varney Adonis Bartener voluntarily turned himself in to the Headquarters of the Liberia National Police on Capitol Hill.
- According to the reports, the police are investigating both Varney Adonis Bartener and his girlfriend to establish how such a sensitive recording between two partners could be leaked to the public.
- The 24-year old girl and her boyfriend are seen cooperating with the police.

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

**Magisterial Court Sets Presidential Envoy Dan Morias Free**

- The Harper Magisterial Court in Maryland County has dismissed all charges brought against Presidential Envoy Dan Morias.
- The Court set Mr. Morias free Thursday for lack of sufficient evidence to link him to several charges including murder which were levied against him by the State.
- According to Associate Magistrate John Howard, the case was thrown out of Court due to the poor quality of evidence produced by the State.
- Associate Magistrate Howard said the evidence adduced in Court by the prosecution witnesses had some lapses.

**Former Liberian Army Chief Of Staff Is Dead**

- Family members of the former Chief of Staff of the Armed Forces of Liberia (AFL), Retired General J. Hezekiah Bowen have confirmed his death.
- The brother of the Retired General, Isaac Bowen said the former Chief of Staff died Tuesday, April 6 at the St. Joseph’s Catholic Hospital in Monrovia from what medical doctors called ‘heart failure’.

- He said the remains of the late Army Chief of Staff have been deposited at the St. Moses Funeral Home in Gardnersville.
- Mr. Bowen said the family has written the President through the Defense Ministry informing her of the death of Retired General Bowen.
- General Bowen was the first Superintendent of Grand Cape Mount County in the People's Redemption Council Government of Master Sergeant Samuel K. Doe.
- He also served as Commanding Officer of the 2nd Infantry Battalion and Deputy Commanding General of the AFL; Minister of National Defense, and Rural Development as well as member of the Board of Directors of the National Veteran Commission.

#### **Foreign Ministry Suspends Issuance Of Passports**

- The Foreign Ministry has announced the suspension of the issuance of the new machine readable Liberian passports.
- The Foreign Ministry said the suspension will remain enforce until what they referred to as understanding issues with the supplier are resolved.
- The Ministry said the latest decision has been communicated to the consular and diplomatic missions near Monrovia.
- Meanwhile, the Foreign Ministry has also announced the extension of the validity of the old machine readable Liberian passports.
- A Foreign Ministry release said the decision is based on clarification by the International Civil Aviation organization.
- The Foreign Ministry maintained that passports already issued will remain valid until their expiring dates.

#### **US-based Rivercess Citizen On Kinsman's Death**

- A US-based Rivercess citizen says he is disappointed over delays in bringing to justice the killer of his kinsman, James Berry.
- Mr. Matthew Boyah said the alleged failure to ensure justice in the death of Berry sends a bad signal for the Country and indicates a failure of the security sector.
- Mr. Boyah who arrived in the Country last week said he has registered his concerns to President Ellen Johnson Sirleaf and Justice Minister Christiana Tah.
- He said similar concern has been brought to the attention of Police Inspector General Marc Amblard urging him to ensure that Berry's killer is brought to justice.
- The body of James Berry was in 2009 found near the Samuel K Doe Sports Complex in Paynesville, outside Monrovia with accusing fingers pointing at Rivercess Representative Jerry Masseh.
- But Representative Masseh has since rejected the claim stating that he has no connection to the death of Mr. Berry.

*(Also reported Truth FM, Sky FM, and ELBC)*

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

#### **Today Is National Fast And Prayer Day**

- President Ellen Johnson Sirleaf has by Proclamation declared today Friday, April 9 National Fast and Prayer Day and will be celebrated as a national holiday throughout Liberia.
- The proclamation from President Sirleaf is in consonance with a request from President Alfred F. Russell for the nation to fast and pray for God's intervention in 1882 after foreign powers threatened Liberia's sovereignty.
- The National Legislature passed into law a bill declaring the Second Friday of April each year as National Fast and Prayer Day.
- Meanwhile, the National Planning Committee of this year's National Fast and Prayer Day is inviting the general public and the three Branches of Government including the National Legislature, Judiciary and Executive to assemble at the Providence Baptist Church on Ashmun Street to celebrate the day.

