

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

**PRESS CLIPPINGS**

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

Friday, November 12, 2004

The press clips are produced Monday to Friday.  
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*Witness tells Special Court*

# SLPP scribe re- cruits Kamajors to attack Bonthe

*By Abdul Karim Koroma*

Special Court witness, TF2-071, Thursday told the court how erstwhile Sierra Leone Peoples Party (SLPP) Secretary General Victor Caulker recruited Kamajors to attack Bonthe and inflicted a generation of atrocities on the residents.

The 35-year-old witness who was lead in evidence by prosecution counsel, Raimund Sauter, says after the May 25, 1997 coup the militia outfit retreated into the surrounding villages in the district whilst the Sierra Leone Army Naval Wing took control of the town.

"Victory Caulker recruited lots of young men into the Kamanjor militia," the witness narrated and added that the

Kamajors made several attempts to invade the town.

He explained that the Bonthe community raised money and sent it to Kamajor High Priest, Allieu Kondowa to plead with him not to allow the Kamajors attack the town.

But he says Kamajors defiantly attacked Bonthe from all crossing points on September 15.

"They attacked the military base and the battle lasted for two hours. And I counted 24 corpses," he said, adding, "the dead bodies I saw were those used as human shield by the Kamajors."

He said it was during the attack that Caulker sustained an injury on his leg.

"They captured him at his mother's house and killed him," he stated.

*London Times*

*Friday Nov. 12 2004*

# \* Issa Sesay Writes President Obasanjo

## \* Accuses Kabbah

Special Court indictee and former interim leader of the Revolutionary United Front (RUF), has in a strongly worded letter to Nigeria's President Olusegun Obasanjo accused President Kabbah of violating the Lome Agreement.

In that letter dated 15th

September, 2004 and signed by Issa Hassan Sesay, President Kabbah is accused of having abrogated the Lome Agreement of 7th July, 1999 under Article IX Sections (2)&(3) which granted ABSOLUTE and FREE pardon to all combatants and

collaborators.

"No official or judicial action should be taken against any member of the RUF/SL, ex-AFRC, ex-SLA or CDF for anything done by them from March 1991, to the time of the signing of the agreement," the letter

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Pres. Obasanjo: peace broker



Pres. Kabbah: accused



Issa Sesay: Special Court detainee

### Issa Sesay Writes President Obasanjo

*From Front Page*

quoted Article IX (3) of the agreement.

Other portion of the letter reads: "The arrest and prosecution of the RUF members is a game of political elimination of the RUF by President Kabbah and the Secretary General of the United Nations."

Issa Sesay however drew the attention of President Obasanjo and ECOWAS leaders to the charges made against him and his colleagues, describing them as "political and not war crimes under the Geneva Convention." Read the full text of the UNEDITED letter below.

His Excellency

President Obasanjo

President of the Federal Republic of Nigeria,

Abuja,

Nigeria.

15th September 2004

Your Excellency,

#### LETTER OF APPEAL

It is with pain and regret that I summoned up courage to write your Excellency this letter after series of attempts without any positive response from your Excellency.

I still consider myself your Excellency's Grand-Child that your Excellency assured me I was to you when your Excellency personally asked me to accept the leadership of the RUF at a time when a leader was being sought by your Excellency and your colleagues, including your colleague and brother, Alhaji Ahmad Tejan Kabbah, President of the Republic of Sierra Leone.

As I told your Excellency at that time that I was only a Child and I was not fighting for leadership of the RUF. I remember telling you your Excellency and your other colleagues that I did not want the position of leadership of the RUF as the leader was alive even though he may be in jail as indeed, the late Pa Foday Sankoh was then in jail at Pademba Road Prison. But your Excellency told me that you personally wanted me to lead the RUF in order to assist you and the other ECOWAS leaders to DISARM the Combatants of the RUF so that peace could be achieved in Sierra Leone. Your Excellency assured me that if I succeeded in convincing my colleagues and the combatants to disarm without putting you to shame, I will ever remain to be your Grand-Child, that I will always be treated as such and that you will never leave me to suffer.

From our meeting in Sefadu, Kono, to the date of the signing of the Document by the President of Sierra Leone and myself, Declaring the END OF WAR in Sierra Leone (18th of January 2002), your Excellency did everything to treat me as a Grand-Child of yours.

But, I am sure your Excellency is aware that after the Disarmament was completed, RUF transformed into RUF, contested the General Elections in the year 2002 and lost. Then early in the year 2003, I and some members of the RUF got arrested charged with alleged War Crimes, we are currently being tried and could be imprisoned for life. Now, I am being tormented by my colleagues and the Rank and File of the RUF that I had betrayed the Organization by convincing them to disarm, relying upon your Excellency's assurances without guarantees. The arrest and the prosecution of the RUF members is seen as a means of political elimination of the Organization by President Kabbah, and Secretary General of the United Nations.

Your Excellency, I find myself entrapped, DUMPED and woefully let down. My parents and my young family are all now living in danger and fear with thousands of ex-combatants at home and abroad, being of the opinion that I have betrayed them. Your Excellency, as a young man, I did everything in order not to let you down in your efforts to have the Combatants Disarmed, which efforts were fruitless with Pa Foday Sankoh. I do not deserve being humiliated and treated the way I and others are being treated for Convincing the RUF to Disarm. Your Excellency, we are only THREE at present on trial and may be jailed for life, by Judges specially selected and appointed by President Kabbah and Mr. Kofi Annan, in violation of the Constitution of the Sovereign State of Sierra Leone, with many thousands of the RUF members at large out there, mostly young, unemployed and frustrated suffering from some of the same ills for which the war was fought. We have all been duped so it now appears and I am being blame for

Ahmad  
Changlor

Friday Nov  
12, 2004

# Norman's Lawyer Sacked



Chief Norman

When the CDF trials commenced in the 3<sup>rd</sup> of June this year, Chief Norman wasted no time in offloading his defence team using Rule 45(b) of the Rules of Procedure and Evidence of the Special Court and 'electing to conduct his own defence'. He was granted the opportunity by the court but not without the use of a standby counsel of which Ms. Whittaker was lead counsel. Before the commencement of this third phase of CDF trials, Chief Norman refused to appear in court to continue his defence. As he is leading his own defence, the court decided

*Contd page 2*

*By Joseph Komeh*

One of the defence counsels representing the Special Court's CDF first indictee, Ms. Quincy Whittaker has been sacked. Before the sacking yesterday, Ms. Whittaker filed an appeal with the Trial Chamber presided over by Hon. Judge Benjamin Itoe, seeking withdrawal of her

services from Chief Norman's case and as Special Court appointed counsel for the CDF indictee.

