

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



A crowd watches a Special Court video during an Outreach in Waterloo Wednesday evening.

PRESS CLIPPINGS

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

as at:

Thursday, 13 December 2007

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Standard Times

Thursday, 13 December 2007

Trial By Parliament: The Law Mythology and the 1991 Constitution

(CONTINUED FROM LAST EDITION)

There is also, the popular myth that Parliament is a court of law, in fact, in some popular estimation, the highest court in the country. Like nearly every myth, the origins of this particular mythology are unclear. Perhaps it is an emanation of the common law historical evolution of Parliament in England as part of the court system in the country. During this evolutionary period, Parliament, especially its notorious Star Chamber was very active in state trials involving alleged offences against the monarchy or the monarchy itself.

Indeed, the trial and condemnation of King Charles was by Parliament itself in the Palace of Westminster, the seat of Parliament in England. Even today, the highest court in England is a chamber of Parliament sitting in the House of Lords in a special panel.

It is submitted however that this myth evaporates in the face of a modern written constitution such as the national Constitution 1991 of Sierra Leone.

This delineates the functions and powers of the state along the principle of separation of powers between and among the three pillars of a modern government, viz the Executive, Judiciary and the Legislature. In such a scheme, judicial functions and powers are exclusively reposed in the Judiciary (section 120 of the 1991 Constitution). In any event Parliament as a part of the judiciary is a peculiarly English innovation that is universally inimitable.

Also, the subpoena powers of Parliament and the attendant privileges of witnesses so subpoenaed make them analogous to witnesses appearing before a regular court (section 104 (1) of the Constitution), may perhaps have fostered this myth of Parliament as a 'court'. However, it is submitted that none of these considerations warrants the inference or conclusion that Parliament in Sierra Leone is a court of law or even a part of the judiciary and therefore can hold trials like the ordinary courts of the land. Parliament's functions and powers in Sierra Leone today are clearly, distinct and separate but they do not include judicial functions.

These submissions are reinforced by an examination of the power to sanction by removal of certain public office holders by way of what is clearly analogous to impeachments proceedings. Impeachment of course, is the charge and trial of certain high public office holders, such as judge and elected officials, with a view to remove them from office for some public misfeasance.

Where this procedure exists, the trial of the official concerned is often conducted by the Legislature (Parliament) of the jurisdiction involved. In designation, impeachment of high public office holders, including the president and judges of the Supreme Court of the Judiciary. This of course, is not to say

Trial by Parliament: The law methodology and the 1991 Constitution

that there is no provision or procedure for the removal from office of these officials for misconduct. There are provisions for their removal from office for official misconduct. But Parliament, however, does not play the role of a trial court for this.

In the case of the president, the relevant provisions and procedure are to be found in section 51 of the Constitution. What is clear in all this is that Parliament's role is political and not judicial. Parliament does not sit in judgment of the president. However, it is Parliament itself that triggers off the procedure. The president is evidently removable from office for committing any violation of the Constitution or any gross misconduct in the performance of the functions of his office. A violation

investigates the allegations, and it shall within three months from the date of the motion, report to Parliament through the Speaker, whether or not the allegations specified in the motion have been substantiated.

If the Tribunal reports that the allegations have not been substantiated, the matter rests and no further action shall be taken. But where the Tribunal reports that it finds the particulars of any allegations specified in the motion have been substantiated, Parliament may, in a secrete session, on a motion supported by the votes of not less than two-thirds of all Members, resolve that the president has been guilty of violations of the Constitution or such gross misconduct that it would be incompatible with his continuance in office as president. The

tion, will follow judicial precedent including the rules of natural justice.

The other instance in which Parliament is involved in the removal of high public official is that of the Chief Justice and other members of the Supreme Court of the Judicature. Again it is important to emphasize that Parliament does not in either case get involved as a court of trial on the issues or allegations underlying the question of removal (vel non). The relevant provisions are set out in sub-section (4) (5) (6) (7) and (10) of section 137 of the Constitution.

