

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



PRESS CLIPPINGS

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

Tuesday, 16 March 2010

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

Sierra Leonean Testifies for Taylor / <i>Premier News</i>	Page 3
‘Salone Rebels Trained in Liberia’Witness tells Court / <i>Concord Times</i>	Pages 4-5
Amputee to Speak at Canadian Library / <i>Concord Times</i>	Page 6
Peace Building Commission Ends Freetown Visit / <i>Cotton Tree News</i>	Page 7

International News

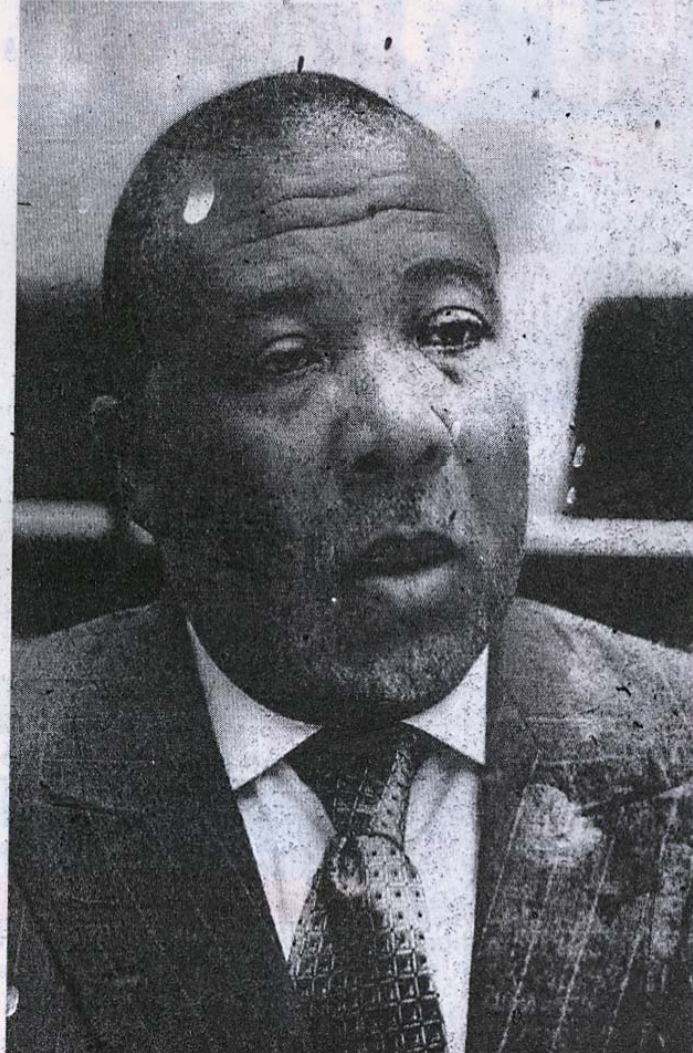
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 8-11
Genocide Evidence Must Not be Lost in Darfur / <i>The EastAfrican</i>	Pages 12-13
ICC Prosecutors Will Refute Allegations... / <i>Lubanga Trial Website</i>	Pages 14-16
War Crimes and the Principle of Individual Criminal Responsibility / <i>The Island Online</i>	Pages 17-19
The Trial of Zuhdija Tabakovic has Commenced at ICTY / <i>The Hague Justice Portal</i>	Page 20

Sierra Leonean Testifies For Taylor

A Sierra Leonean on Monday took the witness stand in defence of Charles Taylor, the man who is on trial for allegedly supporting rebels in Sierra Leone.

The witness is testifying in open court with partial protective measures; his name and personal data are not disclosed.

He said former RUF Leader, Foday Sankoh started agitating for multi-party democracy in 1980. To further conceal his identity, the witness is testifying with a hat stretching from the top of his head to his eyes. According to Defence Lawyer, Terry Munyard, the witness wants these protective measures because he is afraid of



Sierra Leonean Testifies

From page 2

reprisals when he returns to Sierra Leone.

The witness told the court that he and former RUF Leader, Foday Sankoh were members of an underground movement called the Study Group in 1980.

He said the Study Group agitated for change of what he called the profoundly corrupt system which

characterized governance in Sierra Leone.

The witness also said he later joined the RUF in 1992, and took up the position of Civilian Coordinator.

The Sierra Leonean Defence Witness direct examination was the shortest the court has ever seen since Taylor's trial commenced.

Defence Lawyer, Terry Munyard questioned the witness for about three hours and ended the direct examination. Prosecution Lawyer, Nicholas Kumjian started the cross-examination of the witness by asking him about the birth place of the RUF.

The trial continues in the Hague.

Culled from www.bbc.co.uk

Concord Times

Tuesday, 16 March 2010

'Salone Rebels Trained in Liberia'...Witness tells Court

By Alpha Sesay

A 300-strong force of Liberians and Sierra Leoneans were based in Liberia and trained under a top Sierra Leonean rebel leader before attacking Sierra Leone in 1991, a protected Liberian witness has told the Special Court trial of former Liberian president Charles Taylor. Mr. Taylor, however, denied knowledge of Sierra Leonean rebels training in his country.

Testifying in open session but whose name and personal information were not shared with the public, the witness told the judges that he was part of the rebel force that trained under Revolutionary United Front (RUF) leader, Foday Sankoh, at Camp Nama in Liberia in the early 1990s. The witness also recalled the names of other rebel commanders with whom he underwent training at the camp, some of whom have been prosecuted and convicted by the Special Court for Sierra Leone for their role in the crimes committed during the Sierra Leonean conflict.