Ms. Quincy Whittaker, who was to start her cross examination on behalf of Chief Norman following the conclusion of the testimony of evidence in chief of the prosecution's 26<sup>th</sup> witness TF2-147,

Rev. Fr. John Garric the previous day, entered the courtroom and informed the bench that her contract with the court has still not been signed. Less than a week ago, she informed the court that she was having some difficulties in obtaining pertinent information and instructions from Chief Norman due to the nature of her contract.

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## Norman's Lawyer Sacked

*From front page*

to use the services of the Court Appointed Counsel in order to continue Chief Norman's trial in absentia. These frequent transformations created some hiccups in the defence of Chief Norman. Following the refusal of Ms. Whittaker to cross-examine Fr. Garric, the court, in a bid to settle the matter, recessed for over an hour. Upon resumption, the Principal Defender responded to the court on

Ms. Whittaker's claims, saying that it was she (Ms. Whittaker) who refused to sign the contract due to the conditions stated. The Trial Chamber subsequently passed a ruling that Ms. Whittaker can no longer serve as a court appointed counsel because the principal defender did not sign her legal services contract with the court. Ms. Whittaker is departing the shores of this country today. Chief Norman is on

record to be having problems with almost every section of the court ever since his indictment on March 2003. Facilities provided him by the court for his defence have been withdrawn, and heavy restrictions placed on his visitors. It could be recalled that Chief Norman is being tried on 8 counts of war crimes, crimes against humanity, and other serious violations of international humanitarian laws.

New Storm

12 Nov 2004



## Kanji Daramy Contradicts Kabbah

**Concord Times** (Freetown)

OPINION

November 11, 2004

Posted to the web November 11, 2004

By Chernoh Alpha M. Bah  
Freetown

I still doubt if Presidential Spokesman, Kemoh Kanji Daramy, was aware of the content of the letter he sent to us on Monday in response to a previous article I wrote titled, "Kabbah disappoints United States?"

Kanji alleges that I inaccurately attributes to President Kabbah the following statement: "Nigeria acted properly by keeping Charles Taylor and that is why I have not been pressing for Charles Taylor to come and face the Special Court. Taylor would only have fled into the bush and keep fighting if Nigeria had not managed to sideline him." He says what President Kabbah said on that Sunday was clear and straightforward. He said the President says for those who would want to know why he has so far been silent on the matter of the extradition of Charles Taylor to face the Special Court is that, "while Charles Taylor's back was against the wall and there were calls for him (Taylor) to step down as President of Liberia, Taylor had told President Obsanjo that he had an option of going back to the bush to start fighting as a guerilla leader. President Obasanjo did not take the utterance lightly because of the potential it had not only to plunge Liberia into renewed fighting, but that it would affect neighboring countries such as Sierra Leone, if Taylor were to resort to guerrilla warfare." Daramy says this was what Kabbah said and not the above statement that I quoted. But can Kanji tell us why should someone want to misquote or incorrectly accord a statement to His Excellency? Besides, what is wrong in Kabbah telling the world that Uncle Shege acted properly in keeping West Africa's warlord in Calabar? Or is it harmful for His Excellency to back Uncle Shege against the United States over Taylor's asylum?

Like I said in the previous article, those of us who know His Excellency's disposition can understand why he chose to back down from the controversial debate surrounding Taylor's asylum. After all, His Excellency knows fully how supportive Uncle Shege's government has been to him during his tough days in power. And for White House officials to expect Kabbah to take sides with them over Taylor's extradition is a humorous contemplation. I wonder if Kanji bothered to think along that line?

His Excellency is an experienced bureaucrat and knows exactly what regional integration and cooperation are all about. He is therefore in a better position than Daramy, his spokesman, to understand the dangers associated with the US stance on Taylor. Daramy is eventually His Excellency's spokesman, but it appears he doesn't know how to perform the President's biddings correctly. Perhaps Kanji has only been providential to find himself square pegged in his current capacity. Otherwise, I see nothing harmful in Mr. President refusing to be a correlate of re-elected President Bush to speedup Taylor's extradition here.

Therefore, Kanji should know that the statement he is disputing is exactly what His Excellency said that very Sunday. The Associated Press and other western media organizations including the BBC had long circulated that statement all over the Internet before I made reference to it. So why did it took Kanji so long to react to the statement? Or is Kanji saying he was unaware of its circulation by media organizations

abroad? If that is the case, then what qualifies Kemoh Kanji Daramy to be Kabbah's spokesman?

Indeed government spokesmen ought to be sober minded and well-informed people. But does Kanji have any of these qualities? Kanji is a postal consultant or expert and I know he can boast of anything relative to postal services but does that qualify him to be His Excellency's spokesman?

Now if we are to assess Kanji's capability through the letter he sent to us on Monday, we may invariably find out that he was unable to understand the President endorsed Taylor's asylum when he said the reason why he was silent on the issue of Taylor's extradition was because "Taylor had told President Obasanjo he had an option of going back to the bush to start fighting as a guerilla leader," and that, "President Obasanjo did not take the utterance lightly because of the potential it had not only to plunge Liberia into renewed fighting, but affect neighboring countries such as Sierra Leone, if Taylor were to resort to guerrilla warfare." Is this not the same as, "Nigeria acted properly by keeping Charles Taylor and that is why I have not been pressing for Charles Taylor to come and face the Special Court. And Taylor would only have fled into the bush and keep fighting if Nigeria had not managed to sideline him." Even if the two statements vary in wording, they both point to the following: That President Obasanjo had granted Taylor asylum to help maintain peace in the sub-region.