In the case of the removal of a member of the Supreme Court of the Judicature other than the Chief Justice, it is the Judicial and Legal Service Commission that triggers off the process. If the Commission represents to the president

In the case of the Chief Justice, if the president is satisfied on a petition presented to him that the question of the removal of the Chief Justice ought to be investigated, the president shall, in consultation with cabinet, appoint a tribunal consisting of three Justices of the Supreme Court or legal practitioners qualified to be appointed as Justices of the Supreme Court and two other members who are not Members of Parliament or legal practitioners

of the Constitution may in most instances be clear, but quite what is "gross misconduct in the performance of the function of... office" is not so clear-cut and may not be easy to determine.

The procedure is that a notice in writing signed by not less than one-half of the Members of Parliament shall be given to the Speaker of Parliament specifying the particulars of the allegations and proposing that a tribunal be appointed to investigate the allegations. Parliament then meets in secrete session but do not debate the motions; it simply votes upon the motion. But for the motion to pass, it must be supported by the votes of not less than two-thirds of all the Members.

If the motion passes, the Speaker immediately notifies the Chief Justice who shall appoint a Tribunal. The Tribunal itself consists of a chairman who shall be a Justice of the Supreme Court, and also includes at least four other members, all selected by the Chief Justice. At least two of these other members shall hold or shall have held high judicial office. It is the Tribunal itself that

president shall thereupon cease to hold office, and a vacancy shall be deemed to have occurred in the office of the president.

It is clear that the only role for Parliament here is to set in motion the process and to consider the report of the Tribunal by accepting or rejecting it. Parliament itself does not conduct "the trial" of the impeachment of the president; its role is almost exclusively political and certainly not judicial.

The Constitution is silent about the procedure to be followed by the Tribunal in its investigation of the allegations against the president. But it is certain that on so grave a charge as to warrant removal from office, at a minimum, the president would be afforded an opportunity to react to the allegations against him possibly through legal representation on his behalf before the Tribunal.

The Constitution contains no provision as to how the Tribunal conducts its investigation or whether the president shall appear or have the right to representation. It is however a fair surmise that a body of the composition such as the Tribunal stipulated in the Constitu-

tion that the question of removal ought to be investigated, he shall appoint a tribunal which shall consist of a chairman and two other members all of whom shall be persons qualified to hold or have held office as a Justice of the Supreme Court. The tribunal inquires into the matter and reports its findings to the president. A judge of the Superior Court of the Judicature shall be removed from office if the tribunal so recommends and his removal is approved by a two-thirds majority in Parliament.

In the case of the Chief Justice, if the president is satisfied on a petition presented to him that the question of the removal of the Chief Justice ought to be investigated, the president shall, in consultation with cabinet, appoint a tribunal consisting of three Justices of the Supreme Court or legal practitioners qualified to be appointed as Justices of the Supreme Court and two other members who are not Members of Parliament or legal practitioners.

The Chief Justice shall be removed from office by the president if the tribunal so recommends and a two-thirds majority in Parliament has approved his removal.

Standard Times

Thursday, 13 December 2007

As NFHR tour districts... Traditional Leaders urged to uphold Human Right

BY ABU BAKARR KARGBO

The Network For Community Development and Human Right (NFHR) has been actively engaging traditional leaders and other grass root members in three districts, namely, Bombali, Kambia and Port Loko. The one-year -old project is funded by the Westminster Foundation has brought together over one hundred participants to gain first hand information on gender issues, democracy, good governance, peace and security, decision making skills, mediation etc. the workshops held in the three districts was based on 'building the capacity on traditional justice mechanisms in post war Sierra Leone'. At Kalangba Town in the Gbedembu Gohun Chiefdom, Bombali District, participants included traditional leaders, Court Clerks, Human Right Officers, Youth Groups, Human Right Organizations as well as community based organizations.

