

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



An aerial view of the Aberdeen Bridge

**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:**

Thursday, 2 July 2009

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

Thursday, 2 July 2009

### Report on Truth and Reconciliation Commission (TRC) in Liberia

The Truth and Reconciliation Commission is expected to officially present its final report to the Nation. It could be noted that Liberia TRC came into being after 14 aborted peace accords by warring factions and the Accra Comprehensive Peace Agreement of 2003 as a way of transitional mechanism towards the promotion of Peace, Security, National Unity and Reconciliation

The Commission after gathering facts since its inception on February, 6th 2006, brought together all stakeholders from the 15 counties for frank discussions. At the Virginia Conference Hall recently, stakeholders

amidst perpetrators and victims frankly discussed and proffer proposals on the way forward on TRC's mandate. After a week long deliberation, sections from the participants suggested a special court for Liberia where in perpetrators could be prosecuted for various crimes ranging from financing of warring factions to those who committed heaviest crimes against humanity. Others were however of the view those warlords and other major perpetrators should be pardoned as it will not yield the needed result. Another point raised during the discussion was the need for enfranchising the Liberian Diaspora. A



representative from the diaspora, Anthony Kesselly suggested and emphasized the need for the Diaspora, especially those in America to be allowed to exercise their franchise in the 2011 General Elections.

Observers are not so sure whether these recommendations would be endorsed in good faith and implemented by authorities. Liberia by all indications is still politically fragile. Its fragility leads to speculations that its political elites, some of them warlords and financiers of the war, who see themselves as untouchables, would create instability, if they were indicted. But Human Rights Organizations and a large section of participants at the Virginia Conference Center in Liberia see the institution of a Special Court as a credible mechanism for transitional justice and a bulwark against impunity.

It is now left with the Liberian political leaders to choose which path to follow. However, warlords such as Prince Johnson of the former Independent National Patriotic Front (INPF) have indicated their

disenchantment with the perceived notion that the TRC is tending toward recommending a Special Court.

38 bullet point recommendations were suggested during the conference, prominent among those were:

That those who died as a result of the conflict be memorialized by monuments and multi-purpose halls erected in the name of victims at all site of massacres.

That there be a specific date declared for proper reburial of all victims of massacres.

That individual reparations be granted to victims of Liberia's civil crisis in the form of psychosocial

support, educational scholarships, micro loans, livestock support, agricultural support, and food aid.

That no blanket amnesties be granted, but that upon accounting for their deeds persons can qualify for amnesty if they were 1) below the age of 18 when acting as fighters or 2) did not violate international humanitarian and human rights law or crimes against humanity and cooperated with the TRC and spoke the truth and were remorseful.

That perpetrator who committed crimes against humanity should not be elected or appointed for public office.

That all assets of an individual be declared and examined before being elected or appointed to a political office.

That the number of political parties be reduced.

That political power be decentralized in such a way to ensure that the seats of all Counties can share responsibility for the administration of Liberia.

That March 15 of each year be celebrated as "President Day" in honor of all of Liberia's presidents.

That the Independent national Human Rights Commission be immediately constituted and empowered to undertake its important work, including ensuring implementation of the TRC's recommendations.

That a Peace and Reconciliation Commission be established to oversee, support, and encourage reconciliation activities throughout the country.

That a National Peace and Reconciliation Conference be held annually, rotating between all 15 counties

It is hoped that the TRC Final Draft would capture the above recommendations.

# International Criminal Court

Monday, 29 June 2009

## **Registrars' round table on the administration of justice**

Press Release

The Registrars of the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL) and the Special Tribunal for Lebanon (STL) will hold a round table on the administration of justice from 2 to 3 July 2009, in Venice, Italy.

During the round table the Registrars will hold discussions on how to overcome challenges that are common to all of these institutions. They will address questions such as, how to ensure efficiency in discharging the Registrars' very broad and complex responsibilities or how to secure adequate and timely funding, one of the guarantees of an independent judicial institution.

Other sessions will focus on the Registry's responsibility in and approach to obtaining co-operation from States and other key players, in particular with regard to the enforcement of outstanding arrest warrants, the freezing of assets or the protection of witnesses.

The meeting will also serve to talk about the process and consequences of the closing down of tribunals/courts, or in the case of the ICC, the eventual closing of a situation. Connected to this topic of residual functions/mechanisms, the Registrars will tackle the important role the Registries have to play in preserving the legacy of the work of the tribunals/courts.

While addressing all of the topics referred to above, the Registrars will seek to identify possible areas of mutual assistance and co-operation with a view to advancing the administration of justice.