That had Obsanjo failed to do that, Taylor would have taken up the gauntlet to fight once again.

That extraditing Taylor to Sierra Leone is a potential recipe for violence in the sub-region.

That President Kabbah sees Obasanjo's reluctance in extraditing Taylor a necessity and, by implication, favors the decision.

But Daramy failed to take all these into consideration and hurriedly jumped to refute the President's statement. And in so doing, he completely contradicts His Excellency and also succeeded in making an idiot of himself in the whole affair. Perhaps, what he is against is the methodical exposition of His Excellency's statement. But as far as I know, that is Mr. President's best and wittiest decision since he took over the leadership of this country.

And if Kanji feels that His Excellency's move in favoring Uncle Shege is perilous to his government's relationship with the United States, he has a better way to show it. He can do that in one of those weekly cabinet meetings or have a 'tete a tete' with Mr. President.

Again, what benefit shall we derive from that? Did the Americans not abandon us in the slaughter and played the audience while gun-totted rebels alighted mayhem on our innocent people? Now that Uncle Shege is striving to sustain our peace, which Kanji enjoys most, the United States seems to be against it. Sure, Kanji himself does not care; all he need is money from United States Assistance for International Development (USAID). Little wonder he is contradicting Kabbah!

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**The New York Times** Published: November 11, 2004

## **Anti-French Riots Fade in Ivory Coast but Foreigners Flee Nation**

By SOMINI SENGUPTA

DAKAR, Senegal, Nov. 10 - Though relative calm set in after four days of anti-French rioting in Abidjan, the commercial capital of Ivory Coast, France and the United Nations began flying French and other European citizens out of the country on Wednesday.

Three Air France planes chartered by the French government left Abidjan for Paris on Wednesday with about 1,000 passengers, according to the French military spokesman in Abidjan, Col. Henri Aussavy. Another 1,000 are to leave Thursday.

All day, French troops continued to use boats, armored cars and helicopters to pick up French citizens and other foreigners. United Nations troops escorted at least 200 Canadians, Spaniards and Moroccans to the airport for evacuation, the United Nations spokesman, Jean-Victor Nkolo, said by telephone. American citizens boarded a Canadian government flight to Accra, a United States Embassy spokeswoman said.

Anger against France has convulsed Ivory Coast since Saturday, when Ivoirian warplanes bombed a French base in the northern part of the country, killing nine French peacekeepers and an American civilian. The government said the strike was aimed at rebels, but France, insisting the attack was deliberate, retaliated by destroying much of the country's military aircraft.

Government loyalists rioted on the streets for four days, attacking French homes and businesses. State-run radio and television broadcast fiery speeches that United Nations officials warned were fanning anti-French fury.

On the streets, the violence abated Wednesday, but it was unclear if this would last. "Today is a real contrast from yesterday," Colonel Aussavy said. "It is quiet, but we are very, very concerned. Is it a real change in the situation or is the stage before new demonstrations?"

Joint patrols by French, Ivoirian and United Nations troops were suspended after only one night's work, apparently at the request of Ivory Coast's government, according to the United Nations.

In Paris, French officials insisted that the rescue of French and other European citizens was not a wholesale evacuation but an emergency measure for those who felt it necessary to leave. Ivory Coast, independent from France since 1960, is home to 15,000 French citizens. About 10,000 French and United Nations peacekeepers are monitoring a 2003 cease-fire between the northern-based rebels and government forces.

On Wednesday, United Nations peacekeepers were dispatched to investigate new clashes in Gagnoa, a site of conflict since the civil war broke out in September 2002. The move could test the United Nations forces' ability to carry out their newly fortified mandate. On Saturday, the Security Council authorized the troops to use force to prevent hostilities, not just in self-defense.

In New York on Wednesday, the United Nations Security Council put off a vote on a resolution imposing an arms embargo on Ivory Coast after South Africa's president, Thabo Mbeki, asked for more time to pursue an African Union initiative to curb the violence.

The resolution, offered by France and seven co-sponsors, would impose the embargo and other sanctions on Dec. 10 if the government and rebels in the Ivory Coast do not carry out their commitments under the 2003 peace deal. John C. Danforth, the American ambassador, said a vote would be held on Monday.

*Warren Hoge contributed reporting from the United Nations for this article.*



# Abuja protocols, an inadequate answer to Darfur's crisis

Friday November 12th, 2004.

## Reiterating cease-fire commitments will not halt genocide

By Eric Reeves

Nov 11, 2004 -- Though the agreement between the Khartoum regime and the two insurgency movements in Darfur (signed in Abuja on November 9, 2004) represents a modest achievement for African Union (AU) diplomats, it is extremely unlikely that Khartoum will adhere to its commitments. And despite the signing of a security protocol, the agreement is even less likely to halt the relentless deterioration in security throughout Darfur. Moreover, the humanitarian access promised in the second of the two protocols means nothing if insecurity threatens the movement and reach of the UN and humanitarian organizations.

In addressing the question of how likely it is that Khartoum will abide by the protocols, our best guide is the regime's most recent behavior. In a sign of just how much contempt the regime holds for the international community and its efforts to respond to the Darfur crisis, Khartoum yesterday (November 10, 2004) again violently displaced internally displaced persons (at the El Geer camp), and wrought further havoc upon a humanitarian aid operation that is in the process of collapsing in much of Darfur.

