

**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 August 2013

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

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http://www.africa-confidential.com/article/id/5009/Koroma_helps_warlord_escape_trial 08/08/2013 15:54

SIERRA LEONE

Ernest Koroma helps warlord escape trial

The President's secret deportation of an ex-warlord and ally of Charles Taylor blatantly snubs the United States government and human rights campaigners

Ibrahim Bah, the warlord and arms dealer who was living in Freetown in breach of United Nations sanctions (AC Vol 54 No 10, Impunity in Freetown), has gone into hiding after the Sierra Leone government secretly deported him to Senegal on 27 July. Bah, a close ally of convicted mass murderer Charles Taylor, faces charges of major human rights abuses in connection with the civil wars in Sierra Leone and Liberia. This latest subterfuge by President Ernest Bai Koroma's government raises the key question of why it has appeared so determined to protect Bah.

The saga has done serious damage to Sierra Leone's regional and international credibility. On 19 July, Bah was due to appear in court in Freetown to face trial for the kidnapping and assault of Tamba Emmanuel during the civil war in 2000 (AC Vol 54 No 15, Bah humbug). Freetown officials had tried to keep the case out of court. After they failed, President Koroma signed a deportation order under a 1965 law allowing him to expel any foreigner deemed not 'conducive to the public good'. Yet news of the deportation emerged on 5 August only after a court in Freetown, unaware that Bah had left the country, issued a warrant for his arrest for non-appearance.

The secret deportation and Bah's latest escape will infuriate the United States, which was assured by Sierra Leone that the warlord would face justice. New York-based Human Rights Watch and US Congressman Frank Wolf had urged the US government to see that Bah would stand trial. The State Department wrote to Wolf on 2 July, promising to follow Bah's case closely. 'We have urged Sierra Leonean authorities to act in accordance with the principles of international law and justice,' the letter said. It added that the US Ambassador in Freetown, Michael Owen, had urged the Attorney General and Minister of Justice, Frank Kargbo, 'to investigate the circumstances around Ibrahim Bah's presence in Sierra Leone and to take appropriate legal action.'

The case is of particular interest to Ambassador Stephen Rapp, US Ambassador-at-Large for War Crimes Issues. Kargbo claims bizarrely that he knew nothing about the private criminal case against Bah when he recommended his deportation.

Sierra Leone's snub to the US and the rights activists will raise fresh questions about the Koroma government's commitment to the rule of law. It already faces credible accusations that it has been protecting drug traffickers, together with corrupt foreign business people and politicians. It presents international organisations working closely with Koroma, such as the Tony Blair Foundation, with a dilemma.

We hear that the hunt for Bah is unlikely to let up and that ways and means of bringing him to justice are actively being sought. Once Africa Confidential first revealed Bah's location, lawyers and investigators familiar with the evidence before the Special Court on Sierra Leone - the tribunal which sentenced Charles Taylor to 50 years in prison - realised there was enough evidence against Bah in their archives to present to a court. Koroma's government was urged to mount the prosecution but it procrastinated and obfuscated.

When it became clear that the Freetown government did not want to prosecute Bah, the Freetown non-governmental organisation the Centre for Accountability and Rule of Law (Carl) decided, in partnership with the Swiss-based organisation Civitas Maxima, to bring a private prosecution on behalf of Tamba Emmanuel, a senior legal source told us. The source added that the government pressured law firms in Freetown not to take the Bah case. Some weeks passed before a firm, Holloway & Partners, said it was willing to take the brief on behalf of the private prosecution.

Obstructions continued. The lawyers instructed by Carl and Civitas Maxima had to serve a writ on Bah and a High Court bailiff duly did so on 15 July, summoning him to court on 18 July. Then, however, the case file mysteriously disappeared from the Magistrates Court, preventing the hearing from being held. On 24 July, the lawyers wrote to the court asking why the

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Bah gives them the slip

As Koroma and the Ministry of Justice kept the deportation secret, the lawyers and the magistrate had expected Bah to be in court at the next hearing listed for 29 July. However, on the evening of Saturday 27 July, Bah was deported on Senegal Airlines flight DN 2238 direct to Dakar. He had no escort. As Bah has a Senegalese passport, he could have passed through Dakar immigration without question or he could have boarded a plane to another destination. For now he has give his pursuers the slip.