Speaking at the opening session on the topic 'Lead-



Julius Kamara

ership, decision making process and lobbying' the Coordinator of NCDHR, Julius S. Kamara said that traditional authorities must respect human rights in their communities, adding that they should serve as examples for other to emulate. He went on to say that the various communities should help in decision making process in the country so that at the end of the day they could put together a Local Court Act that can be passed in Parliament.

Mr. Kamara also spoke about conflict resolution in the communities. He said peace must always prevail in the districts so that the whole country will not revert to the days of conflict.

He urged community members to respect their authorities as well as the rule of law.

Mr. Alfred Carew of the National Forum for Human Right spoke on 'good governance, children's right and promotion and protection of human right in the local court system'. He told his audience that children are a blessing from God and that every parent or community must not misuse or violate their rights. "Good governance is very important in any development oriented community. Without good governance there will be no peace and security in the nation as a whole" he said, adding that each citizen must respect the right of others.

At the end of the two-day workshop in each district, participants gave meaningful inputs and expressed thanks to the organizers for letting them into first hand knowledge on human right issue since the war ended. They called for similar event to be replicated in other districts with the same categories of participants.

Associated Press

Tuesday, 11 December 2007

Taylor War Crimes Trial to Resume in Jan.

By ARTHUR MAX

THE HAGUE, Netherlands (AP) — The special court trying former Liberian President Charles Taylor on war crimes charges cleared the way Tuesday for his trial to resume next month, more than six months after its chaotic adjournment.

In a hearing lasting less than 10 minutes, the prosecution and defense agreed they would be ready to hear the first evidence on Jan. 7, when the U.N.-backed court will begin a schedule of 25 1/2 hours of hearings per week.

The trial is expected to continue until mid-2009.

Taylor, the first African leader to face an international court, is charged with arming and supporting rebels who killed thousands of civilians and hacked off the limbs of thousands more during Sierra Leone's 10-year civil war, which ended in 2002. Specific charges include murder, sexual slavery and rape, terrorism, and conscripting child soldiers.

He has pleaded innocent.

Prosecutor Brenda Hollis told the court she would present a list of witnesses this week who will appear during the first two weeks of the trial and will file a motion to grant protective measures for some witnesses — the final measures before the trial can begin in earnest.

Prosecutors have said they will present witnesses from Taylor's inner circle who will testify that from his headquarters in Liberia he controlled rebel forces in neighboring Sierra Leone to exploit its timber, diamonds and other resources.

They also have proposed bringing victims mutilated by the rebels, although Taylor's defense team has argued that such testimony was irrelevant and only intended for its emotional appeal, since no one disputed that atrocities occurred during the brutal war.

Taylor boycotted the start of the trial on June 4 when the prosecution gave its opening statement. He told the judges by letter that he was poorly represented by the court-appointed attorney and was accorded inadequate funds to mount a proper defense.

After one more session boycotted by Taylor, the trial was adjourned. It reconvened only for pretrial hearings after he dropped his demand to represent himself and hired a team led by British barrister Courtney Griffiths paid by a grant to Taylor of US\$100,000 per month.

The trial, at the Special Court for Sierra Leone, is being held in The Hague because of fears it could ignite violence if it were held in Freetown, Sierra Leone's capital.

The Jurist

Wednesday, 12 December 2007

Taylor Defense set for January war crimes trial resumption

Jeannie Shawl

Prosecution and defense lawyers said Tuesday that they will be ready to present evidence when the war crimes trial of former Liberian President Charles Taylor resumes in January at the Special Court for Sierra Leone. Taylor's trial began in June, but proceedings were postponed to allow Taylor's new defense team more time to prepare. At a status conference in The Hague Tuesday, lawyers from both sides told the court they would be ready to proceed when the trial begins again on January 7, 2008.