The meeting will be attended by Ms Silvana Arbia, Registrar of the ICC; John Hocking, Registrar of the ICTY; Adama Dieng, Registrar of the ICTR; Binta Mansaray, Acting Registrar of the SCSL; and Herman von Hebel, Acting Registrar of the STL.

In all of these tribunals/courts the Registry represents the biggest organ (in terms of staff and resources) and combines the most diverse areas of expertise and operations, such as defence, victims, witnesses, detention, court management, languages, administration, field operations, public information, security, etc.).

The Registry, as a neutral organ, equally serves the judges, the prosecution, the defence and also the victims and witnesses. "This organ that operates very often behind the scenes plays a crucial role in ensuring the quality of justice in international/internationalized courts/tribunals. The importance of the Registry's mandate is at times not well understood, which unfortunately impacts on its ability to carry out its mandate in an effective and efficient manner", says the Registrar of the ICC, Ms Arbia.

She is confident that the meeting with the Registrars is an excellent opportunity to reflect on how to reinforce the Registries and by doing so strengthening the respective judicial institutions overall.

Thanks to the Circolo Artistico di Venezia and its Director, Mr Salvatore Lo Giudice, the round table will take place in the historical halls of the Palazzo delle Prigioni. It is in this building during the Venetian Republic the magistrates called 'I Signori di Notte al Criminal' heard criminal cases.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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## UNMIL Public Information Office Media Summary 1 July 2009

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

### **International Clips on Liberia**

#### **President Sirleaf Departs for 13th Ordinary Session of African Union Conference**

Jul 01, 2009 (Liberia Government/All Africa Global Media via COMTEX) -- President Ellen Johnson Sirleaf, at the head of an 8-member official delegation, has left the country for the 13th Ordinary Session of Heads of State and Government of the African Union. This year's Summit is taking place in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, from July 1 - 3, 2009. Under the theme, "Investing in Agriculture for Economic Growth and Food Security," the three day summit will focus primarily on agricultural development on the continent as well as political developments in a number of African countries, including Somalia.

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

#### **Former Guinea PM Souare released**

CONAKRY, July 1, 2009 (AFP) - Former Guinean prime minister Ahmed Tidiane Souare was released Wednesday after being arrested the day before for failing to make a payment as required by coup leaders for alleged embezzlement. "I have been released, I've left the detention centre, I'm back home," he told AFP by telephone. "They continue to ask me to pay up. In two weeks, I'm supposed to make another payment," he said without specifying the amount. On Tuesday when contacted by AFP by phone after his arrest, Souare had said the charges were linked to 12 billion Guinean francs (two million euros, 2.8 million dollars) he has been alleged to have stolen while mining minister from 2004-2006.

### **Local Media – Newspaper**

#### **African Development Bank Releases Economic & Development Reports**

(Daily Observer, Heritage, The News, The Inquirer)

- The African Development Bank yesterday launched two separate annual reports in Monrovia.
- The reports are the African Economic Outlook 2008/2009 and the African Development Report 2008/2009.
- The Economic report was launched under the theme: "Innovation and Information and Communication Technology" while the Development Report was launched under the theme: "Conflict Resolution, Peace and Reconstruction in Africa".
- According to the bank's economic outlook report, Liberia is among the fastest growing post-war economies saying the country's gross domestic product has experienced rapid growth since 2007.
- The report projects a ten point eight percent rise in GDP by the end of 2009 but warned that Liberia's projected growth would be threatened due to a drop in the price of rubber and decline in remittances.
- Finance Minister Augustine Ngafuan performed the formal launch of the report Tuesday.

#### **Senate to Hold Special Session to Discuss Threshold Bill and Others**

(The Inquirer, Daily Observer, New Democrat, Heritage, Public Agenda)

- The Senate has announced the holding of a Special Session today following mass “boycott” of Tuesday’s session.
- Reports say only seven of the 30 Senators were present during yesterday’s failed session.
- The Special Session is intended to discuss key national issues including the passage of the controversial population threshold bill.
- The Presiding Officer at Tuesday’s failed session told reporters the Upper House would also hear a report from its Budget Committee.
- Senator Daniel Naatehn said the Senate would possibly act on the 2009/2010 draft budget if the Lower House approves it before the start of today’s session.
- The current budget year is ending today with the Legislature yet to approve the 2009/10-draft fiscal budget.
- The House of Representatives was Tuesday locked behind closed doors for hours discussing the passage of the draft budget.

### **LWSC Starts Expansion Study in Three Counties**

(Daily Observer)

- The Liberia Water and Sewer Corporation have begun a study on what it calls the Monrovia expansion and rehabilitation of three county capitals.
- The study will cover water and sanitation consultancy services.
- LWSC authorities named Buchanan, Kakata and Zwedru as the three County Capitals that would benefit from the study.
- The authorities said the study which is estimated to cost over US\$1.5 would be carried out in three stages and would take into consideration the environmental, social and economic problems of the cities.
- Following the study, the LWSC would hold a donor conference to secure funds to address the challenges.