These actions constitute flagrant violations of not only international law but the terms of Article 2 ("Protection of Civilians") of the newly signed humanitarian protocol. In addition to repeated emphasis on the need to "protect the rights of Internally Displaced Persons," Article 2 specifically declares that the parties to the agreement will:

"Take all steps required to prevent attacks, threats, intimidations and any other form of violence against civilians." ("Protocol on the Improvement of the Humanitarian Situation in Darfur," Abuja, November 9, 2004)

The day following its commitment to this agreement, Khartoum's actions at the El Geer (also El Jir and Al Geir) camp for displaced persons was reported by the BBC:

"Sudanese government forces stormed a refugee camp in Darfur, attacking men, women and children, within hours of Khartoum signing a security agreement with rebels that was supposed to bring peace to the region. BBC television footage showed Sudanese security forces entering the El Geer refugee camp near Nyala, bulldozing it, firing tear gas at women and children, beating some of the male inhabitants and moving others to a nearby camp. The violence came hours before Jan Pronk, the United Nations' Sudan envoy, arrived to visit the camp, the BBC said. At one point during his visit a plastic bullet was fired at a cameraman standing next to a UN vehicle." (BBC, November 10, 2004)

Further details were provided earlier today in a BBC dispatch from the El Geer camp:

"Government forces staged two assaults on displaced people, and would not desist from bulldozing their camp, despite the presence of UN representatives, the African Union and international aid agencies. Tear gas was fired at people, mostly women and children, queuing at a nearby medical clinic." (BBC, November 11, 2004)

Amnesty International reports in a press statement of November 10, 2004:

"The latest assault on residents at the El-Geer camp near Nyala is the fourth time over the past ten days that displaced persons' camps have been attacked. The attacks come just a day after Sudan's government signed humanitarian and security agreements with armed opposition groups in the Nigerian capital of Abuja." (Amnesty International, Press Release, November 10, 2004)

An incredulous BBC reporter declared:

"I've been covering Africa for 21 years and I thought I'd seen everything, but to watch the officials and the police of a state like Sudan---which has just signed a peace agreement---demolishing people's shacks under the eyes of international observers and breaching international law, is quite extraordinary and unique." (BBC November 10, 2004)

## IMPLICATIONS FOR AREAS OUTSIDE THE CAMPS

Such extraordinary brazenness, growing directly out of the international failure to respond adequately to last week's similar actions by the regime, is finally not surprising. But it gives us an ominous sense of how terribly insecure the areas outside the camps have become. This is one reason that the UN's World Food Program reached 175,000 fewer desperate people in Darfur during October than in September (UN Integrated Regional Information Networks, November 10, 2004).

This decline in the provision of food to civilians without resources of their own comes even as data from the UN's most recent Darfur Humanitarian Profile (No. 7) strongly suggest that the number of conflict-affected persons increased by 250,000 in October (as it has on average for every month since June 2004). This represents, then, a total increase of 425,000 people in need and beyond the reach of humanitarian relief.

Collectively, UN data indicate that 2.25 million civilians in Darfur are in need of relief, not including the huge populations beyond humanitarian assessment---between 500,000 and 1 million people. An additional 200,000 in Chad are also in need of humanitarian assistance. In short, approximately 3 million people are either in need or very soon will be---and yet Khartoum continues actions deliberately designed to exacerbate insecurity and produce a further attenuation of international relief efforts.

While much attention has recently been focused on actions by the insurgency groups---the Sudan Liberation Army/Movement and the Justice and Equality Movement---it is deeply hypocritical for the international community to do so little to ensure Khartoum's compliance with the various terms of the April 8, 2004 cease-fire agreement, and then blame the insurgents for failing to curtail their military actions. To be sure, all attacks on noncombatants and humanitarian workers, by whatever party, must be vigorously and unambiguously condemned in the strongest possible terms. But despite the expedient efforts to create various forms of "moral equivalence" between genocidaires and victims, between Khartoum and the Janjaweed on the one hand and those resisting decades of oppression and marginalization on the other, there can be no justification for such moral laziness.

## THE GENOCIDAL STATUS QUO

It is critically important to ask, at every juncture in Darfur's crisis, who benefits from various actions and developments. While there are increasingly suggestions to the effect that it is simply impossible for Khartoum to disarm the Janjaweed (as "demanded" in UN Security Council Resolution 1556, July 30, 2004), the more basic truth is that the regime has no interest in disarming this brutally effective proxy military force. This is one reason that the regime has still not brought to justice Janjaweed leaders (also "demanded" in Resolution 1556) or complied with its agreement (in the August 5, 2004 "Plan of Action") to provide the UN with a list of Janjaweed leaders.

For what must be understood is that the current genocidal status quo serves the strategic goals of the regime. Virtually all the African villages in the three states of Darfur have now been destroyed. Estimates from Darfuris with extensive contacts on the ground in Darfur suggest that 90% of villages away from the major towns have been destroyed. Among the numerous estimates provided to this writer, that of Eltigani Seisi Ateem---former governor of Darfur---is the most detailed: he asserts that about 90% of Fur villages have been destroyed (with the exception of major centers such as Zalingei, Garsila, Mukjar, Kass, and Kebkabia); and that 99% of Zaghawa and Massaleit villages have been destroyed. The most conservative estimate received, from a Darfuri with a distinguished human rights background, is that over 80% of all African tribal villages have been destroyed.

There is as a consequence much less need for the kinds of violence that have displaced well over 2 million people within Darfur and into Chad, and created a population of approximately 3 million in need of humanitarian assistance. And still the international community---most conspicuously the UN Security Council---refuses to move toward significant action. All the while the National Islamic Front observes studiously. The regime sees that the currently circulating draft of a new Security Council resolution is weaker than both its predecessors. The regime sees that deployment of the expanded AU monitoring force is slow and has already show signs of acute distress in both logistics and transport capacity. And the regime notes carefully that the threat of sanctions continues to substitute for the urgent humanitarian intervention that is all that can save hundreds of thousands of lives.

Nothing fundamental has changed; genocide by attrition will continue for the foreseeable future. Khartoum understands that it has set in motion a process of irreversible destruction that will fundamentally change the demographics of Darfur, and in the

process profoundly alter the possibilities of political and military resistance. Genocide as a weapon of war has been deployed with uncanny skill, and victory seems assured.