Taylor faces charges of murder, rape, and the recruitment and use of child soldiers during a bloody civil war in Sierra Leone. He has previously complained that his single court-appointed defense lawyer was unfairly outnumbered by the prosecution team. The criticism prompted the SCSL to add four people to Taylor's defense team and increase funding available to Taylor to approximately \$100,000 per month, despite a UN report that concluded Taylor may control millions of dollars held in bank accounts worldwide. The trial has been moved to The Hague for security reasons.

Cocorioko

Thursday, 13 December 2007

UN, Sierra Leone enhance Human Rights Education

Written by Cocorioko Newspaper Limited

As a way of creating awareness and promoting human rights education in the country, the Human Rights and Rule of Law Section of the United Nations Integrated Office in Sierra Leone (UNIOSIL) representing the Office of the High Commissioner for Human Rights (OHCHR), commissions two human rights and rule of law reference libraries in Bo and Kenema, on Wednesday, 12 December. The event forms part of the celebrations of this year's International Human Rights Day and the year-long global human rights advocacy campaign on the theme: "Dignity and Justice for All of Us."

According to a Memorandum of Understanding signed between OHCHR and the Sierra Leone Library Board, the OHCHR would undertake the construction and equipping of the libraries with human rights and legal reading material, while in the interest of sustainability the Sierra Leone Library Board would monitor the work of the contractors and manage the premises upon their completion. Materials in the libraries include human rights and legal instruments offered by the OHCHR and other materials donated by various United Nations Agencies, including the UN Office in Vienna, Austria, and NGOs.

Government ministries and institutions, as well as the courts, the police and prisons; educational institutions; civil society groups; NGOs; UN agencies and media in both provinces will become obvious beneficiaries of the new reference libraries.

A Representative of the Executive Representative of the United Nations Secretary-General in Sierra Leone and the President of the Sierra Leone Library Board will grace the occasion.

UN News Service (New York)

Wednesday, 12 December 2007

Sierra Leone: Govt, UN Peacebuilding Commission Agree on Cooperation Framework

The Peacebuilding Commission and the Sierra Leonean Government today adopted a cooperation framework that will guide the work of the United Nations advisory body - set up last year to help countries emerging from conflict avert a slide back to war - in the impoverished West African nation over the next three years.

Ambassador Yukio Takaso of Japan, Chairman of the PBC's Organization Committee, described the adoption of the framework as a milestone, but added that the international community must now marshal its support and resources to ensure that Sierra Leone can achieve tangible results.

The framework outlines some of the key challenges and threats facing Sierra Leone, which endured a brutal civil war through much of the 1990s and early this decade. They include good governance, security and justice sector reform, youth employment, energy sector development and capacity-building.

Victor Angelo, the Secretary-General's Executive Representative in Sierra Leone, told the PBC meeting that while Sierra Leone was "a success story" in terms of its progress on the humanitarian and security sector fronts, it had not matched that progress in job creation, gender equality or good governance.

But he stressed that the country's new leadership was committed to working strategically to overcome those hurdles, by addressing the root causes of the civil conflict and by pursuing dialogue with all sides.

The PBC is backed by the Peacebuilding Fund, a multi-year standing trust fund that has so far collected deposits worth almost \$144 million from donor countries. Its target is \$250 million.

Associated Press

Wednesday, 12 December 2007

Rwanda Genocide Victims, Killers Meet

By CHRIS TOMLINSON

MAYANGE, Rwanda (AP) — The late afternoon sun gleams off the tin roofs of this small farming village, as neighbors Xavier Nemeye and Cecile Mukagasana watch their children play tag around the banana trees.

The two friends were born here and share much of Mayange's daily life. They talk every day, pray at the same church and send their children to the same school, the only one there is.

They are also both recovering from the genocide just 13 years ago — when he hacked to death six of her friends with a machete.

The journey of two enemies to peace reflects a major challenge facing much of sub-Saharan Africa today: how to recover from the wars that have torn apart all but one country, Botswana. Over the past four decades, about 15 million Africans have died in war, only a little less than the population of Florida. An African peace agreement has as much chance of success as an American marriage: about 50/50.