CARL Executive Director Ibrahim Tommy told the British Broadcasting Corporation (BBC): 'We're quite disappointed. It's bad for promoting justice and accountability. He has a legitimate case to answer. Unfortunately, the [Sierra Leone] government has aided his escape.' Koroma's officials have tried to justify their actions. Assistant Inspector General of Police Morie Lengor told a Freetown radio station that the government had written to the Senegalese authorities asking them of Bah's arrest and asking whether they had anything against him but received no response.

Senegal's government emphatically denies this. Justice Minister Abdou Latif Coulibaly fully investigated with all branches of the police and they had heard nothing, according to the Associated Press. Lengor also told radio listeners that Bah was 'not a criminal' and that putting him on trial would have been too expensive for the government. Kargbo added that he had advised Koroma to expel Bah because putting him on trial would have been 'a distraction' from the government's development efforts.

The government seemed embarrassed by the presence of Bah and prevaricated over the case. Even though United Nations sanctions are clear, stating that persons under a travel ban must be deported, Freetown asked the UN what it should do with him. The UN Security Council reminded the government of its duties, also requesting Freetown to freeze Bah's assets because of evidence by the UN Panel of Experts on Liberia that he had been involved in attempts to recruit mercenaries in Sierra Leone to fight in Côte d'Ivoire and Libya. Several press reports state, however, that Sierra Leone claimed the UN did not respond to its enquiries about Bah.

Kargbo's attitude to the case is puzzling given that he was the Executive Secretary of Sierra Leone's Truth and Reconciliation Commission, which meticulously documented the atrocities of the eleven-year civil war and which called for judicial accountability in 2004. This case further damages the Koroma government, which claims a good development record and wants to improve its international standing. Yet by appearing to protect a warlord and veteran of the region's horrific civil wars, the government has scored a spectacular own goal and raised suspicions about its intentions.

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Global Times
Monday, 12 August 2013

SIERRA LEONE **Koroma Helps Warlord Escape Trial**

The President's secret deportation of an ex-warlord and ally of Charles Taylor blatantly snubs the United States government and human rights campaigners

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Associated Press
Monday, 12 August 2013

Liberia remembers Taylor's departure

By Jonathan Paye-Layleh



In this August 11, 2003, file photograph, Charles Taylor leaves with his wife, Jewel Howard-Taylor, after officially handing over the power of the presidency to Moses Blah, at the Executive Mansion in the Liberian capital, Monrovia. File photo: Ben Curtis, AP

Monrovia - The ex-wife of former Liberian president Charles Taylor said the convicted war criminal made “the ultimate sacrifice” by exiting the country 10 years ago on Sunday, an event that effectively ended a brutal 14-year civil war that claimed 250 000 lives.

In an interview with The Associated Press marking the 10th anniversary of her ex-husband's departure, Jewel Taylor, now a powerful senator representing the former president's stronghold of Bong County, said the war may have been a “necessary” chapter in Liberia's history.

“Every country has gone through some crisis,” she said. “I believe if you talk to historians as to where we were when the crisis began, there might be some who say the war was necessary.”

The senator's comments underscore Liberia's complicated relationship with Taylor 10 years on from war. The former president retains a vocal following despite well-documented abuses committed by his fighters - many of them children - and his plundering of the state's resources after he came to power in 1997.

On August 11, 2003, Jewel and Charles Taylor flew to Nigeria amid intense international pressure and persistent rebel attempts to capture Monrovia. Three years later, not long after Liberia completed its first post-war election, Taylor was arrested and transferred to The Hague, where he faced trial at a United Nations-backed tribunal over crimes committed during Sierra Leone's 11-year civil war.