"I can remember Sam Bockarie who is Mosquito, I knew Sam Quelleh, I knew Issa Sesay, I knew Morris Kallon, I knew Augustine Gbao, I knew Jonathan Kposowa, they were many, I can't recall all of their names now," the witness said.

He explained that on March 20, 1991, RUF leader Foday Sankoh took about 150 trainees from Camp Nama to the Liberian-Guinean border in Lofa County. He said on the orders of Mr. Sankoh, 100 men attacked the town of Koindu in Sierra Leone's Kailahun district. The 100 men who launched the first attack succeeded in capturing several boxes of ammunition and military radios from the police station in Koindu.

Prosecutors have alleged that with Mr. Taylor's help, RUF rebels, among whom were Sierra Leoneans

'Salone rebels trained in Liberia'

...witness tells Special Court



Late RUF leader, Foday Saybana Sankoh and Liberians, were trained at Camp Nama in Liberia before the 1991 attack on Sierra Leone. Prosecutors say RUF commanders such as Sam Bockarie, Issa Sesay and Morris Kallon were all trained at Camp Nama. Taylor has denied the prosecution's allegations, saying he did

not provide any support in training RUF rebels and that he had no knowledge of RUF rebels undergoing training at Camp Nama.

This is the fourth witness to testify in defense of Mr. Taylor who is on trial for allegedly providing support to RUF rebels in Sierra Leone during the country's 11-years civil war. Taylor has denied all prosecution allegations against him.

Meanwhile, a Sierra Leonean witness told the Special Court on Friday how Sierra Leonean government forces executed suspected rebel collaborators without trial during the country's brutal civil conflict - and chose which suspects to kill based on the way they looked. The Sierra

Leonean witness, DCT 068, said he feared for his life and fled Freetown after his government's forces started summarily executing about 20 suspected Revolutionary United Front (RUF) rebels a day after the country's war broke out in 1991.

"For fear of my life, I fled Freetown and joined the RUF in the Sierra Leonean town of Zogoda in 1992," the witness said.

Zogoda, also known as Camp Zogoda, served as the headquarter base of the RUF until it was attacked and destroyed by forces loyal to the Government of Sierra Leone in 1996.

Describing how government forces carried out summary executions of suspected rebels and

collaborators, the witness explained that "anybody they see, they just say one, two, three, four, five - you come out. Then they take them to the cemetery and give them summary execution without going through any judiciary process and I witnessed that in Kenema."

The witness added that the manner of one's appearance was a determining factor in deciding whether to associate one with rebel forces.

"If you are not well dressed, you know that is how they use to associate you with rebels. If you are in coat and tie, you will not be executed," he said.

The testimony of the protected Liberian witness continues on Tuesday.

Concord Times
Tuesday, 16 March 2010

Amputee to speak at Canadian library

Double amputee Mariatu Kamara, a victim of Sierra



Mariatu Kamara ... A victim of the 11-year war in Sierra Leone

Leone's dreaded 11-year civil war, will be at the Leonard E. Shore Library, Thornbury, Ontario in Canada for a book talk sponsored by Jessica's Book Nook and the Canadian Amnesty International Group 82 on Sunday, April 18 this year.

Author of the book, "The Bite of the Mango", Mariatu sought asylum in Canada where she wrote her story to give voice to those still in Sierra Leone in need of help. "I may not have hands, but I have a voice," she writes. "The heart of my country is the heart of the people who helped me see myself, not as a victim, but as someone who could still do great things in this world."

See full story on page 8

Sierra Leone refugee to speak at library

By Erika Engel

Mariatu Kamara, a victim of war in Sierra Leone, escaped to Canada and has written her story to give voice to those still in Sierra Leone in need of help. Her book, *The Bite of the Mango* is available at Jessica's Book Nook in Thornbury.

Amputee doesn't begin to explain what's happened to Mariatu Kamara, a young student in Toronto without hands.

Refugee doesn't cover it either.

Kamara lost her hands at age 12 when rebels attacked a small village in Sierra Leone where she and her family were staying. Though lost is a polite way of putting it; children, just as young as her, hacked off her hands with a blade. The job took several attempts. Before blacking out, Kamara remembers hearing the reason her hands were ripped from her wrists. Something about voting for a president - a word she hadn't ever heard before.

The Bite of the Mango is Kamara's story from the attack of the rebels to her painful and lonely journey to a hospital, to her years begging on the streets near the overrun amputee camp to her escape to Canada.

Kamara's tale is poignant and one

that is not uncommon among youth in Sierra Leone who were trapped in a rebel war in the 1990s. Many lost their hands at the hands of child soldiers whose orders came from evil men.

One such boy soldier, Ishmael Beah, encouraged Kamara to write her story down, saying the world needed to hear from one of the girls in the war.

The Bite of the Mango, co-authored by Susan McClelland is that story.

Heart wrenching, but not melancholy, Kamara doesn't tell her story for pity, but to be the voice to her beloved Sierra Leone people.

"I may not have hands, but I have a voice," she writes. "The heart of my country is the heart of the people who helped me see myself, not as a victim, but as someone who could still do great things in this world."

Kamara's book is an important one, and a worthwhile read. Her story is both haunting and inspiring, and McClelland's clear writing gives strong support to the details of a terrifying life.

Mariatu Kamara, author of *The Bite of the Mango* will be at the L.E. Shore library on Sunday, April 18 at 1 p.m. for a book talk sponsored by Jessica's Book Nook and the local Amnesty International Group 82.