Yet there is progress. African countries are experimenting with truth commissions of the kind South Africa made famous, war crime tribunals and amnesties. Despite brutal wars in Sudan and Congo, experts say Africa is more peaceful today than at any time in the past half-century.

Rwanda is now bringing together victims and killers in the genocide through community courts and villages like Mayange, once one of the worst killing fields in Africa. More than a decade after the slaughter of at least 500,000 people, there is a measure of peace — and hope.

"I can't imagine there will ever be another genocide," says Cecile, a 34-year-old mother of four whose poise reveals little of her past. "Because as people prosper and our lives continue to improve, it becomes easier for us as victims to forgive and forget what happened."

Twenty-five miles south of Kigali, Mayange is a world away from the bustling capital. In this district of 10,000 people, the passage of time is marked by the planting and harvesting of maize. A dozen mud-brick shops are scattered around the main square, and shoeless children play on the red clay.

The modest village is at the forefront of Rwanda's plans to put the past in the past. Genocide victims and killers built it together with money from the government and donors, given on condition that they live in peace.

For centuries, families in Rwanda each had a hill of their own, lived off the land and saw their neighbors only once a week on market day. Rwandans have 34 words to describe hills, but almost no tradition of village life.

Some experts believe this isolation contributed to the genocide. So did poverty — both Xavier and Cecile used to live on less than a dollar a day in crowded mud huts thatched with palm fronds.

The conflict between their people dates back to colonialism, when the Belgians put Tutsis in power and Hutus to work in the fields. A Hutu regime took over at independence, and in 1994 its leaders incited Hutus to kill their Tutsi neighbors.

Xavier, a Hutu, stares at the floor as he remembers, and his small frame seems to shrink. It is hard to believe this man with the round, kind face and the thin mustache did what he did.

"We were told the Tutsis were evil and needed to be killed," he says, as the children play on the dirt floor and Cecile listens expressionless to a story she has heard before. "We really hunted for the Tutsis, searching out their hiding places and killing them wherever we found them."

The mob in Mayange killed hundreds. Cecile's Tutsi family fled to the parish church, but it was hit with tear gas and grenades. She and her mother escaped to a refugee camp in Burundi. She never saw her father, brothers or sisters again.

The anger still flares in her brown eyes when she tells the story. Her voice remains barely audible, as is considered polite in Rwandan society.

After the war, the Tutsis threw Xavier and about 120,000 other killers into jails designed to hold 20,000. There were no toilets and no room to sleep. Guards used hoses to wash prisoners, who were packed like sardines in their own filth in huge open cells.

Xavier stood in prison for 18 hours a day and longed for revenge. Most African civil wars re-ignite within 10 years of a cease-fire.

When Cecile returned home from Burundi, her hatred too ran deep. Even today, she can instantly switch from cheerful matron to suspicious survivor.

"Whenever I saw a Hutu child around the age of 12, I wanted to get a club and bash their skulls in because my two brothers and my two sisters were dead," she says, with the calm matter-of-factness common among genocide survivors in Rwanda, where showing emotion is frowned upon. "I would lay awake at night feeling nothing but anger and hatred."

This burning desire for revenge is one reason peace agreements fail.

The list of African countries that slide in and out of war is long: Liberia, Sierra Leone, Sudan, Congo, Burundi, Ethiopia, Eritrea, Uganda, just to name a few. Somalia has spent the last 18 years at war, despite 14 peace agreements. In Sudan's Darfur region, neither the government nor the rebels have respected four cease-fires.

The devastation spills across borders. The Rwandan genocide led to a war in Congo that drew in nine African countries and killed more than 3.5 million people. Many were simply caught in the middle — an African proverb says when elephants fight, it is the grass that suffers.

The countries that have broken the cycle of violence share at least three things, experts say: Good governance, a process for contrition and a path to wealth.

In Rwanda, the president is Tutsi, the prime minister is Hutu and Cabinet positions are split 50/50. President Paul Kagame's government is criticized for limiting civil rights, but many Rwandans say a strong hand is needed to hold back those who would stir up ethnic hatred.