## IN ABUJA: KHARTOUM'S EFFORT TO CHANGE THE SUBJECT

Those celebrating the diplomacy that secured humanitarian and security protocols in Abuja should look first at how limited these agreements are: they are little more than a reiteration of the demands contained in the April 8, 2004 cease-fire, with the exception of a restriction on military flights by Khartoum. But we should also note the expediency motivating Khartoum. For while the international outcry of last week focused on the violent displacement of many thousands of extremely vulnerable displaced persons from various camps in Darfur, this volubility merely required that Khartoum conceive a means of changing the diplomatic subject. And by agreeing to yield on the issue of a ban on military flights over Darfur, thus satisfying a key demand of the insurgents, a change of subjects was indeed effected.

This of course doesn't change the fact---as Kofi Annan's special representative for Sudan Jan Pronk rightly declared---that last week's and yesterday's actions are egregious violations of international law (indeed, the aggregated actions directed against women, children, and noncombatants constitute war crimes). Pronk was also right to declare that last week's actions, including the destruction of UNICEF-installed water pumps and generators, must be "reversed." But they have not been "reversed," and the completely ineffectual response of the UN and the international community ensures that they will not be. Looking forward, we may be certain only that yesterday's violent and brazen attacks will be repeated many times in the future.

Here we should remember that forcible displacements have been reported for months. In mid-July 2004, Jan Egeland, UN Undersecretary for Humanitarian Affairs, made clear the nature of the problem:

"Thousands of Sudanese who fled their homes because of attacks by government-backed militias in the Darfur region are being forced to leave refugee camps and return to their villages, the UN humanitarian chief said. [Egeland] said the United Nations has received reports of 'big pressure' forcing people from camps in western Darfur. 'This enforced movement of people is very, very, very, very worrisome at the moment,' he said." (Associated Press, July 15, 2004)

The UN's Jean Ziegler, Special Rapporteur on the right to food, also issued a warning:

"Calling for immediate action to stop armed militias destroying food and water sources in the violence-wracked Darfur region of Sudan, a United Nations rapporteur today urged the UN Commission on Human Rights to convene a special session on the situation in Darfur. Mr. Ziegler said Khartoum wanted to send people back to their homes even though [Janjaweed] militias have either destroyed, damaged or looted crops, agricultural areas, livestock and drinking water installations." (UN News Service, [New York] July 9, 2004)

These concerns have been shared by humanitarian aid workers:

"Humanitarian workers fear that a forcible mass return of some 1.2 million Internally Displaced Persons in Darfur could result in enormous fatalities." (UN Integrated Regional Information Networks, July 13, 2004)

And most bluntly:

"'[Khartoum] wants the internally displaced to go home, the UN wants them to stay,' said an aid worker. 'There is no food in their villages: they will go back to die.'" (UN Integrated Regional Information Networks, July 12, 2004)

This did not deter NIF Interior Minister Abd-al Rahim Muhammad Hussein from "announcing on Sudanese government-controlled radio on 9 July [2004] that 86 percent of the Internally Displaced Persons had already returned to their villages" (UN Integrated Regional Information Networks, July 12, 2004).

Of course this was not so much a retrospective account as an indication of prospective ambition, one that Hussein has several times reiterated, even while nominally agreeing with a UN demand that forcible displacements be halted. We can see clear evidence in recent UN dispatches that this policy is being conducted in areas that are not as carefully monitored:

[Radhia Achouri, spokeswoman for the UN Advance Mission in Sudan, told IRIN on Friday]. '[Foreign Minister Mustafa] Ismail provided [UN Special Representative for Sudan Jan] Pronk with an update [indicating that] 70,000 internally displaced persons in Darfur were claimed to have been repatriated.'"

"She said that Pronk took note of the number of people who had been returned to their homes, but he needed more information to establish whether this had occurred on a voluntary basis. 'He was particularly concerned that neither the UN High Commissioner for Refugees nor the UN Organisation for Migration had been consulted prior to the repatriation, as had been agreed upon earlier,' Achouri added." (IRIN, October 25, 2004)

Given prevailing conditions, it is extremely unlikely that these 70,000 displaced persons returned voluntarily; for if the returns were indeed voluntary, Khartoum would have made much of the fact, and would have eagerly consulted with both the UN High Commissioner for Refugees and the UN Organization for Migration, as the regime had agreed to do. The failure to abide by this agreement is entirely in character for Khartoum, and a clear sign that the policy of forcible expulsions from the camps continues on a widespread basis.

Even more troubling is the report yesterday from Agence France-Presse that Khartoum is claiming "more than 270,000 people have voluntarily returned to their homes":

"More than 270,000 people have voluntarily returned to their homes. This is a very good sign and indicator that the situation in Darfur is improving,' [Khartoum's] Humanitarian Minister Ibrahim Mahmoud Hamid told a news conference in Nairobi." [ ]

"Hamid's figures do not tally with those of the United Nations. 'The UN is aware of returns in the very low thousands,' Manuel Aranda da Silva, the UN's humanitarian coordinator for Sudan told AFP through an aide. 'We have received no information from the government about 270,000 returnees so are unable to say whether the figure is accurate,' he added, noting that Khartoum had an obligation to respect mechanisms designed specifically to assess whether displaced civilians who return home do so of their own free will." (Agence France-Presse, November 10, 2004)

The "obligation" Aranda da Silva refers to is of course but one more that Khartoum has failed to respect (see below), and we must hope that a figure of 270,000 is another of Khartoum's preposterous statistics. For certainly if these people have been returned, a very great many have become additional casualties of war.

In short, by signing in Abuja, the Khartoum regime is convinced that the international community---evidently including the AU--will be more interested in celebrating an extremely partial diplomatic achievement than in looking honestly at the clear intentions of one party to the negotiations. The real truth of this moment is that a change of subjects has indeed been effected: instead of talking about the regime's war crimes, the UN, the US, the AU, and other parties are offering unguarded praise of a highly limited agreement---one that conveniently serves as a fig-leaf for international impotence.