Cotton Tree News

Monday, 15 March 2010

Peace building Commission ends Freetown visit

Written by Sahr Komba

A delegation from the United Nations Peace Building Commission in New York has on Friday met with officials of the Independent Media Commission IMC of Sierra Leone in Freetown.

The leader of the delegation, Ambassador John Mcnee said the delegation had selected three important areas of intervention in the country. Ambassador Mcnee said the priority areas include governance, youth employment and empowerment and the threat of drug trafficking. He described their four-day visit to Sierra Leone as outstanding as they had met with the government, political parties, government agencies and civil society organizations for briefings.

At the meeting, it was announced that Sierra Leone has been designated as a co-founder of the Vienna-based Academy for the Training on Anti-Corruption Strategies. The Chairperson of the IMC Bernadette Cole highlighted the contributions of the IMC in the peace building efforts of the country.

She thanked the delegation for their profound interest in the country's development programmes. The Peace Building Commission is a body set up by the UN to help post conflict countries with recovery, reconstruction and development.

UNMIL Public Information Office Media Summary
15 March 2010

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

International Clips on Liberia

Transparency International chair begins two-day visit to Liberia

http://www.apanews.net/apa.php?page=show_article_eng&id_article=120086

The chairperson of Transparency International, Hogert Label arrived in Liberia Sunday on a two-day visit, during which she is scheduled to hold discussions with Liberian President Ellen Johnson Sirleaf on the fight against corruption, APA learns here. According to an Information Ministry press statement, while in the country, the Transparency chair will also hold discussions with the chairperson of the Liberia Anti-Corruption Commission, Frances Johnson Morris and the Auditor General of the General Auditing Commission, John Morlu, as well as the head of Liberia's major anti-corruption NGO, Center for Transparency International (CENTAL) on issues of corruption in post-war Liberia. Ms Label's visit comes barely three months after President Johnson Srleaf passed Executive Order 22 which seeks to protect whistle blowers in cases of corruption. Last year, Liberia jumped 13 places on the global transparency index from 30th to 17th out of 47 countries in Africa. Ms Label departs the country on Tuesday, March 16.

WISCO takes over iron ore deposit in Liberia

<http://www.interfax-news.com/newsinf.asp?id=151678>

Wuhan Iron and Steel (Group) Corp. (WISCO), China's third-largest steel producer, has bought a controlling share in a 4.1-billion-ton iron ore deposit in central Liberia, state media reported on March 13. WISCO has agreed to pay the China-Africa Development Fund (CADFund) \$68.46 million for a 60 percent stake in China-Union Investment Co. Ltd., the company that owns the deposit, Xinhua news agency reported. The deposit has 1.31 billion tons of proven iron ore resources and 2.79 billion tons of probable resources, with an average iron grading of 35.48 percent. Prior to the agreement, the CADfund held an 85 percent stake in China-Union.

Sustainable clothing unit set up in Liberia

http://www.fibre2fashion.com/news/apparel-news/newsdetails.aspx?News_id=83473

A US based organization, dedicated to eradicating extreme poverty in Africa, has set up a clothing factory in Liberia, a country located on the western coast of the African continent, to manufacture organic-cotton garments. Sustainable Global Sourcing, a new San Francisco based organization along with purchasing organic cotton, has also cultivated its own organic cotton and set up yarn spinning and garment manufacturing units in the country. In order to boost and develop the local economies, it has also set up electric generators which run on the locally produced palm-oil and has also planned to plant its own organic cotton in at least 1,000 acres within the next five years. Prana, the California based yoga-clothing retailer has already signed up at its first client and Sustainable Global Sourcing is hopeful that other similar brands will also opt for its sustainable garments in the near future. The biggest advantage of this facility is that a retailer is able to source its requirements of eco-friendly apparels from under one roof, rather than sourcing fabric from one country and getting it stitched in another country, making the whole process tricky.

International Clips on West Africa
Guinea

Military Leader Warns Guinea Soldiers About Sabotaging Transition

Scott Stearns | Dakar 14 March 2010

<http://www.globalsecurity.org/military/library/news/2010/03/mil-100314-voa09.htm>

Guinea's military leader is warning soldiers not to sabotage the country's ongoing transition to civilian rule. General Sekouba Konate says he will not allow the military to undermine plans for a return to constitutional rule with new elections scheduled for June.

General Konate told soldiers at the country's main military base that he knows some of them are sneaking out for secret meetings. Anyone who dares hinder the country's democratization process will find him in their way, he says, wherever they may be, we will go straight for you. General Konate says this is a solemn warning against anyone who uses ethnicity, anyone who tries to make trouble. Wherever that person is, the general says, he will be wiped out without hesitation. We will destroy you immediately, he says, because you would be acting against democracy. And what are the results of all these decisions, General Konate asks. Guinea now has peace and has won confidence outside the country, ending its isolation. He says military leaders have settled all the civilian aspects of the transition process, demonstrating their willingness to move on to democracy.

Guinea interim leader bars himself, top government officials from June presidential vote

Associated Press

CONAKRY, Guinea - Guinea's interim leader says he will not run in presidential elections planned for June in the small West African country. Gen. Sekouba Konate also said Saturday that prominent transitional government figures cannot stand in the June 27 election. It could be the nation's first democratic vote, as a coup leader grabbed in power in 2008 and the nation had previously been led by two dictators since gaining independence from France. The coup leader agreed to go into voluntary exile after he survived an assassination attempt following a massacre at a pro-democracy rally in September. The transitional government was established with help from international mediators. The transitional council was also inaugurated Saturday.