### **ICRC Revamps 14 Health Clinics -Over 107,000 People Benefit**

(The Informer)

- The International Committee of the Red Cross (ICRC) has completed the renovation and reconstruction of 14 health clinics in Grand Kru and Lofa counties that will serve the basic health care needs of more than 107,000 people.
- The health clinics were handed over to the Ministry of Health and Social Welfare on Tuesday, June 30.
- An ICRC release said health facilities supported in Lofa County are based in Bondi, Duogomai, Vezela, Kpotomai Popalahun, Kamatahun, Voinjama and Lukas.
- The release said in Grand Kru, the facilities are in Gblebo, Garraway, Sasstown, Barclayville, Behwan and Grand Cess.

### **Two More Armed Robbers Get 15 years Each**

(New Democrat)

- Criminal Court “D” has sentenced two men who admitted armed robbing the home of Deputy National Security Minister Peter Zayzay.
- The court sentenced Alvin Davies and Josiah Weah to 15-years instead of 20 years because they confessed to the crime.
- Announcing the sentence, Judge Everlina Quaqua ordered that the men be transferred to the Zwedru Correction Palace in Grand Gedeh County.
- The court on June 24 sentenced six other men to 15 years for armed robbery. All of the recent convicts are in their twenties.

### **TRC Submits Final Report to National Legislature**

(The Inquirer)



- The Truth and Reconciliation Commission of Liberia (TRC) Tuesday presented its final report to the National Legislature.
- The report contains findings, determination and recommendations made by the Commission.
- The report called for among other things criminal prosecution for those responsible for gross Human Rights violation, the violation of International Humanitarian Law as well as the Egregious Domestic Violence.
- The submission of the final report coincided with the expiration of the commission's mandate on yesterday, June 30.

### **Government, LACE Sign MOU for Construction of Schools, Clinics in Maryland and Rivergee Counties**

(The Informer)

- The Liberia Agency for Community Empowerment (L A C E) and county authorities have signed a memorandum of understanding for LACE to construct 10 schools and 10 clinics in Maryland and River Gee counties.
- Under the MOU, five clinics and five schools will be built in each of the counties at the cost of US\$24M.
- Giving background of the project during the signing ceremony recently in Harper City (Maryland's capital), the County Supt. Gblebo Browne disclosed that the government of Liberia and the African Development Bank (ADB) entered into a grant agreement last year (2008) in which the Bank would provide to the government about US\$24M for infrastructural development.
- The grant agreement has three components: the complete rehabilitation of the Harper-Fish Town (capital of River Gee) highway; rehabilitation and construction of basic social service infrastructure (clinics and schools) and the rehabilitations of farm-to-market roads.

**Local Media – Star Radio** (*culled from website today at 09:00 am*)

### **African Development Bank Releases Economic Report**

(Also reported on Sky F.M., Truth F.M. and ELBC)

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### **LWSC Starts Expansion Study in Three Counties**

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### **Senate to Hold Special Session Today Discuss Threshold Bill and Others**

(Also reported on Sky F.M., Truth F.M. and ELBC)

### **2009/2010 Defense Budget May Be Sliced**

- [SIC]Credible sources have revealed plans to drastically cut down budgetary allotment to the Ministry of National Defense in the fiscal budget.
- According to the Legislative sources, the National Legislature is seriously considering reducing the ministry's budget.
- Reason for the budget cut remains sketchy, however there are indications that Defense Ministry authorities and the Legislature have been at loggerheads over a number of critical issues.
- It can be recalled the Legislative Joint Budget Hearing Committee on two occasions postponed hearing on the ministry's budget after the minister was invited.
- Meanwhile, Defense Minister Brownie Samukai said he has no information on the alleged plan by the National Legislature to slice his ministry's budget.



## ICTR

Tuesday, 30 June 2009

### **Nine ICTR Convicts Prisoners Transferred to Benin**

On 27 June 2009 the UN International Criminal Tribunal for Rwanda transferred nine prisoners from the UN Detention Facility in Arusha to Cotonou, Republic of Benin, to serve the remainder of their sentences. The transfer follows the decisions signed on 18 May 2009 by the President of the ICTR Sir Dennis Byron, in which he requested the Registrar to effect the transfer of the nine prisoners from UNDF to the Republic of Benin.

The convicts concerned are: Georges Rutaganda, Gerard Ntakirutimana, Juvenal Kajelijeli, Emmanuel Ndindabahizi, Jean-Bosco Barayagwiza, Aloys Simba, Juvenal Rugambarara, Athanase Seromba and François Karera.