Last year, Taylor was found guilty of war crimes and crimes against humanity and sentenced to 50 years in prison.

Ten years after the end of the civil war, Liberia's current government, headed by 2011 Nobel Peace Prize winner Ellen Johnson Sirleaf, still has several challenges to improve the lives of Liberia's four million people. Sirleaf's government will mark the 10-year anniversary of the Liberian war's conclusion on August 18, the day a comprehensive peace deal was signed in Accra, Ghana.

At a press briefing last week discussing the plans, cabinet minister Conmany Wesseh encouraged Liberians to use the anniversary “to carry out creative actions to thank themselves and others and renew their dedication to building a peaceful, prosperous and happy Liberia”.

Sirleaf's government has made “immeasurable gains” in consolidating peace and promoting reconciliation and development, Wesseh said.

But critics accuse Sirleaf of not going far enough to root out corruption in her administration. And they question how much her government's development projects have improved the lives of ordinary Liberians, taking particular issue with large-scale agricultural and forestry concessions that have dispossessed the rural poor.

Vice-President Joseph Boakai acknowledged that large swathes of the population believe they have not benefited from the government's accomplishments. He said there is still a need “to try to touch the lives of people so that they feel the benefits and dividends of peace”. - Sapa-AP

Africa Review

Monday, 12 August 2013

Liberia ex-fighters in push to reopen Charles Taylor farm

More than 1,000 former fighters of Charles Taylor's defunct Anti-Terrorist Unit last weekend joined an effort to revive the former Liberian strongman's abandoned 6,000 acre farm.

Scored of residents in the central Bong County were seen working on the land as they sang songs in support of Taylor.



The farm is located on the Monrovia-Gbarnga highway about 65 kilometres from the capital Monrovia.

A picture taken on July 21, 1990 shows then rebel leader Charles Taylor (centre) celebrating with troops in Roberts Field after taking over this position from government troops of President Samuel Doe near the Liberian capital. There is a push to revitalise Taylor's 6,000-acre farm. PHOTO | FILE

"Ay Taylor, we like you oh Taylor, that's the fact," they sang. Taylor is

currently in detention in The Hague after being convicted of war crimes and crimes against humanity by the International Criminal Court (ICC).

Taylor has appealed against the 50 years sentence handed down against him by the court.

The farm has been abandoned since 2002 after fighters of the defunct rebel group, Liberians United for Reconciliation and Democracy (LURD) wrested the provincial capital Gbarnga from Taylor's rebel National Patriotic Front of Liberia (NPFL).

Before its closure the farm was a major source of employment for citizens of Bong County.

Unconfirmed reports reaching the capital Monrovia say war crimes convict Taylor has made available \$1 million to reopen the farm.

The reports say Taylor's younger brother Adolphus Taylor and two former elite members of Taylor's NPFL, Adolphus Dolo and Kuku Dennis, were seen Saturday supervising workers on the farm.

Media reports quote a former general of Taylor's defunct NPFL, Martha Benson who is serving as cook for the workers, as saying the reopening of the farm marked a turning point in her life.

"For Charles Taylor to be jailed and still be thinking on how to employ his supporters means he is a true patriot that will never be forgotten," Ms Benson is quoted as saying.

She said the farm would empower ex-combatants whose livelihood continues to worsen due to the lack of jobs in the country.

Front Page Africa

Sunday, 11 August 2013

A Decade of Peace: Take A Bow Liberia

Written by FPA Editorial Team

THIS WEEK MARKS exactly ten years since former President Charles Ghankay Taylor set off on a plane bound for Nigeria, an act which paved the way for the signing of the Accra Comprehensive Peace Accord in 2003 and effecting bringing the civil war to an end.

JEWEL HOWARD TAYLOR, a former First lady and current Senior Senator from Taylor's stronghold of Bong County, recalls that that Taylor made "the ultimate sacrifice" by exiting the country 10 years ago which paved the way for the conclusion of a brutal 14-year civil war that claimed 250,000 lives.