Local Media – Newspaper

Today, Monday is National Holiday in observance of the 201st Birth Anniversary of Liberia's First President Joseph Jenkins Roberts. As such, no newspaper was published today.

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

Opposition Party Wants New "Responsive" Government For Liberia

- The political leader of the Liberty Party, Counsellor Charles Brumskine says Liberia needs a new government that is responsive to the needs of the people.
- Cllr. Brumskine said Liberia needs a government that will fully cater to the welfare of the people and the nation.
- According to him Liberians have suffered too long and needed to move forward.
- He said Liberians were no longer interested in violence and suggested that regime change was possible through the ballot box.
- The Liberty Party political leader maintained he has the best vision and ability to bring change to post war Liberia.
- Cllr. Brumskine spoke Saturday in Gbartala, Bong County when he performed the induction of a local sport group in the area.

National Judicial Conference Adopts 18-Count Resolution

- The Third National Judicial Conference of Liberia has ended in Monrovia with the adoption of several resolutions.
- The 18-count resolution, among other things, calls for the transparent application of the rule of law as a means of developing a strong and independent judiciary.
- It also calls for the review of the jury system, the territorial jurisdiction of courts based on population and the re-visitation of the jurisdiction of magistrates over subject matters.

- The conference brought together nearly five hundred participants, including judges and magistrates from rural Liberia.
- The last time such conference was held was in 1976 but without judges and magistrates from around the country.

State Minister On Lending Market

- The Minister of State without Portfolio says many local businesses lack the understanding of the existing lending market.
- Mr. Natty Davies said these businesses also face the challenge of putting viable projects before the banks to attract loans.
- Minister Davies delivering the keynote address at a one-day trainer of trainers' workshop on Business Edge organized by the International Finance Corporation (IFC) said the banks have the resources to provide monies to business people for the growth of their businesses.
- The Business Edge is the IFC's signature private sector capacity development tool and a comprehensive suite of management training products and services designed for managers of Small and Medium Enterprises.
- Minister Davies wants local businesses to take advantage of the training so that they would be able to improve their productivity skills in management and finance.

Four-Day International Forum Opens In Monrovia Today

- A four-day international training and experience sharing workshop on development monitoring begins today in Monrovia.
- The workshop is being organized by the Liberia Poverty Reduction Strategy Tracking Network in partnership with the Teri, an international non-governmental group based in the United Kingdom.
- The workshop is expected to bring together seventeen international partners from Cote d'Ivoire, Timor, Afghanistan and Lebanon.
- Other participants will be drawn from the membership of the Liberia Poverty Reduction Strategy Tracking Network.
- The Liberia Poverty Reduction Strategy Tracking Network is a coalition of eight Liberian civil society organizations working to fast track the implementation of the Poverty Reduction Strategy.

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

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

Public School Teachers Lay Down Chalks In Demand of Salaries And Benefits

- More than 20 public school teachers in the Caldwell community laid down their chalks in demand of increment in salaries and other benefits.
- The protesting teachers said since 2006 they have not received allowances.
- They vowed not to return to classes until their demands are met.

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

Christians, Muslims End Four-Day Peace Building And Reconciliation Workshop

- A four-day peace building and reconciliation workshop for Christians and Muslims has ended with a call for religious leaders to teach ethnic and religious tolerance.
- According to the Training Officer of the Lutheran Church Trauma Healing Programme in Liberia, Lazarus Flomo, the workshop targeted the two ethnic groups in the recent violence in Lofa County.
- Mr. Flomo said the participants mostly Lormas and Mandingoes including religious leaders were orientated to teach members of the ethnic groups to co-exist with others to avoid reoccurrence of the Lofa violence.
- For their part, both Christian and Muslim participants pledged their commitment to co-exist but called on the churches and mosques to join the process of reconciliation.

Marshall Citizens Accuse County Legislative Caucus Of Abandonment

- Citizens of Marshall City are accusing members of Margibi County Legislative Caucus of doing nothing to impact their lives.

- The citizens, through their spokesman, Mr. Samuel Gooding said the county legislative caucus has allegedly abandoned the city and are unable to point to any development they have undertaken in the city.
- Mr. Gooding also alleged that citizens of Marshall City have not benefited from the County Development Fund since its initiation by government.

The EastAfrican

Monday, March 15, 2010

Genocide evidence must not be lost in Darfur

By JOHN PRENDERGAST and OMER ISMAIL

The nature of recent attacks by Sudanese government forces and militia allies against defenceless civilians potentially augurs its resurgence.

And if a fledgling peace process continues to move forward, then any evidence of its ever happening may well be swept under the carpet.

The “it” in question is Darfur’s genocide.

Seven years after a small rebellion in western Sudan by Darfurian insurgents unleashed a massive counter-insurgency strategy by the Sudanese government and its Janjaweed militia allies, the debate continues: What should be done about the genocide? How can justice and peace simultaneously be pursued?

The ICC’s recent ruling that genocide charges against Sudanese President Omar al-Bashir are possible gives new life to the issue.

And responding to a YouTube question posed by the Enough Project, President Obama appeared to reverse his administration’s stated policy of an “ongoing genocide” by referring to it in the past tense. How do we make sense out of all this?

In our eight trips into Darfur over these past seven years, we have never met a Darfurian who does not believe genocide has occurred.