*(Also reported Truth FM, Sky FM, and ELBC)*

#### **Truth FM** *(News monitored today at 10:00 am)*

#### **Defense First Witness Testifies In Keith Jubah Murder Case, Says He Was Tortured**

- Defense first witness has testified in the Keith Jubah murder case saying he was allegedly tortured by state security to implicate himself.
- Co-defendant Padmore told Criminal Court 'A' Wednesday that he was handcuffed and detained in hunger for at least two days at the Zone 8 Police Depot in demand of his confession.



- He said the confession statement was written by the Police and only signed by him without knowing the content of said document.
- He said he told the Police that he was keeping security guard at Gate 4 and knew nothing about the killing of Keith Jubah, but the Police was not convinced.
- The defendant in his testimony admitted being in possession of single-barrel gun but to contain crimes on the plantation but denied ever carrying gun while on duty during the night of the incident.

#### **IMaD Adopts New Malaria Policy For Liberia**

- The Improved Malaria Diagnostics Project (IMaD) of the President's Malaria Initiative has adopted a new malaria policy for Liberia health sector.
- The In-Country Coordinator of the Project, Hannah Bestman described the policy as a huge step forward for the Ministry of Health and its implementing unit, The National Malaria Control Programme.
- Ms. Bestman said the document will standardize how the killer disease can be effectively diagnosed through a proper laboratory system.
- According to her, a technical assistance group will be set up to edit the document and ensure that it is formulated properly before publication.
- She said when completed, the policy will put Liberia on par with other countries around the world in the fight against malaria, which remains a major threat to society.

### **International Clips on Liberia**

#### **Kidnapping Terrorist Threat in African Countries Says Aust DFA Australians are strongly advised to reconsider their need to travel to Liberia**

**<http://subsaharanafricatravel.suite101.com/article.cfm/kidnapping-terrorist-threat--in--african-countries-says-aust-dfa>**

On 9 April 2010, the Australian Department of Foreign Affairs issued an email alert entitled Kidnap Threat in Africa to Australian travellers – a government warning that will, undoubtedly, be of interest to all Westerners. The Department warns of a high threat of kidnapping against Westerners in north, west and east Africa, particularly in Mauritania, Mali, Niger, southern Algeria, Nigeria, Kenya and Somalia. The Australian body suggests that tourists and business people should exercise a high level of caution when travelling in these parts of Africa and should not travel to remote, isolated areas. The advice is to take increased security precautions even when in homes, workplaces or cars and to watch for any suspicious or unusual activity. This directive is not some internet scare campaign, but comes direct from the Australian government body responsible for the safety of its citizens overseas. The advice may sound drastic, but is quite clear: any road travel should be undertaken in daylight, in convoy and with a local guide. There have been instances of foreigners being kidnapped from their vehicles. Australians are specifically cautioned not to travel to Chad, Guinea, Niger, Sudan and Somalia and are strongly advised to reconsider their need to travel to Algeria, Eritrea, Ethiopia, **Liberia**, Mauritania and Nigeria. Because of what the message describes as the extremely dangerous security situation and access limitations in some locations, the Australian Government warns that it will have difficulty providing consular assistance to Australian citizens.

### **International Clips on West Africa**

#### **Ivory Coast**

#### **Cote d'Ivoire / 382 Niger soldiers decorated with United Nations medals**

ABIDJAN, **Côte d'Ivoire**, April 9, 2010/African Press Organization (APO)/ — Three hundred and eighty-two soldiers of the 14th contingent of the Niger battalion (NIGERBATT) were decorated in Korhogo (580 km. North of Abidjan) on 8 April 2010 at a ceremony presided over by the Principal Deputy Representative of the UN Secretary-General for **Cote d'Ivoire**, Mr. Abou Moussa. Mr. Moussa remarked that by donning the blue helmets, the Niger soldiers had placed themselves at the side of a people who love peace, stability and social justice. "In acknowledgement of your contribution to the noble ideals of peace by the side of the **Ivorian** people, the UN wishes not only to salute this commitment but also to pay homage to your know-how and professionalism," he said.