SENATOR TAYLOR told the Associated Press that the war may have been a "necessary" chapter in Liberia's history.



AS PART OF THE CELEBRATION, the government of Liberia in collaboration with the United Nations Mission in Liberia will on Friday, August 16, 2013 hold a special program at the Monrovia City Hall to mark a decade anniversary of an end to war and the signing of the comprehensive peace deal was signed in Accra, Ghana.

The Guns Are Silent But Much More Needs To Be Done To Complete The Transition From War To Peace

IN A STATEMENT ISSUED in Monrovia Sunday, the Liberian Council of Churches working in ecumenical collaboration with the Christian Community in general, says it joins the Government and People of Liberia to give Thanks to Almighty God for this long period of sustained peace and stability in the country.

THE LCC IS appealing to all Church Leaders including Bishops, Pastors, Evangelists, Prophets, Apostles, Prayer Mothers, Prayer Warriors, etc. in the fifteen (15) counties to kindly join with the Government of Liberia as requested, to observe Sunday, August 18, 2013 in our respective local churches during our regular Divine worship services, as a Time of Special Thanksgiving and Prayers to God for our Peace and Tranquility as a Nation and People.

LIBERIA PLUNGED into a blooded civil war in 1989 which lasted 14 years and claimed the lives of over 150,000 people. In addition to the killings, law and order as we know it came to a halt and scores of citizens were displaced both inside and out of Liberia's borders.

Former President Charles Taylor's departure in 2003 paved the way for peace in Liberia. TWELVE YEARS later Liberia has enjoyed a peaceful atmosphere, thanks in no small part to the presence of the United Nations Mission in Liberia.

THE UN and West African peacekeepers contributed immensely in working with the Government to consolidate peace and stability.

THE SOLEMN PEACE has been supported by two subsequent elections in 2005 and 2011, which were widely acclaimed as being free, fair and transparent.

TWELVE YEARS LATER, Liberia is celebrating the silence of the guns, despite numerous challenges still posing grave risks toward permanent peace and prosperity.



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AT A RECENT PROGRAM recognizing the progress Nepalese peacekeepers have made to Liberia recently, Karin Landgren, the Special Representative of the Secretary-General acknowledged the massive progress made in Liberia over the last decade. "This country has made huge progress over the past decade and

Liberia is well on the way to being a success story. The international community is watching closely as Liberia ventures into the most challenging and the most important reform initiatives since the comprehensive peace agreement. Liberia, like Nepal, is undertaking constitutional reforms, an opportunity for the population to let their voices be heard in how their country should be governed for both stability and equity. Every Liberian has a role to play to ensure these reform processes are successful."

THE UNITED NATIONS MISSION in Liberia (UNMIL) was established by Security Council Resolution 1509 in September 2003 to support the implementation of the ceasefire agreement and the peace process; protect United Nations staff, facilities and civilians; support humanitarian and human rights activities; as well as assist in national security reform, including national police training and formation of a new, restructured military.

UNDER THE LEADERSHIP of President Ellen Johnson-Sirleaf, Liberia is slowly making its way back into the fold of the international community which has been grateful in erasing millions of dollars in debt to the post-war nation.

ON PAPER, THE GOVERNMENT has touted its sound financial policies which have been instrumental in restoring the country to respectable credit worthiness while providing Liberia with the financial space to borrow and develop the country.

LIBERIA HAS ALSO BEEN BLESSED that its president was chosen as one of the Co-chairpersons of the group of Eminent persons appointed by the United Nations Secretary General Ban Ki Moon to formulate the global development agenda and her participation as one of two African Presidents at the

recent G-8 meeting in the United Kingdom are indicative of the respect Liberia commands in the international community.

ON THE FLIP SIDE, many Liberians continue to live below the poverty line despite some progress by the government on the domestic front to introduce policies that it says are people-centered and intended to alleviate the sufferings inherited by the Liberian people.