But genocide is ultimately the subject of international law.

The Genocide Convention states that the crime pertains when a party intends to destroy — in whole or in part — a particular group of people based on their identity. Although judges will ultimately rule on this, we believe the evidence for genocidal intent is there.

Eyewitness reports this past week of aerial bombardment of villages followed by attacks on civilian populations by armed horsemen echo back to a period just a few years ago when much of Darfur was literally on fire.

These reports are emerging simultaneous to a series of framework ceasefire agreements, thus complicating the Darfur landscape further.

What we do know, though, is that these recent attacks and their aftermath reinforce a disturbing trend: Evidence of the human rights crimes that have been and are being committed is being concealed and compromised.

The ruling party in Sudan responsible for the bulk of the crimes in Darfur is covering up the evidence for previous and ongoing human rights crimes in five unique ways.

The international community must act now — in the context of peacemaking efforts — to blow the lid off this elaborate and deadly cover-up.

First, most of the aid agencies that were thrown out last year by President Bashir were working quietly to support survivors of sexual violence and to protect thousands of women and girls from rape.

One of the principal tools of war in Darfur has been systematic rape, a factor in any argument supporting the existence of genocidal intent.

By removing most of the groups that were protecting or caring for rape survivors, the cover-up is on.

Second, the Khartoum regime has systematically denied access to the United Nations/African Union observer mission to investigate attacks on civilians, so many of these attacks go unreported and the culpability remains mysterious.

The observer mission has had no access to the areas of recent government attacks, and thus the UN mission has been totally silent in the face of major attacks.

What is the role of this hugely expensive mission if not to observe and report?

Denial of access is part of the Khartoum regime's ongoing cover-up of new crimes, so the false argument can be strengthened that rights violations in Darfur are a thing of the past.

Third, there continue to be humanitarian black spots, areas where aid agencies simply can't go, such as the areas affected by this week's fighting, leaving over a third of Darfur unreached by food and medical aid.

We don't know the scale or scope of this problem, but we do know that when access is denied or when aid agencies are expelled, people are much more at risk of disease or malnutrition, which have been by far the biggest killers in Darfur.

Fourth, Khartoum has systematically denied access to journalists and human-rights investigators, and repressed independent Darfurian civil society groups, thus robbing us of another means of independently ascertaining what is happening today in Darfur, or gathering evidence about past crimes.

Illustratively, there is a total media blackout of the attacks being undertaken now in Darfur.

Fifth, the Bashir administration has intimidated aid agencies and UN bodies so no independent information gets released about human-rights issues, because to do so would mean certain expulsion for the responsible organisation.

So when the word genocide gets raised and debated, we would make a plea to spotlight what is happening now to cover up the human rights crimes that have been and are being committed, losing the evidence to the vast sands of the Sahara Desert.

We also hope that debate can eventually fixate on how to integrate the need for justice into more intensive peace-making efforts in both Darfur and Southern Sudan.

For peace to have a chance, peace efforts must be leveraged with real consequences for crimes against humanity, whether they are called genocide or not.

John Prendergast is co-founder of Enough, the project to end genocide and crimes against humanity at the Centre for American Progress. Omer Ismail is senior adviser to Enough and also serves as vice president for advocacy at Darfur Peace and Development.

Lubanga Trial Website (The Hague)

Tuesday, 16 March 2010

Congo-Kinshasa: ICC Prosecutors Will Refute Allegations That Intermediaries Manipulated Evidence in Lubanga Case

By Wairagala Wakabi

INTERVIEW

Béatrice Le Fraper du Hellen is the Head of the Jurisdiction Complementarity and Cooperation Division of the Office of The Prosecutor (OTP) at the International Criminal Court. She spoke to the Lubanga Trial website's Wairagala Wakabi about the role which intermediaries played in the war crimes case against former Congolese leader Thomas Lubanga, the view of the OTP on the gravity of the charges of conscripting and using child soldiers, and why the Prosecution will ask judges to jail Mr. Lubanga for a very long time.

Intermediaries seem to be very much in the news lately. What exactly is the role of the intermediaries?

They are in the 'news' in the courtroom because the Defense has chosen this issue of intermediaries as a line of defense. Intermediaries are people in the field who put the OTP in contact with potential sources and witnesses, and describe to the OTP the situation on the ground. They are just intermediaries. They do not investigate. They are not witnesses. They would be like a person who is dealing with child soldiers and who sees so many child soldiers with horrific experiences and they would tell them 'there is a possibility, would you want to be in contact with the OTP of the ICC and may be tell your story and make it evidence in the case against Thomas Lubanga Dyilo?'

They are very committed persons, very supportive of international justice. We are very careful about who we choose as intermediaries and the allegations by the Defense against intermediaries will be absolutely refuted by the deputy prosecutor Fatou Bensouda in court. And she is adamant that we shouldn't think that just because the Defense is saying that some intermediaries might have influenced the child soldiers, it happened.

We have to emphasize the risks which intermediaries take. It is not easy to be in Ituri [province in Congo], telling an [ethnic] Hema child who has been recruited and enlisted and forced to rape and kill by a Hema leader, that he might want to go to the ICC and be a witness. And so their situation is difficult in terms of protection and for that we the OTP admire them very much. But it should be very clear that they do not investigate on our behalf; we investigate ourselves.

Does the OTP pay the intermediaries for the work they do on your behalf?

We pay for expenses. If they travel for the OTP, if they lose a month's work for the OTP, they absolutely deserve to be compensated for that. For them trying to assist international justice is an additional burden and it also puts them in danger.