Rwanda relies on a traditional justice system known as gacaca, or court on the grass, to try the Xaviers of the genocide. Once a week, the entire village is required to attend and everyone is invited to give evidence. Then a panel of judges sentences people up to life in prison. Verdicts can be appealed.

The trials can last hours, even days. The judges remind defendants — some free on bail, some in their pink prison uniforms — that confession brings forgiveness.

Xavier didn't believe it. He was sure he would be killed.

When a pastor stopped by the jail, Xavier thought it was a trick. After all, he had killed the pastor's cousin.

But Pastor Etienne Gahigi kept coming. They started praying together. The government announced that anyone who confessed could go home.

It took four years, but Xavier says the truth bubbled up inside him. Standing before the pastor and a government official, he confessed.

"This is something I could not do without God's help," he says, with the earnestness of the evangelical Protestant he now is. "Before I revealed everything, I was like an animal. But after I told the whole truth, I felt relieved."

The killers who confessed did what small penance they could. They worked the fields for the widows, and built them new homes. But Xavier was still afraid to face the survivors in private.

"When you confess, you are asking that person for something," he says, looking to Cecile. "To forgive is to give something, and that is much more difficult."

It was close to impossible. When Cecile passed a Hutu in the village, she never made eye contact. She became angry when anyone spoke of reconciliation, including the pastor at church. She fantasized about revenge.

Then district leaders brought everyone together for a meeting.

"We sat on different sides of the room. I was nervous because I thought one of them would get a club and beat me, or throw stones at me," Cecile says, looking at Xavier as if remembering him as a different person. "The following nights I had nightmares that the killing would begin again."

It was Mayange that finally brought the two together.

Mayange became Rwanda's first Millenium Village last year, part of a program between the government and donors. The Rwandan government plans 29 more villages, one in every district.

The villages test the idea that \$75 per poor person a year can lead to self-sufficiency in five years. They also show that peace and prosperity go together — the World Bank has long concluded that the best way to predict civil war is to look at a country's economy.

For Xavier and Cecile, Mayange is hope. As Cecile laid bricks for the new village alongside Xavier, she slowly learned to accept that he was only a pawn in the genocide. It helped that they went to the same church, the church where Cecile's family once hid.

She is still not quite sure how or when they became friends, as she sits in her four-room brick house with a tin roof that Xavier helped build.

"A sense of closeness would begin to form between us — we just found ourselves together," she says, smiling at how inadequate the explanation sounds. The strength of her will is clear — it is almost as if she is willing peace, and believes any less would be a betrayal of her faith and her village.

Food production in Mayange has now tripled, and malaria cases have dropped 75 percent. More children are in school, and women's groups get good money to weave baskets that end up in department stores across North America.

Jacqueline Nyiramayonde, a genocide survivor on the project's board, says villagers are too busy making money to think much about the past. She sits like a relaxed chief executive in the living room of the new house she built with profits from her farm.

"We have a lot of meetings for this project, and through these meetings...we have actually come to see each other as brothers and sisters," she says. "This way of living has helped us get rid of our hatred and anger. I don't know how it happened, but one day I realized, these people are my friends."

Mayange and Rwanda still live in the dark shadow of the first genocide in modern African history. Across Rwanda, there are Hutu killers who remain bitter and Tutsi survivors who will not or cannot forgive. Just five kilometers from Mayange in Nyamata Mission Church, the bones from 10,000 genocide victims are carefully stacked as a memorial to what few here can forget.

But hope lies in the economics. Rwanda's economy is growing by at least 6 percent a year, and Fatuma Ndagiza knows how much peace depends on a full stomach and a watertight roof.

"Sometimes you don't motivate people with words alone," says Ndagiza, who runs Rwanda's National Unity and Reconciliation Commission. "If someone is hungry, or they don't have shelter, or they don't have the basics, you cannot go far in changing their minds."