Khartoum has long been exceedingly skilled in making concessions in one diplomatic venue even as it remains intransigent in another. And during the present phase of this characteristic policy of delay and duplicity, strategic and genocidal military goals are being served, both in Darfur and in southern Sudan.

## KHARTOUM'S TRACK RECORD ON AGREEMENTS

In assessing the November 9 Abuja accord, it is of critical importance to recall Khartoum's record in observing previous agreements. For the regime has never abided by a single agreement with any Sudanese party---not one, not ever.

Concerning Darfur, the language of the April 8, 2004 cease-fire agreement should be recalled, including agreements to:

"Refrain from any military actions, and any reconnaissance operations" "Refrain from supply or acquiring arms and ammunition" "Refrain from any act of violence or any other abuse on civilian populations" "Stop any restriction on the movement of goods and people" "Ensure humanitarian access" (Article 2, "Humanitarian Cease-fire Agreement on the Conflict in Darfur," April 8, 2004, N'Djamena, Chad)

None of these terms has been observed by Khartoum.

On July 3, 2004, in a Joint Communiqué signed by Khartoum and Kofi Annan, the regime committed to:

"Ensure that no militias are present in all areas surrounding Internally Displaced Persons camps" "Immediately start to disarm the Janjaweed and other armed outlaw groups" ("Joint Communiqué between the Government of Sudan and the United Nations," July 3, 2004 [Khartoum], Section 3)

These agreements have been flagrantly violated or contemptuously ignored.

On August 5, 2004, in response to the "demand" of UN Security Council Resolution 1556 (that it "disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders"), Khartoum agreed to provide Jan Pronk with a list of Janjaweed leaders.

More than three months later, Khartoum has not complied with this agreement.

On November 9, 2004 Khartoum agreed to:

"Expeditiously implement its stated commitment to neutralize and disarm Janjaweed/armed militias."

"Strictly abide by the provisions of the N'Djamena [April 8, 2004] agreement"

"Take all steps required to prevent all attacks, threats, intimidation and other form of violence against civilians" and "protect the rights of Internally Displaced Persons" (Protocols on the Security Situation and Improvement of the Humanitarian Situation, Abuja [Nigeria], November 9, 2004)

Khartoum's actions yesterday at El Geer camp are clear violations of these latter terms of the agreement.

None of the regime's commitments in Darfur has been kept, and there is simply no reason to assume that present commitments will be kept.

In southern Sudan, the number of agreements broken and vitiated is even greater. The painfully disingenuous 1997 Khartoum Peace Agreement that brought Riek Machar and Lam Akol into the Khartoum regime was never implemented. Indeed, this agreement was transparently a means of removing dissident elements in the southern opposition from the larger military equation. Shortly after the Khartoum Peace Agreement was signed, the massive scorched-earth clearances of civilians began in the oil regions of Western Upper Nile, as well as Eastern Upper Nile. Riek Machar and Lam Akol would eventually defect from Khartoum back to the SPLM, belatedly recognizing how badly they had been duped.

The cessation of offensive hostilities agreement of October 2002 stipulated that Khartoum, its allied militias, and the Sudan People's Liberation Movement/Army:

"cease hostilities in all areas of the Sudan, ensuring a military stand-down" "retain current military positions" "refrain from any offensive military action by all forces" "cease supplying all areas with weapons and ammunition" "refrain from any acts of violence or other abuse on the civilian population" ("Memorandum of Understanding Between the Government of Sudan and the SPLM/A on Resumption of Negotiations on Peace in Sudan," October 15, 2004)

Khartoum has not respected any of these terms of the agreement. Resupply has been constant and massive. There have been continuous and large deployments of military resources, including offensive resources. Violence against civilians has never stopped; perhaps the most egregious example is the continuing military offensive against civilians in the Shilluk Kingdom (north of Malakal in Upper Nile Province).

The February 4, 2003 Addendum to the October 2002 agreement stipulated, in addition to the terms of the original agreement, that Khartoum was to:

"Suspend work on the Bentiu-Adok Road until the final, comprehensive Peace Agreement is signed." ("Addendum to the Memorandum of Understanding of Cessation of Hostilities," February 4, 2004 [Nairobi]).

There has been no suspension of the work on this key oil road.

The widely hailed Nuba Mountain ceasefire (January 19, 2002) was almost immediately violated by Khartoum's redeployment of two brigades (a very substantial force) from Khartoum-controlled parts of the Nuba Mountains to fighting in the oil regions of Western Upper Nile (not covered at the time by a cease-fire).

Khartoum has also violated on countless occasions the terms of humanitarian aid delivery set out in the UN's Operation Lifeline Sudan agreement (1989). This has entailed the repeated blocking of humanitarian aid deliveries to many hundreds of thousands

of civilians in critical need. Indeed, such obstruction was the key factor in the terrible Bahr el-Ghazal famine of 1998, in which perhaps 100,000 people died.

Recently UNICEF complacently reported on Khartoum's ratification of two protocols for the protection of children's rights, one protecting children from recruitment into armed forces (UN Daily Press Review, November 3, 2004). But even as this signing was occurring, intelligence from an extremely reliable source operating on the ground in southern Sudan reveals Khartoum's widespread forced recruitment into regime-controlled militias of boys in both Bentiu and Rubkona, the epicenter of the Western Upper Nile oil fields.

These serial violations force an inevitable question: are we to believe that suddenly this brutal, genocidal regime has found in Abuja an agreement that it intends to keep? that it will respect the terms of the security protocol, including the ban on military flights? Are we also to believe that in a new policy, proceeding from some inexplicable change of heart, the same regime that has so long deliberately obstructed critical humanitarian relief will no longer find ways to impede and delay such aid?