We have heard it said that the Prosecution has probably relied too much on intermediaries in gathering evidence, and in getting witnesses; that there should have been more supervision of their activities, or less roles played by the intermediaries than they actually did.

Those saying that don't know what our investigators are doing. They hear about intermediaries from the [Lubanga] Defense and they buy whatever the Defense is saying. I am saying the opposite: intermediaries are just what they are – intermediaries. They are fantastic and committed people mentioning to the OTP that those children's stories may be deserve attention. And that's great. I do not think that we should try to affect the reputation of those intermediaries. For our investigators, I don't usually comment on what they do.

The other day, Judge Adrian Fulford raised the issue of whether the intermediaries needed to remain anonymous anymore, given the central role they seem to have played. Do you think the anonymity should be lifted?

The intermediaries are the ultimate line of defense for the [Lubanga] Defense [team] because they have no other argument so they are fishing for arguments. And so their ultimate argument is that ‘maybe the intermediaries are the problem’. They haven’t proven that. They have made allegations about committed people who really care about international justice and child soldiers.

As I said, the Defense have used that as their ultimate line of defense. They don’t like what the child soldiers are saying and so they are telling us that may be those child soldiers were influenced. And I am saying that we have very courageous, very brave child soldiers who have managed to make a life after what they suffered. Not all of them managed – we have a lot of them who are absolutely lost to society, abusing drugs... We have girls that haven’t been able to come and testify because they are prostitutes living on drugs and we couldn’t have them accepted as credible witnesses in this trial. And I think our witnesses were very credible witnesses because they showed exactly the effect of recruitment of child soldiers on those children. So the Defense is talking about intermediaries, I am talking about child soldiers and what they suffered.

About two weeks ago, Judge Fulford asked whether the Prosecution planned to call some intermediaries to testify given that there is so much being said about the role they allegedly played in corrupting evidence. Is this something you are considering?

At this stage no, since we try and prove to the judges that intermediaries did not corrupt anything and that those are all inaccurate allegations.

So, we come to the Defense. They have accused you – the Prosecution – a couple of times of not honoring your disclosure obligations. They say you give them too little information, too late, and that this is not fair.

That’s very interesting because, in fact, in this ICC there is a very specific role of the Prosecutor which is new to them and to the world of international justice. We investigate both incriminating and exonerating evidence. That’s absolutely new. This is what the Statute says – the prosecutor has to do the whole investigation with incriminating and exonerating circumstances. That’s what we did and the Defense evidence is largely based on the exonerating evidence that we found and that we gave to the Defense. And the Defense’s case is largely based on those elements that we disclosed to them.

Prosecutor Moreno-Ocampo is an experienced prosecutor. He has disclosed all his exonerating evidence to the Defense and in a very timely manner. Of course the Defense has not done the same but as I said, we are very good prosecutors, we are very good investigators. We will survive the fact that the Defense has not respected its disclosure obligations entirely. We recognize that it is a weakness but we’ll survive that, we still have a strong case.

We now would like to ask something related to that. The Defense have said they will ask judges to look at the possibility of stopping the case on the basis of abuse of process. Do you see them succeeding?

No way.

Is it because there was no abuse of process or because that wouldn’t be sufficient grounds to dismiss the case?

There was absolutely no abuse of process. Prosecutor Moreno-Ocampo is a very accurate and fair prosecutor. And as I said, whatever case the Defense has, it was built by Prosecutor Moreno-Ocampo based on exonerating evidence. So this is just talk. I understand the Defense entirely, it’s their last chance but nothing is going to happen. Mr. Lubanga is going away for a long time.

How long do you reckon he will be going away for?

It is very interesting because we are going to ask for severe punishment; remember the maximum sentence provided by the Rome Statute is 30 years.

That is a long time...

It's a long time because the responsibility is immense. A lot of people have asked us 'why recruitment of child soldiers?' 'Why this particular charge?' Because it's huge! Recruitment of a child soldier means you force children of 11 and 12 to kill, to rape and that's all they know how to do. So what does it mean? It means a whole lost generation. You [could] have a generation of Congolese whose way of life is to rape and kill and maim and torture. That is a huge crime. And this is what he is going down for – for having driven this whole generation to violence – not only now, not only in the past, but if we don't rehabilitate them and reintegrate them, for the future.

There was an attempt to have a re-qualification of charges against Mr. Lubanga to include sexual crimes and inhumane treatment charges. Going forward, does the Prosecution think that there is a way in which these crimes can be put into consideration?

But they are in there. Recruiting child soldiers is a crime whose content has to be redefined. If you recruit a girl as a soldier, you are going to use her to cook for you, to provide sexual services to you and to go fight during the day. So in the recruitment charges, you include the inhumane treatment, you include the slavery, you include the sexual charges. It is time that we all recognized that.

Will the Prosecution be advising the judges on that?

We are. And not only us, but Radhika Coomaraswamy, the special representative of the UN secretary general on child in armed conflict, has told the judges very clearly her definition and conception of what a child soldier is. A child soldier is not only a child you use to fight; it is also a child used to service the commanders and soldiers in a number of unspeakable ways.

It seems to be very difficult to envision what the fate of a girl soldier is when she is enlisted. I remember a story told that when a commander wanted to punish a young boy for not having performed his military duties, he had to cook for a whole week for the group. So a punishment for a boy is to cook. For a girl soldier, that is not a punishment; that is her usual life in the camp. She has to cook for all the soldiers in addition to all the fighting she does during the day and to the sexual services she provides during the night. So, do not tell me that sexual charges are not included.