Hope also lies in the demographics. About 40 percent of Rwandans were born after the genocide, like the children of Xavier and Cecile. These children live in a Rwanda without ethnic identity cards, where it is no longer acceptable to identify yourself as Tutsi or Hutu.

Xavier is determined that his children will grow up in peace, and tries to pay for his past by helping Cecile and going to church. Both Xavier and Cecile agree that people can only move on from the past if they have a future, and that they need what he calls "security of the stomach."

"If your stomach is empty, you will have to think of ways to fill it," Xavier says with a sudden and unexpected seriousness. "And that will lead to disruption."

UN Dispatch

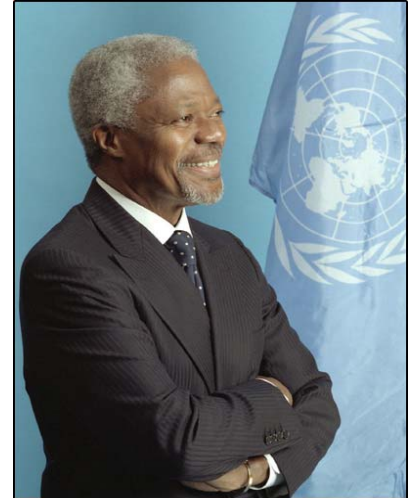
Tuesday, 11 December 2007

Annan and International Justice

During Kofi Annan's tenure as United Nations Secretary General the cause of international justice made several important leaps forward. The most high profile of the international justice institutions to evolve from the Annan years is the International Criminal Court, which is a separate body from the United Nations, but was nonetheless created under UN auspices. Also established under Annan's stewardship was the Special Court for Sierra Leone (currently prosecuting former Liberian warlord Charles Taylor.) The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda both hit their stride in the late 1990's and early 2000's.

Finally, Annan's parting legacy to the cause of international justice was to ensure that the "Responsibility to Protect" populations at risk of genocide or mass atrocities earned the endorsement of world leaders at the 2005 World Summit.

This is obviously a very impressive record, and was recently recognized by the MacArthur Foundation. Yesterday, the foundation announced that Annan is to be given the first-ever MacArthur Award for International Justice. Needless to say, this is a well deserved honor.



Institute for War and Peace Reporting

Wednesday, 12 December 2007

Kony May Face ICC, Admits Top LRA Man

But says peace accord and local reconciliation process would first have to be achieved.

By Caroline Ayugi and Peter Eichstaedt in Gulu

Joseph Kony, the leader of the Lord's Resistance Army, LRA, may eventually face the International Criminal Court, ICC, but only after a peace deal is brokered and a traditional justice ceremony held, according to a senior member of the LRA delegation currently touring northern Uganda.

Yusef Adek, part of an LRA team consulting rebel victims on accountability and reconciliation aspects of a peace deal with the government, told IWPR in Gulu, northern Uganda, that a peace deal could be signed soon and that a mato oput ceremony would be performed after the LRA fighters have all returned home.

"After a peace agreement is signed, people will gather together in a traditional ceremony at an agreed upon locale," explained Adek. "The clan elders will then bless the returnees, and reconcile them with the victims."

The process, he said, would help end the war, because the Acholi, the dominant tribe of the north, believe that, "whoever disturbs the other thereafter will face many afflictions".

Reparations for the victims will have to come from the international community, he said, because the LRA has no money.

Compensation should be distributed as the returning fighters identify the families of their victims – and Acholi leaders should supervise the process, said Adek.

"Since the atrocities were so many [and] many families and areas were affected, only the identified families will be paid damages," he said. "Other places where atrocities took place will be cleansed, one by one."

Although Adek and other LRA delegation members say traditional reconciliation is critical to securing peace, Adek does not rule out international justice.

If a peace pact is signed and Kony returns to northern Uganda, the rebel leader may then face international justice, like Charles Taylor, the former Liberian president and militia leader, he said.