KEY AMONG the government's list of accomplishment has been the much-touted 150-Day plan and the Poverty Reduction Strategy which sought to address some of the critical gaps in the development process. This has been bolstered by visible progress made on some infrastructure projects and major road networks. One of the major high points is the recent dedication of the Margibi County to the Port City of Buchanan and the rest of the Southeastern region. The Paynesville Red Light to Gbarnga and Ganta corridors are currently in play and the Somalia Drive project which will introduce a four-lane highway is set to

kick off during the next dry season.

LIBERIANS are grateful for some measure of progress but at the same time remain disappointed that the post-war government has allowed the issue of corruption to offset much of the gains made so far.

WHILE WE WELCOME the celebration, we hope that those in authorities will take this time to reflect on how Liberia arrived here and what it would take to complete the journey and the transition from war to peace.

TOO MANY Liberians have lost their lives in an endless struggle with very little meaning. On April 14, 1979, a group of progressives took to the streets to protest the price of rice, an eventful riot which paved the way for the end of decades of Americo-Liberian rule, a year later, on April 12, 1980 with the toppling of the William R. Tolbert Government.

THE ARRIVAL of an indigenous leader in Samuel Doe, failed to end the division and massive corruption in a nation yet to discover economic sanity.

TODAY, THREATS of demonstrations, uncertainty over the direction of the county and an unending circle of corruption and impunity has made many unsure about the country's future.

WHAT WE ALL must remain thankful for is that we have peace, something many thought was impossible to achieve at one point in our ugly and sad political history.

THE GOAL FOR all now must be to ensure that we, as nation remain on this path by distancing ourselves from the periods of our past that led us down a spiral turn of chaos, war and uncertainty.

MAKE NO MISTAKE, the task has not and will not be easy moving forward. Strains along the border with the Ivory Coast remain an issue despite some progress and declaration from the UN that Cote d'Ivoire is on the right path following a violent post-election crisis in 2011.

THE STRAINS poses serious threats to peace and political stability in the West Africa sub-region. This is why we must never imagine turning back the hands of time to our ugly past. We can and must agree to disagree intellectually without resorting to violence. Our best chance of ending our unhappiness with the powers that be is the ballot box and the electoral process. This is why we must exercise our right to vote carefully. This is the only way Liberia can be guarantee another decade of peace knowing fully-well that nothing, especially peace comes easy. The task of rebuilding is upon all of us to ensure that Liberia remains peaceful and the success story in the eyes of the world and all those who have made sacrifices for Africa's oldest republic to celebrate a decade of peace.

BBC

Monday, 12 August 2013

Nazi war crimes suspect Laszlo Csatory dies

A 98-year-old Hungarian Nazi war crimes suspect, Laszlo Csatory, has died while awaiting trial, his lawyer has said.

Csatory died in hospital in Hungary after suffering from a number of medical problems, said Gabor Horvath.

He at one time topped the list of most wanted Nazi war crimes suspects and is alleged to have helped deport 15,700 Jews to death camps in World War II.

He faced charges relating to his wartime activities in both Hungary and in neighbouring Slovakia.

Mr Horvath said his client died on Saturday morning. "He had been treated for medical issues for some time but contracted pneumonia, from which he died."



Laszlo Csatory denied the allegations against him

Csatory had denied the allegations against him, saying he was merely an intermediary between Hungarian and German officials and was not involved in war crimes

Art dealer

He was charged in June by Hungarian prosecutors in relation to what they said had been his role as chief of an internment camp for Jews in Kosice, a town then part of Hungary but now in Slovakia.

Kosice, known at the time as Kassa, was the first camp to be established after Germany occupied Hungary in March 1944.