Lastly, the Defence witnesses are mostly appearing in closed session yet the Defence had promised to have most of their witnesses testify in public. The defense were also quite critical of the Prosecution witnesses who testified with protection measures, saying many of these witnesses were just intent on telling court lies. Any thoughts on that?

I have thoughts for all witnesses. Of course our witnesses, a lot of them, were Hema children. It is a pity but they are still considered by most components of Hema society in Ituri as traitors. I regret it, you regret it, we all regret it, but that's the way it is. So they had to be protected, their identity had to be protected, we had to move them. They are fantastic children, most of them had passed their exams, but we had to move them from Ituri region to other regions to protect them. To continue this protection we had to hide their identity.

But Lubanga knows who they are, and frankly I am amazed at the courage of the children. They actually were in the courtroom with Lubanga and you know, Mr. Lubanga, he is making signs to the audience, he is smiling, he is doing a lot of body language – it is very terrifying for the children to testify in front of him. So they have been very courageous but we definitely cannot show their identities to the public.

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War Crimes and the principle of Individual Criminal Responsibility

By Nirmala Chandrahasan*

As there has been much discussion on the above topic and interest has been further sparked by the recent arrest and on going trial of Radovan Karadzic before the war crimes tribunal in the Hague on charges of genocide, war crimes and crimes against humanity, committed in Bosnia Herzegovina during the civil war in the former state of Yugoslavia, and the arrest warrant issued by the ICC (International Criminal Court) for President Omar al Bashir of Sudan on charges of war crimes and crimes against humanity, committed in Darfur, I thought it might be useful to set out briefly what constitutes war crimes and the background to the setting up of the ad hoc criminal tribunals and the ICC, which is a permanent international criminal court.

These events have focused attention on the expanding jurisdiction of International humanitarian law (i.e. the laws of war), and on the principle of individual criminal responsibility, which makes it possible for high military and political figures within a state to be brought to trial for their actions. It also underlines the fact that International Humanitarian Law and the principle of individual criminal responsibility first enunciated at the Nuremberg and Tokyo military Tribunals after the second world war, are also applicable in internal armed conflicts within states. Although war between states except in self defence is prohibited under the Charter of the United Nations, wars are still prevalent. Within states internal conflicts have proliferated with or without the intervention of third states. The security of the state and restoration of public order often require the use of legitimate military action. IHL tacitly recognizes these concerns but balances this with concern for the welfare of the individuals who are the victims of the armed conflict. Hence the law of armed conflict is today known as international humanitarian law.

IHL revolves around two concepts. Firstly, that in a war it is necessary to distinguish between combatants and non combatants and secondly that there are limits to the means and methods of armed conflict. Hence, protection of the civilian population is one of the fundamental principles, together with the prohibition of the use of weapons that cause superfluous injury or suffering. The Geneva Conventions of 1949 set out what war crimes under the head of Grave Breaches are; these include among others, acts such as murder, rape, pillage and the recruitment of children. The rules in the 1977 Protocol 1, additional to the Geneva Conventions of 1949, are designed to reaffirm and strengthen the principles of customary international law.

In an effort to provide more effective protection for the civilian population, the basic rule is that attacks on civilian population and civilian objects are forbidden.

Armed conflicts often lead to large scale displacement of civilian populations and the creation of IDPs or internally displaced persons. The suffering and displacements can be minimized where both sides to the conflict observe the laws of war. The laws provide for civilians to be protected from attack in demilitarized zones and or corridors provided for them to leave the fighting zones. IHL prohibits the displacement of the civilian population for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacement be carried out all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, health, safety and nutrition as per Article 17 of Protocol 11, additional to the Geneva Conventions, which relates to non international armed conflicts. This article which also reflects rules of customary international law is applicable even in the case of states who are not parties to this Protocol. Systematic and widespread violations directed against a civilian population would constitute Crimes against Humanity.

The Geneva Conventions of 1949 requires all state parties to enact legislation necessary to provide effective penal sanctions for persons committing or ordering to be committed, any grave breaches of the Conventions. Furthermore, the state parties are under an obligation to search for persons alleged to have committed such grave breaches and bring them regardless of their nationality before its own courts. It may also hand over such persons to another state provided such party has made out a prima facie case. Hence war crimes attract a universal jurisdiction. In 1945, after the conclusion of the second world war, military tribunals were set up at Nuremberg in Germany and Tokyo Japan, for the trial and punishment of the war criminals. The Tribunals had jurisdiction inter alia over war crimes

which were defined as violations of the laws and customs of war (the Geneva Conventions had not yet been formulated) and crimes against humanity, which were defined as murder, extermination, enslavement, deportation and other inhuman acts committed against a civilian population, before or during the war, and persecution on political, racial or religious grounds, whether or not in violation of the domestic law of the country where perpetrated. It was at these trials that the principle of individual criminal responsibility was developed and many high military and civilian officials were tried and punished. It may be noted that criminal responsibility was attributable not only to those giving orders to commit the crime or approving of such policies, but included those military or political officers who disregarded their legal duty to take adequate steps to secure the observance of and prevent breaches of the laws of war.