The Principal Deputy SRSB praised the sense of duty and abnegation of the Niger soldiers saying, "be it at night or in the day, under the sun or in stormy weather, you have carried out your mission of providing security to **Ivorian** political authorities, you have contributed to the success of current operations aimed at restoring lasting peace in **Cote d'Ivoire**." The Commander of the Niger contingent, Lt. Colonel Amadou Madougou, said the support of his troops to the electoral process and their humanitarian activities for the benefit of the population "are aimed at creating conditions for a progressive restoration of peace in **Cote d'Ivoire** in general and the Savannah region in particular." NIGERBATT has been in Cote d'Ivoire since 2003 and runs two medical centers in Ferkessedougou and Korhogo to provide medical care to staff of the United Nations Operation in **Cote d'Ivoire** and the local population. The battalion makes daily patrols in the residential and commercial quarters in Korhogo in order to prevent criminal activities.

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Agence France Presse

Saturday, 10 April 2010

## **Sudan's Beshir slams world court warrant as he ends campaign**

By Jailan Zayan

**KHARTOUM** — Sudanese President Omar al-Beshir lashed out at the International Criminal Court which has issued an unprecedented arrest warrant against him as he wrapped up an election campaign on Friday from which his main challengers have both withdrawn.

"Our pledge is that we will not allow the Westerners to insult our country... whether it's the International Monetary Fund or the International Criminal Court," he told a rally of thousands of supporters in the poor Khartoum suburb of Umm Badda.

Beshir is wanted by the ICC on charges of war crimes and crimes against humanity in the western region of Darfur, the first such arrest warrant issued against a sitting head of state.

Seven years of conflict in the region between ethnic minority rebels and his Arab-dominated government have left 2.7 million people homeless, prompting mounting Western scepticism about the credibility of the elections.

The veteran president, who seized power in 1989 overthrowing the last government elected in a multi-party vote, has been keen to use this weekend's ballot to reassert his authority after the ICC warrant, but it has been overshadowed by a growing opposition boycott.

Former prime minister Sadiq al-Mahdi, who won Sudan's last multi-party election in 1986, has pulled out of the presidential race.

The southern former rebel Sudan People's Liberation Movement (SPLM) said it was withdrawing not only from the presidential vote but also from simultaneous parliamentary and state elections in all northern areas except disputed districts of Blue Nile and South Kordofan. Related article: Heavy security for Sudan elections

The party's candidate, Yasser Arman, who has characterised the vote as nothing more than a one-man show for Beshir, said: "These elections are not about the crises Sudan is facing. Things will be worse after the elections."

The SPLM is still campaigning strongly to head the autonomous regional government that will rule the south up to a promised referendum on independence next January, and its leader Salva Kiir wrapped up his campaign with a rally in the regional capital Juba.

In an interview with privately owned television channel Al-Shorooq, Beshir acknowledged that 30 percent of southerners wanted to break away but said 30 percent wanted to remain part of Sudan.

He vowed that, if victorious, he would do all he could to win over the 40 percent he said were undecided.

On Thursday, he promised an "exemplary" election but Western governments have expressed mounting concern about the credibility of the election, particularly in Darfur.

"I note with concern reports of irregularities in the process to date, limitations on political freedom, and insecurity, which is particularly acute in the Darfur region," Canadian Foreign Minister Lawrence Cannon said on Friday.

On Thursday, US envoy to the United Nations Susan Rice warned that "disturbing" trends could mar the outcome of the vote.

She said a decision by the European Union to withdraw observers from Darfur underscored "how insecure and problematic the electoral process is in that portion of the country and elsewhere."

Sudanese security forces deployed in strength ahead of Sunday's first day of polling, as did international peacekeepers deployed in both Darfur and the south.

More than 100,000 police officers are to be on duty over the election period, a security official said, as embassies in Khartoum advised nationals to adopt "precautionary measures," like stocking up on food and fuel.

The outcome of this month's elections is being seen as a key test of a 2005 peace deal between the government and the SPLM, which put an end to two decades of devastating civil war between north and south.

It is also being seen as dress rehearsal for next year's promised independence referendum which is the centrepiece of that agreement.

## Radio Netherlands Worldwide

Friday, 9 April 2010

### Hariri Tribunal ‘not making any progress’

By Linawati Sidarto



*Leidschendam, Netherlands*

The Special Tribunal for Lebanon (STL) in the Netherlands, which this week rejected allegations of political scheming by its members, has yet to show any concrete progress over a year after its official opening, a Dutch expert said.