Most wanted Nazi suspects

- Alois Brunner, key operative of Adolf Eichmann, last seen in Syria in 2001, possibly dead
- Aribert Heim, doctor at Sachsenhausen, Buchenwald and Mauthausen concentration camps, disappeared 1962, last seen in Egypt in 1992
- Laszlo Csizsik-Csatory, served as a Hungarian police officer and had been under house arrest in Hungary awaiting prosecution until his death

- Gerhard Sommer, former SS officer convicted in absentia of participating in killing of 560 civilians in Italy. Last known location: Germany
- Vladimir Katriuk served as platoon commander of collaborationist Ukrainian police, accused of killing innocent civilians in Belarus. Last known location: Canada

Prosecutors said in a statement that Csatory, a Hungarian police officer at the time, had "deliberately provided help to the unlawful executions and torture committed against Jews deported to concentration camps... from Kosice".

He was accused of regularly beating prisoners with his bare hands and a dog whip.

Csatory, whose full name is Laszlo Csizsik-Csatory, was sentenced to death in his absence in Czechoslovakia in 1948 for war crimes.

Slovakia was seeking his extradition from Hungary so it could formally sentence him although, with the abolition of the death penalty, it intended to imprison him.

The legal proceedings in Hungary were halted last month on the grounds of double jeopardy.

Csatory was named in 2012 by the Nazi-hunting Simon Wiesenthal Center as its most wanted suspect. It claimed he oversaw the deportations of Jews from Kosice to the Auschwitz death camp.

He was tracked down in Budapest in July 2012 by reporters from the UK's Sun newspaper, with help from the Simon Wiesenthal Center, and was put under house arrest.

He had fled to Canada after the war, where he worked as an art dealer in Montreal and Toronto, and disappeared in 1997 after being stripped of his Canadian citizenship.

The US-based Simon Wiesenthal Center said it was "deeply disappointed" by the news of his death.

"It is a shame that Csatory, a convicted... and totally unrepentant Holocaust perpetrator who was finally indicted in his homeland for his crimes, ultimately eluded justice and punishment at the very last minute," Efraim Zuroff, the centre's director, said in a statement.

The Simon Wiesenthal Center last month launched its Operation Last Chance II project, offering rewards for information that could help it track down the last surviving Nazi war criminals and bring them to justice.

Among its most wanted is Alois Brunner, a key operative of Adolf Eichmann, who was last seen in Syria in 2001, and Aribert Heim, a doctor at three concentration camps, who disappeared in 1962 and was last seen in Egypt in 1992.

Hirondelle News Agency (Lausanne)

Friday, 9 August 2013

East Africa: Weekly Summary - Kigali Keeps Munyagishari in Jail, the Hague Warns On Crimes in Car

Arusha — Kigali decides to keep in jail a suspect transferred from the International Criminal Tribunal for Rwanda, while the Prosecutor of the International Criminal Court (ICC) issued a new warning to those committing crimes in the Central African Republic.

RWANDA:

Former militiaman stays in jail: A court in Kigali decided on Tuesday to keep in jail a former political leader transferred last month by the International Criminal Tribunal for Rwanda. Bernard Munyagishari is the second and last ICTR accused person to be handed over to the Rwandan judicial authorities for trial. During the 1994 genocide he was secretary-general of the former ruling party MRND for the northern town of Gisenyi, and also head of the Interahamwe militia in the same region. According to the ICTR indictment, he is charged with genocide and crimes against humanity.

RWANDA/DRC:

Rwanda examines Congolese arrest warrants: Kigali is examining arrest warrants issued by Kinshasa against four Congolese rebel leaders on Rwandan territory, according to both Justice Minister Johnston Busingye and Foreign Minister Louise Mushikiwabo in statements this week. The arrest warrants, issued last month, target among others Jean-Runiga, president of the M23 Congolese Tutsi rebel group. Kinshasa wants Runiga and three other M23 leaders for crimes against humanity and war crimes.

ICC/CAR:

Bensouda issues new warning: ICC Prosecutor Fatou Bensouda on Wednesday issued a new warning to perpetrators of crimes in the Central African Republic. On the basis of a report by the UN High Commissioner for Human Rights, she considers that crimes being committed in the CAR could fall under the ICC's jurisdiction. The ICC is currently trying Congolese Senator Jean-Pierre Bemba for crimes committed in the CAR in 2002 and 2003.