These questions also provide the context in which to ask about Khartoum's declared agreement to cooperate with an international commission of inquiry into genocide in Darfur. Notably, several wire services have reported recently on new efforts by Khartoum to conceal the sites of atrocities. Agence France-Presse reports that:

"As the team began work, one of the two Darfur rebel factions accused Khartoum-sponsored Arab militias of destroying the evidence of their abuses in the restive western region. Sudan Liberation Movement spokesman Mahmud Hussein said militiamen had been seen emptying a mass grave in Kabkabiya, west of the North Darfur state capital of El-Fasher. 'They were removing corpses,' he told AFP by telephone from the Nigerian capital Abuja. 'It's a plan to obliterate the truth.'" (Agence France-Presse, November 8, 2004)

This account was confirmed to Deutsche Presse-Agentur by both an aid worker and the African Union:

[Dateline: Kabkabiya, Sudan] "Unknown assailants desecrated several mass graves in the Darfur region of Sudan, an aid worker in Kabkabiya told Deutsche Presse-Agentur on Sunday. The attackers removed the bodies from the graves, possibly in an attempt to conceal the traces of a massacre, said the aid worker who did not want to be named. Members of the African Union's peacekeeping mission in the region (AMIS) confirmed the destruction of the graves." (Deutsche Presse-Agentur, November 8, 2004)

The US and other governments have known for months that Khartoum has committed substantial military and transport resources to obscuring evidence of genocide, and yet have chosen to be silent. Current efforts to obscure the most conspicuous evidence of genocidal executions derive in large measure from this silence.

To those familiar with Khartoum's past behavior it will seem reasonable to assume that the regime will keep the present (or any other) agreement only so long as this does not prove militarily too disadvantageous. As a corollary, we may expect that when international attention drifts or changes in focus, the regime will resume previous military practices---confident, as it has been for many years, that any subsequently renewed international attention will be guided by a scandalously renewed moral agnosticism about the regime's motives.

## MORAL EQUIVALENCE AND THE PERPETUATION OF GENOCIDE

Unable to respond effectively to either Khartoum's intransigent refusal to abide by agreements or the growing insecurity that proceeds directly from this intransigence, the international community has begun to make an argument for "moral equivalence"--between Khartoum's forces and the Darfur insurgents fighting against one of the world's great tyrannies, with no prospect of meaningful international intervention.

As has always been the case in the past, "moral equivalence" is a smashing diplomatic triumph for the regime. If Khartoum's genocidaires---brutally active in the Nuba Mountains, the southern oil regions, and now Darfur---can achieve any sort of "moral equivalence" with the victims of their policies of targeted, deliberate human destruction, then their victory is complete.

What is the evidence of a growing international attitude of moral equivalence? Some of the evidence is inferential: if Kofi Annan fails to declare in briefing the Security Council that Khartoum controls the Janjaweed (a failure Human Rights Watch has called "shocking"), this works to exculpate the regime from the atrocities committed by the Janjaweed. The same tendency may be discerned in Jan Pronk's refusal to use the term "Janjaweed" in his most recent (November 4, 2004) briefing of the UN Security

Council: he speaks instead only of "militia," thereby seeking to finesse the issue of Khartoum's continuing refusal to disarm the Janjaweed, so explicitly named in Security Council Resolution 1556 and in the August 5, 2004 "Plan of Action" negotiated by Pronk. The generic "militias" will eventually become simply the even more generic "armed groups," and the moral distinctiveness of the atrocities committed by the Janjaweed will be obliterated.

At the UN Security Council, Pronk recently urged members to put "firm pressure on all the parties"; US Ambassador John Danforth echoed Pronk (UN Integrated Regional Information Networks, November 5, 2004). US special envoy for Sudan Charles Snyder has made his contribution: Reuters recently reported that "[Snyder said the government of] Sudan was making some efforts to respect the cease-fire and to curb the Janjaweed," and that his "concern" was for attacks by the insurgents (Reuters, October 29, 2004).

It is hardly an accident that US Ambassador to the UN John Danforth has also recently weighed in with comments on the north/south peace agreement that similarly suggest moral equivalence. In speaking of Khartoum's ongoing refusal to finalize a peace agreement that was substantively completed last May 26, Danforth complains that he doesn't understand "why [that] one remaining issue can't be wrapped up in short order." But rather than hold Khartoum responsible, Danforth added, "there is plenty of blame to go around" (Washington File [US State Department], November 4, 2004).

Danforth, as he has done on many occasions previously, deliberately ignores diplomatic realities and the responsibility of the Khartoum regime. Both the SPLM/A and the US State Department have been urgently requesting Khartoum to resume final negotiations on a comprehensive cease-fire, as well as the modalities of implementation for already negotiated protocols on power- and wealth-sharing, security, and geographical issues. But Khartoum has relentlessly refused while it pursues genocide in Darfur. Principle negotiator and First Vice President Ali Osman Taha made a very brief appearance at the Naivasha talks in early October 2004 in order to secure from the Bush administration a positive determination per the terms of the Sudan Peace Act (viz., that it is "negotiating peace in good faith"). He then decamped for Ramadan and is not expected back in Naivasha until several weeks after the UN Security Council convenes in Nairobi on November 19 and 20.

There is no moral equivalency between Khartoum and its various opponents in Sudan. Though both the Darfur insurgencies and the SPLA have been guilty of serious human rights abuses and violations of international law, they have done nothing that is remotely comparable to the actions of Khartoum's genocidaires and their various militia proxies, in the south and in Darfur. Nor is there on Khartoum's part any equivalent willingness to engage in good faith negotiations: the regime's record is one of deceit, duplicity, reneging, bad faith, and delay. Neither the Darfur insurgents nor the SPLM has anything to gain from such negotiating behavior.

Jan Pronk warned last week that "Darfur could sink into a 'a state of anarchy,'" and that "within the rebel movements there is a leadership crisis and splits in the groups, and political leaders are increasingly unable to control their forces on the ground." Pronk also, extraordinarily, suggests that the insurgents should "take responsibility for the needs of the people [in the territory they control]" (Washington File [US State Department], November 4, 2004).