“They haven’t made any progress,” said Gerard Strijards, professor of international criminal law at Groningen University and expert of international tribunals.

Strijards’s comment came at the back of a statement by the STL on Wednesday, rejecting allegations of political scheming by Tribunal officials following recent media reports about the Court’s investigations citing ‘court sources’. The STL “dismisses as totally unfounded the claims repeatedly made about leaks and political maneuvering by Tribunal officials.”

The STL – often referred to as the Hariri Tribunal – was established by a UN Security Council resolution to try those alleged responsible for the attack in February 2005 in Beirut that killed the former Lebanese Prime Minister Rafiq Hariri and 22 other people. The Tribunal officially opened in Leidschendam, near the Hague, in March 2009.

In the wake of the killings, many fingers have been pointed towards Syrian involvement in the attack.

Strijards points out that political maneuvering at this court is nothing new.

“When you’re dealing with a jurisdiction with a political dimension there is always political manipulation. That’s not anything new,” he said. “The Hariri tribunal has always been a considerably political tribunal, from the very beginning. It cannot get more politicised than it already was.”

Strijards sees the Tribunal’s latest statement as an explanation as to why the STL “doesn’t make any progress whatsoever, because that’s the stand of the matter. “

Asked as to which parties might gain from what the STL dubs as “dangerous attempts to manipulate the work of the Tribunal and impede its search for the truth”, Strijards points to “lots of parties, especially Syria.”

Looking ahead, he is pessimistic that the Tribunal could score success: “In my view it’s unsustainable, because Syria would never cooperate.”

He further also refers to “signs of internal problems” at the Tribunal, citing the latest resignation of Registrar David Tolbert in January this year.

# The Gleaner

Sunday, 11 April 2010

## The ICC and the Caribbean

Patrick Robinson, Contributor

An interesting aspect of the history of the Statute of the International Criminal Court (ICC) is that, although the idea of an international criminal court was raised from as far back as the period after World War I, the modern genesis of the topic was a proposal made in 1989 by Trinidad and Tobago at the General Assembly of the United Nations. This proposal, which was co-sponsored by the Caribbean countries, called for the establishment of an international criminal court with jurisdiction to try individuals and entities engaged in illicit trafficking in narcotics across national frontiers and other international criminal activities.

The proposal was the brainchild of the eminent Caribbean statesman, A.N.R. Robinson, who was at that time the prime minister of Trinidad and Tobago. The item was referred to in the International Law Commission. I was then Jamaica's representative to the Sixth (Legal) Committee of the UN, and when I was elected to the International Law Commission in 1991, Marjorie Thorpe, Trinidad and Tobago's ambassador to the UN, specifically asked me to keep a watchful eye on the drafting of the ICC statute by the commission. To that end, I made sure that I was a member of the working group entrusted with that task, which was completed in a relatively short time.

### Trinidad and Tobago's role

When the item was introduced in 1989 by Trinidad and Tobago, the reception in the Sixth Committee and the General Assembly was lukewarm. But when the Yugoslavia conflict broke out in 1991, the Europeans came aboard and pressed for the establishment of an international criminal court.

The statute of the ICC is, arguably, the most important international instrument to be concluded since the end of the Second World War and the adoption of the Charter of the United Nations. And I have spent some time explaining the very significant role played by Trinidad and Tobago and the Caribbean countries - a group of small states - in the establishment of this historic institution because it is a role that is not widely known, and in respect of those who are aware of it, not sufficiently acknowledged by them. We need not delve into the reasons for this ignorance and indifference.

But having commendably initiated the process, let us see how well we have performed in its completion.

The ICC statute, adopted in 1998, has now been ratified by 110 states. Within the Caribbean, the statute has been ratified by Trinidad and Tobago, Antigua and Barbuda, Barbados, Belize, Dominica, Guyana, St Kitts and Nevis, St Vincent and the Grenadines and Suriname.

### International law

In 1998, I signed the Final Act on behalf of Jamaica and in 2000, Jamaica signed the statute, but has not yet ratified it. Nor has The Bahamas, Grenada, St Lucia.