NEXT WEEK:

Decision Tuesday on Rwandan extradition request: French judicial authorities are due to hand down a decision Tuesday on a Rwandan extradition request for Colonel Laurent Serubuga, former deputy chief of staff of the Rwandan army.

Tempo

Monday, 12 August 2013

64th Anniversary of Geneva Conventions

The Geneva Conventions, ratified on August 12, 1949, seeks to protect people who are not or are no longer taking part in hostilities, such as civilians, health and aid workers, as well as the sick and wounded of armed forces in the field and at sea, prisoners of war, and civilians who find themselves under the rule of a foreign power.

The Geneva Conventions are four treaties – established from 1864 to 1949 — and three additional protocols that define international law standards for humanitarian treatment in war.

The First Convention, agreed to on August 22, 1864, protected medical facilities, their personnel, and civilians aiding the wounded and sick in the field, and gave the Red Cross international recognition as a neutral medical group. The Second Convention, on July 6, 1906, extended the protection of the First Convention to wounded and sick combatants at sea and shipwrecked sailors. The Third Convention, on July 27, 1929, provided specific protections and treatment for prisoners of war. The Fourth Convention reaffirmed the requirements of the first three conventions and defined humanitarian protections for civilians in wartime.

These four treaties, referred to as the Geneva Conventions, were ratified in Geneva, Switzerland, by 195 countries, including all United Nations member-states as well as the Holy See and Cook Islands, on August 12, 1949. They were modified with three amendment protocols: Protocol I (1977) on protection of victims of international armed conflicts; Protocol II (1977) on protection of victims of non-international armed conflicts; and Protocol III (2005) on adoption of an additional distinctive emblem.

The Geneva Conventions and the additional protocols resulted in the creation of tribunals for Yugoslavia (1933) and Rwanda (1994). The Rome Statute (1998) created the International Criminal Court. In 1993, the United Nations Security Council adopted a report from the Secretary General and the Commission of Experts which showed that the Geneva Conventions had passed into the body of customary international law, thus making them binding on non-signatories to the Conventions whenever they engage in armed conflicts.

We congratulate the United Nations, headed by Secretary-General Ban Ki-moon and United Nations General Assembly President Vuk Jeremic, on the 64th Anniversary of the ratification of the Geneva Conventions. We wish them the best and success in all endeavors. **CONGRATULATIONS AND MABUHAY!**

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Justice is still teething, 15 years on

Usha Ramanathan



Powerful countries like India must sign up to the International Criminal Court if it is to continue its fight against impunity for mass crimes

On July 17, 1998, the Rome Statute for establishing a permanent International Criminal Court (ICC) was adopted: 120 countries voted it in, the United States, Iraq, China, Israel, Qatar, Yemen and Libya voted against, and 21 countries abstained, India among them. It was a dramatic moment, when governments spanning continents and political cultures acknowledged that the criminal laws of states were not bringing the perpetrators of mass crimes to justice. The word “impunity” had acquired a significance that was no longer possible to ignore. Where states are “unable or unwilling” to investigate and prosecute perpetrators of mass crimes, the ICC could step in, breaching the structures of impunity that had set in over the years. The Court would try individuals and not states.

On July 1, 2002, the Statute came into force. By now, 122 countries have signed and ratified the Rome Statute, testimony to the anxiety over the escalation and pervasiveness of large-scale atrocities across the world. Thirty-one countries have signed up but not yet ratified it. Of these, the U.S., Israel and Sudan have withdrawn as signatories to the Statute — a process not known to international law — intending to communicate that they will not be moving towards its adoption, and may even now act in ways contrary to its “object and purpose.”

India’s stance

The ICC challenges impunity. It is striking that when the issue of impunity was raised in discussions on the Rome Statute in India during 1997-98, there were very few who were acquainted with the term. Half-a-decade later, the word had entered common parlance. The events in Gujarat helped. When discussions were held with civil liberties groups, there was little interest in the ICC which was, in 1997, seen as irrelevant for India; in 2002, this changed.