If the weaknesses and increasingly desperate situation of the insurgents are becoming more evident, this should only make it clearer that they are quite incapable of "taking responsibility" of the sort Pronk indicates. But, it must be added, so too are the presently deployed resources of the international community; and in failing to note this basic fact, Pronk obliges us to wonder whether he has begun to lose his bearings completely.

## ACCELERATING DESTRUCTION

Months ago Undersecretary Egeland declared that, "Darfur was becoming too dangerous for aid workers" (BBC, July 14, 2004). And in a chilling moment of speculation, Egeland described, "'my worst scenario that the security will deteriorate, that we will step back at a moment we have to actually step up [emergency relief]'" (BBC, July 14, 2004).

This worst case scenario has arrived. Insecurity is rapidly increasing, both in the camps and rural areas. Khartoum, which first relied on outright obstruction to impede humanitarian access, and subsequently on the heavy summer rains, is now prepared to see humanitarian aid be forced by insecurity to "step back" at the critical moment. With 3 million people increasingly in need throughout Darfur and in Chad, with 300,000 already dead and 1,000 dying every day, the cataclysm is well begun.

Those who would apportion blame while ignoring responsibility for genocide ensure only that the descent into darkness will be accomplished more quickly.

## Milosevic calls leaders to trial

**Former Yugoslav President Slobodan Milosevic has asked judges in The Hague to call world leaders to give evidence at his war crimes trial.**

He wants to quiz former US President Clinton, UK Prime Minister Blair and German Chancellor Gerhard Schroeder.

The court has told Mr Milosevic to prove their testimony is relevant.

Mr Milosevic, who began his own defence in August after doctors ruled him fit for trial, faces charges related to the Yugoslav wars of the 1990s.

Mr Milosevic also asked the judges to call former US Secretary of State Madeleine Albright, retired General Wesley Clark, who commanded the Nato bombing campaign in Kosovo in 1999, and former German Defence Minister Rudolf Scharping.

"I would ask you to issue an order now for them to be heard if possible before the Christmas recess," Mr Milosevic said in court.

He told the court that he had originally submitted his "wish list" of potential witnesses in February, and that he has since sent letters and supporting documentation to relevant embassies in an effort to secure his witnesses.

"By conclusive action it has been shown that they are not willing to appear," he told the court.

### **Court's decision 'final'**

Presiding judge Patrick Robinson said Mr Milosevic needed to convince the court that each witness would present a viable "element of proof" to Mr Milosevic's defence.

#### **MILOSEVIC TRIAL**

Began Feb 2002

Milosevic faces more than 60 charges

Prosecutors' case rested Feb 2004

Court already heard from over 300 witnesses

He also asserted the authority of the international court, apparently criticising the attitude of US officials whom Mr Milosevic's lawyer said had requested to know the scope of any cross-examinations.

"It's not America that decides, it is this court," Judge Robinson said.

Although Mr Milosevic has been on trial at the since February 2002, his poor health has caused the trial to be suspended for much of this year.

Mr Milosevic, who has refused to accept the authority of the court, recently won back the right to defend himself, but was ordered to retain the services of two lawyers appointed by the court to prevent delays.



He has been given 150 days to complete his case, at the rate of three hearings per week, with no time added on for time lost through illness.

Mr Milosevic led Serbia for 13 years until 2000. He faces life imprisonment if found guilty of war crimes in the former Yugoslavia.

Story from BBC NEWS:  
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/europe/4004411.stm>

Published: 2004/11/11 19:01:18 GMT

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**International Criminal Justice and Children**  
**Date:** Wednesday, November 06 @ 20:57:03 EST  
**Topic:** NPWJ

*International Criminal Justice and Children*, a project-book realized by NPWJ and UNICEF Innocenti Research Center is now on line (Portable Document File - PDF version). You may download the book (one large zipped file, size: 2MB) [here](#). Read more of this story for the table of contents and to download each chapter as a single .pdf file.

No Peace Without Justice (NPWJ) and UNICEF Innocenti Research Centre embarked on this project in order to foster a dialogue between child rights advocates and experts in international criminal law, on the emerging system of international criminal justice and how it relates to children.

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### **Foreword**

Today's conflicts target children for the worst possible violence and abuse. It is our shared duty – our moral obligation – to end that outrage. We cannot stand by in silence while children are made victims of murder, rape and mutilation; while children are abducted and forced to fight in wars, and take part in wartime atrocities.

This guide on children and international justice and truth-seeking mechanisms is part of an ongoing effort, together with many partners, to ensure that children can grow up in a world safe from harm. It is a practical guide that summarizes the legal protection framework for children in armed conflict, and provides an introduction to the functions and statutes of justice and truth-seeking mechanisms, in particular as they relate to children. Practical experiences of children in such processes are limited so far, and many questions remain, which will require further reflection, study and application. We attempt in these pages to explore the emerging issues and address the critical gap in accountability for crimes against children, outlining practical steps that can protect children under international criminal law.

We call upon child rights advocates and international criminal justice experts to join in this effort. By giving careful attention to the broader context of international criminal justice and the special needs of children, we believe that together we can make a difference for children in this world. In fact, the success and sustainability of peace processes depends on young people who will carry forward their hopes for the future. We cannot let them down. We cannot fail to provide the leadership that will, in turn, inspire their own efforts to help build a

world without violence, where justice is the foundation for stable societies, for democracy and the rule of law.

We must not delay because children cannot wait. Let their impatience motivate our actions. We must be clear that the era of impunity is over, that we are entering a new era of justice and peace.

**CAROL BELLAMY**, EXECUTIVE DIRECTOR, UNICEF  
**EMMA BONINO**, MEMBER OF THE EUROPEAN PARLIAMENT

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## **INTERNATIONAL CRIMINAL JUSTICE AND CHILDREN**

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