"When Taylor was still in power, it was very hard to arrest him. But when he went into exile in Nigeria, he couldn't run away from the law anymore," continued Adek.

"Right now Kony still has weapons and the military might, and when he is disarmed, he might end up being apprehended easily like Charles Taylor and face international justice."

But for the present, with a peace deal still under discussion (talks are due to resume this month in Juba, South Sudan) and Kony's army in the Garamba National Park in the Democratic Republic of Congo, DRC, there's little prospect of him being detained.

“Let us [first] convince him to sign the peace agreement,” said Adek, before taking the actions sought by the ICC.

Adek will be part of the delegation from northern Uganda that will meet with Kony in the coming weeks to discuss the results of the LRA team’s tour of the north.

So far, there appears to be widespread support among the 1.8 million displaced people in the north for blanket forgiveness of the LRA.

But many refugees and victims of LRA atrocities told IWPR that they professed to forgive the rebels because they feared reprisals if they publicly supported the ICC.

David Ocaya, a representative of the Latanya refugee camp north of Pader, said many in the camp were afraid to say what kind of punishment Kony should receive because if the LRA returns to war, they would be killed.

Ocaya said many in the camp doubt that Kony wants peace, due to his recently reported execution of his second-in-command, Vincent Otti. “We do not think Kony is sincere. He only wants to survive,” he said.

Ocaya said that if the peace talks fail, then many across the north will support Kony’s arrest and trial before the ICC.

In the Pabbo internal refugee camp north of Gulu, in what has been an LRA stronghold, camp leader Wilson Ajok said,

"When the peace talks began, our people had hopes that we would finally experience peace, but when news came that Otti was killed, our hopes were shattered... We always discuss with the [refugees] our doubts whether Kony will sign the peace deal.

"Kony is a very tough man... If he refuses to sign the peace agreement then the ICC is free to execute [the warrants]."

Jackson Oloya, leader of the Pamin-Lalwak camp about eight kilometres from the Pabbo camp, said people may have forgiven Kony, but that he still should face the ICC.

"Kony should be taken to court, because if left to go free, it will encourage others ... [knowing] that they will also be excused," he said.

Oloya said his brother was killed by the LRA and that his nephew, who he has taken into his family, was blinded by a landmine. “That kind of thing cannot be easily forgiven,” he said.

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General jailed for Sarajevo siege

The UN tribunal in The Hague has jailed a former Bosnian Serb general for 33 years for attacks on civilians during the siege of Sarajevo.

Dragomir Milosevic was found guilty of directing sniper and shell attacks from positions overlooking the city.

Prosecutors had demanded a life sentence for the 65-year-old, who had commanded the Sarajevo Romanija Corps (SRK) unit of the Bosnian Serb army.

Thousands of Sarajevo's civilians died in the siege between 1992 and 1995.

The city became synonymous with the conflict as television images were relayed around the world of a population facing food shortages and near-daily artillery attacks.

Milosevic was found guilty of war crimes and crimes against humanity, including responsibility for terror, murder and indiscriminate attacks on civilians.

Milosevic pleaded not guilty to the charges.

'Horrific tale'

Milosevic became commander of the SRK in 1994, taking over from Stanislav Galic, who has already been jailed for life by The Hague for his role in the siege.

"The evidence presents an horrific tale of the encirclement and entrapment of a city and its bombardment," Judge Patrick Robinson said.

According to prosecutors, "the SRK subjected Sarajevo to a prolonged and murderous campaign of terror through shelling and sniping of civilians".

The Bosnian war ended with the Dayton accord of 1995 and the siege of Sarajevo was lifted in February the following year.

Some 14,000 people had died during the siege, according to a research body linked to the Norwegian government.

Most of the dead were Bosnian Muslims. Croats and Serbs who stayed on in the Bosnian-Muslim-held parts of the city were also among those killed.



Dragomir Milosevic had pleaded not guilty to the charges



Many of those killed or hurt in the Sarajevo siege were civilians