India has been hostile to the idea of internationalising criminal justice and is not a party to the ICC. What's more, in December 2002, India inked a Bilateral Immunity Agreement with the U.S. — which has signed over a 100 such agreements to nullify the ICC's impact as far as U.S. personnel are concerned — with an eagerness that was embarrassing. The stodgy silence that India has maintained on the role and functioning of international criminal tribunals investigating mass crimes in Rwanda and Yugoslavia, and the cases before the ICC itself, belies the Indian claim for a permanent seat on the Security Council.

The Indian position, that India does not need the ICC because it is perfectly capable of dealing with mass crimes, is misleading. The ICC only steps in when the state does not act, or acts in ways that shield perpetrators. In line with its founding principle of “complementarity” between national courts and international tribunals, the ICC defers to the former's role in the domestic criminal justice system. But the responsibility for developing criminal jurisprudence in relation to mass crimes rests with the ICC, and the role of the states parties, the prosecutor, the judges and the states that cooperate with the court is not negligible; India has abdicated this space altogether.

Specific

When the Rome Statute was adopted in 1998, it defined and detailed three crimes — genocide, crimes against humanity, and war crimes. The specific crimes, reflecting historical precedent, include murder, enslavement, extermination, torture, enforced disappearances, the crime of apartheid, persecution against any identifiable group or collectivity on grounds including political, national, religion and gender, rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation when they are “committed as part of a widespread or systematic attack.” The importance of not allowing impunity to become the practice of states when such crimes occur needs no debate.

Most cases from Africa

A fourth, the crime of “aggression,” was listed in the Statute, but was defined only later, in June 2010. It is the “use of armed force by a state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations.” Planning, preparation, initiation or execution by a person in a leadership position of an act of aggression falls within this category. These represent strides in international accountability for the crime of aggression, but where it is committed by citizens belonging to, or in the territory of, a state that is not a party to the Statute, there can be no prosecution — even if the victims of this crime belong to a state that is a state party to the Rome Statute. So, U.S. nationals cannot be tried, even if they are apprehended outside the U.S., because the U.S. is not a state party.

Right from the start, getting powerful nations on board the ICC's mandate was a matter of concern, and that concern has not vanished. It is also asked, with more than a dash of irony, whether this is an international court of justice for Africa. The cases currently before the court are from Uganda, the Democratic Republic of Congo, the Central African Republic, Darfur in Sudan, Kenya, Libya, Cote d'Ivoire and Mali. The fact, however, is that Africa has been at the forefront of establishing the court, and

has a demonstrable interest in working through an international court. There are complexities, for sure: two prominent Kenyan politicians, Uhuru Kenyatta and William Ruto who face crimes against humanity charges before the ICC for their role in the 2007-2008 post-election violence, joined hands as coalition allies in the 2013 election, winning the polls to become, respectively, the President and Deputy President of Kenya. Protecting witnesses, especially, is proving a problem. But that is not unique to international tribunals, and does little to diminish the relevance of the court.

Large-scale violence has become endemic around the world, and in many instances, criminal justice systems seem to fail victims.

Standing testimony to this sobering fact are 30 truth commissions in countries as varied as Argentina, Nigeria, Morocco, Chad, Nepal, Indonesia, Sri Lanka, South Korea and Uruguay; two international criminal tribunals set up by the U.N. Security Council for erstwhile Yugoslavia and Rwanda, and a national criminal tribunal to deal with mass crimes in times of transition, as in Bangladesh.

The ICC's relevance is heightened in this context. As it slowly gathers both history and jurisprudence, this much can be said: that the cover has been blown on impunity. Equality before the law remains a dream for many, but given that the ICC itself seemed an impossibility when the Rome Statute was adopted 15 years ago, there is no telling what may happen next.

(Usha Ramanathan is an independent law researcher. She was a non-governmental delegate at the Preparatory Commission and the Diplomatic Conference on the Rome Statute in 1997-98.)