In the years after the Second World War the obligation to enact penal legislation and search out and punish war criminals set out in the Geneva Conventions, were for the most part observed in the breach, by states. It was nearly fifty years after the Nuremberg and Tokyo military tribunals that a Security Council sponsored ad hoc international criminal tribunal the ICTY, was set up in 1993 in the aftermath of the civil war in the Former Yugoslavia, and thereafter other criminal tribunals came to be set up. At present, Radovan Karadzic, who was President of the Bosnian Serb Republic (Srpska), and Commander in Chief is being tried. It is contended that he approved of the atrocities committed against civilians, such as the Srebrenica massacre of Muslim men and boys, as part of a campaign of terror to demoralize and drive out the Muslims and Croats, during the course of the civil war in Yugoslavia. He is facing trial on charges of war crimes, crimes against humanity and genocide before the ICTY at the Hague. There are also 27 others facing trial in this court. Similarly, in the context of an insurgency in the Darfur region of Sudan, the President of Sudan, Omar al Bashir is accused of unleashing a campaign of terror designed to drive out and destroy the ethnic tribal population of this region and is charged with having committed war crimes and crimes against humanity.

Ad hoc special military tribunals have been set up in other parts of the world. In Rwanda, after the ethnic riots and genocide, the International criminal tribunal for Rwanda the ICTR was constituted under a Security Council Resolution in November 1994. A special tribunal for Sierra Leone was set up under a UN Security Council resolution in 2002 at the Hague. Currently, Charles Taylor, former President of Liberia is on trial in this Court. He is charged with crimes against humanity, war crimes and other serious violations of IHL which includes terrorizing the civilian population, collective punishments, rape and sexual slavery, and the use of child soldiers in the neighboring state of Sierra Leone, where he supported and backed the insurgent group RUF, which had carried out a brutal campaign. Other leaders of insurgencies and rebel groups have been indicted and are facing trial before the ICC. They are Thomas Lubanga Dyilo militia leader in the civil war in the Democratic Republic of Congo, Joseph Kony, leader of the Lords resistance Army, Uganda and Jean Pierre Bemba Gombo of the Central African Republic. These leaders are charged with crimes against humanity and war crimes including recruitment of children under 15 years of age.

The International Criminal Court (ICC) came into being in July 2002, when 120 nations voted in favour of the Rome treaty and the required number of ratifications by states was completed. The Court has jurisdiction over the crimes of genocide, crimes against humanity, war crimes and the crime of aggression. The jurisdiction of the Court is complementary to that of states. Under the category of war crimes, it includes both the grave breaches of the Geneva Conventions and Protocols as well as serious violations of the laws and customs of war in respect of both international and non international armed conflicts. The statute of the Court states that such crimes can be committed not only under the direction of state officials but also by organizations of insurrectional or separatist movements, so that the above crimes committed by members of non state entities i. e. militant groups can also be brought within the Courts jurisdiction.

A case would be inadmissible if it is being investigated or prosecuted by a state which has jurisdiction over it, unless the state is unwilling or genuinely unable to carry out the investigation or prosecution. The determination of whether it has jurisdiction is made by the Court. The Court may exercise its jurisdiction where there is a referral of a situation to the Prosecutor by a State party, requesting the prosecutor to investigate, or a referral by the Security Council. The Prosecutor may also initiate prosecution on his own initiative, on the basis of information received. However, the Court has no jurisdiction in respect of a state which is not a party to the Rome Treaty except where there is a referral by the Security Council, or the state concerned voluntarily accepts such jurisdiction. Some of the states not parties to the Treaty are the USA, Russia, India China Israel and Sri Lanka. The cases before the Court currently are from African countries which have referred them to the Court namely the cases of Lubanga Dyilo,

Joseph Kony, and Bemba Gemba, and is indicative of the fact that many African countries are cooperating with the ICC.

The matter of enforcement of IHL has been a weak point and the setting up of a permanent International Criminal Court and ad hoc criminal tribunals is helping the process of enforcement. However the absence of an international police force is still a major drawback as the Court has to depend on states to capture or hand over the indicted persons for trial, as in the case of the former President of Yugoslavia, Slobodan Milosovic, and Radovan Karadzic. The establishment of the ICC can, however, have the indirect effect of encouraging states to fulfil their obligations under the Conventions and pass enabling legislation, so that domestic courts can take up these matters, rather than have the ICC take over the case. Special tribunals within the domestic jurisdiction have been set up in Bosnia-Herzegovina, Iraq, East Timor and Cambodia.

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The trial of Zuhdija Tabakovic, charged with contempt, has commenced at ICTY.

On Monday 15 March 2010, the trial of Zuhdija Tabaković commenced at the International Criminal Tribunal for former Yugoslavia (ICTY). Tabaković is charged with six counts of contempt for false statements and bribery committed during the trial of Milan and Sredoje Lukić.



Milan Lukić and his cousin, Sredoje Lukić, were convicted of war crimes and crimes against humanity in July 2009, and were sentenced to life and 30 years' imprisonment respectively. The Indictment against Tabaković alleges that in October 2008, Milan Lukić's defence case manager gave Tabaković a pre-written statement to sign in exchange for 1,000 euros, despite Tabaković not having witnessed the events described in the statement. Tabakovic also agreed to appear before the Tribunal and confirm the veracity of the statement in exchange for more money.

Tabaković is further charged with having procured false statements from two men, in exchange for money. According to the Indictment, Tabaković offered the men money to sign and testify to pre-written statements for Lukić's defence.

The Indictment against Tabaković was filed confidentially on 30 October 2009 and confirmed on 17 November 2009. A public redacted version was filed on 22 December 2009.

In his initial appearance, on 21 December 2009, Tabaković pleaded not guilty to all six counts of contempt.