I suggest three reasons for Caribbean states to ratify the statute of the ICC.

First, the main purpose of the Court is to ensure that serious breaches of international criminal law and international humanitarian law do not go unpunished. We in the Caribbean have a history that has made us all too familiar with impunity in respect of atrocities that today would readily qualify as crimes against

humanity. The inhuman and degrading practice of slavery carried out in the West Indies for over two centuries should prompt all Caribbean countries to support an institution whose primary function is to put an end to impunity for serious crimes.

Second, a cornerstone of the Court's statute is international human rights, including the protection of the rights of the accused. Caribbean countries have always been at the forefront in the struggle for human rights and have a strong history of valuing human rights.

We are not new to the business of defending human rights. Jamaica was among the first set of countries, if not the first, to enact legislation imposing trade sanctions against apartheid South Africa. Jamaica took this action in 1957 under the leadership of Premier Norman Manley while still a colony of the United Kingdom. It was the initiative of Prime Minister Hugh Shearer of Jamaica in 1963 at the UN that led to 1968 being designated International Year of Human Rights to mark the 20th anniversary of the Universal Declaration of Human Rights. The Caribbean Westminster Model Constitutions provide for the protection of fundamental human rights, including the rights of the accused. Generally, the Caribbean can take pride in the system of parliamentary democracy that it has followed over the last five decades.

Moreover, Caribbean countries, which have fought for their independence, and therefore, value new sovereignty, need have no fear of the ICC.

The greatest contribution that the ICC has made to the international community is the principle of complementarity entrenched in its statute. The court will only exercise jurisdiction where a national state is unwilling or unable to do so. Therefore, we can continue to deal with serious crimes within our own countries. But joining the ICC will allow us to be more engaged in the international legal and diplomatic community, working together to prosecute the most serious crimes in countries where the rule of law is lacking and rogue leaders flagrantly violate human rights. Caribbean countries were once the scene of the most horrifying human-rights abuses known to humanity, and it is therefore, our historical and moral responsibility to do whatever we can to make sure that the darkest chapters of human history are not repeated on other shores and in other lands.

As a Jamaican and the current president of the United Nations International Criminal Tribunal for the former Yugoslavia, I have a strong personal and professional interest in witnessing the active participation of my country and other Caribbean nations in the ICC and in witnessing the continued growth and success of the court. And it is my hope that one day, we will be able to proudly welcome a Caribbean national as the president or the prosecutor of the ICC.

A unified Caribbean membership in the International Criminal Court would be a powerful demonstration on a regional level that we take, with the utmost seriousness, our commitment to human rights, the global fight to end impunity and the search for justice.

It is high time for all Caribbean countries to sign and ratify the Rome Statute.

*Patrick Robinson is president of the International Criminal Tribunal for the former Yugoslavia. Feedback may be sent to [columns@gleanerjm.com](mailto:columns@gleanerjm.com)*

Examiner.Com

Saturday, 10 April 2010

## Will UN try Pope Benedict for crimes against humanity?

Portland Progressive Examiner Michael Stone

A high ranking United Nations jurist is calling on the British government to detain Pope Benedict XVI during his upcoming visit to Britain, and place him on trial at the International Criminal Court for “crimes against humanity.”



Geoffrey Robertson, a UN judge, claims that jurists should invoke the same procedures that have been used to indict war criminals such as Slobodan Milosevic to try Pope Benedict XVI. As head of the Roman Catholic Church, the Pope is ultimately responsible for the sexual abuse of children by Catholic priests, and perhaps more importantly, the cover-up of that abuse.

There is no doubt the behavior of the Pope has been criminal. Indeed most of the Catholic hierarchy participated on some level in the cover-up of the sexual abuse of children. For decades they denied, obfuscated, and covered-up the sexual abuse of countless children

throughout the world.

Representatives of the Pope have already argued in US court that the Pope is immune from prosecution or being forced to testify. They argue that as Pope, he is considered to be sovereign, a head of state, and immune from prosecution. Vatican lawyers have also argued that US bishops who oversaw priests committing the abuse were not Vatican employees.

The battle to bring the Pope to account for his crimes and misdemeanors may be only symbolic. Yet it stands as testimony to a guilt that is undeniable.