Rutaganda was sentenced to life imprisonment on 6 December 1999 while Kajelijeli was sentenced to 45 years imprisonment on 1 December 2003. He is due for discharge from prison on 25 May 2043. Ntakirutimana was sentenced to 25 years imprisonment on 19 February 2003 and is due for discharge from prison on 23 October 2021. Ndindabahizi was sentenced to life imprisonment on 15 July 2004.

Barayagwiza was sentenced to 32 years imprisonment on 03 December 2003. He is due for discharge from prison on 19 March 2028, Simba was on 13 December 2005 sentenced to 25 years imprisonment and is due for discharge from prison on 19 March 2028. Rugambarara was sentenced to 11 years imprisonment on 16 November 2007, and is due for discharge from prison on 10 August 2014; and Seromba and Karera were on 12 March 2008 and on 7 December 2007 respectively sentenced to life imprisonment.

The prisoners arrived in Cotonou on the same day and were received by the Prison Authorities of the Republic of Benin. After the hand-over, the prisoners were moved to Akpro-Misséréké Prison at Port-Novo.

## ICTY

Friday, 26 June 2009

### **Milan Martić Transferred to Estonia To Serve Sentence**

Milan Martić, the former wartime political leader of Croatian Serbs, was transferred today to Estonia to serve his 35-year sentence for crimes committed against Croats and other non-Serbs in Croatia between 1991 to 1994.

On 12 June 2007, the Trial Chamber sentenced Martić to 35 years' imprisonment for crimes against humanity and violations of the laws or customs of war, including persecutions, murder, torture, deportation, attacks on civilians and wanton destruction of civilian areas.

The Trial Chamber found that Martić had participated in a joint criminal enterprise whose aim was to create a unified Serb territory through the forcible removal of the non-Serb population inhabiting areas under his control.

The Trial Chamber found that virtually the entire Croat and other non-Serb population was expelled from the area under Martić's control. His guilt was affirmed for the crimes committed in the villages of Hrvatska Dubica, Baćin, Saborsko, Lipovača, Škabrnja, Nadin, and Bruška among others. He was also found guilty of ordering indiscriminate rocket attacks on the city of Zagreb on 2 and 3 May 1995 in which seven people died and more than 200 were wounded.

Both the prosecution and defence appealed the Judgement. On 8 October 2008, the Appeals Chamber affirmed Martić's guilt and 35-year sentence.

The Tribunal indicted 161 persons for serious violations of humanitarian law committed on the territory of former Yugoslavia between 1991 and 2001. Proceedings against 120 persons have been concluded.



*Milan Martić*

## Radio Netherlands Worldwide

Monday, 29 June 2009

### Nazis given life terms for massacre in Italy



Nine former SS-soldiers were sentenced to life imprisonment in their absence by a Rome military tribunal Saturday for the massacres of 350 civilians in Tuscany in 1944.

Eleven former Nazis aged 84 to 90 were tried for the massacres. They were charged with the deaths of around 350 Italian civilians - many of them women, children and old people - and for "acting with

cruelty and premeditation.

Nine of the accused were given life sentences for their part in the "violence and murders". One defendant, former SS-sergeant Max Roithmeier, died during the trial. A second, Walter Waage, was acquitted by the court.

Germany was also ordered to pay 1.25 million euros to the families of the victims after the German government was judged to be a civil party to the crimes.

"The sentence finally does justice to those who suffered directly the atrocities of Nazism," says Claudio Martini, regional president of Tuscany. "Even if 65 years have passed, we should not forget what happened."

Around 350 people living in the villages or hamlets of Bardine di San Terezo, Tendola and Valla, in the Fivizzano district, were massacred during the Nazi retreat from Tuscany and Emilia-Romagna between August 19 and 27 in 1944. Fifty three men were shot and their bodies put on show with a notice warning "This is what happens to those who help the partisans."

The enquiry into the massacres was re-opened after the military records of 695 Nazis were found languishing in a cupboard - dubbed "the cupboard of shame" - in 1994.

## Black Star News

Wednesday, 1 July 2009

<http://blackstarnews.com/news/122/ARTICLE/5828/2009-07-01.html>

### ICC Is Western Tool; But Can Be Improved

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*Ocampo's selective prosecution has discredited the ICC*



The African Union's leader, Libya's Col. Muammar Qaddafi says African presidents should withdraw from the International Criminal Court (ICC) because it administers "warped justice in favor of Europe."

Meanwhile, former United Nations Secretary General, Kofi Annan says the ICC actually represents "hope" for Africa and for the victims of atrocities.

Ironically, they're both right.

Without doubt, the ICC's existence --and the indictments and arrest warrants it's returned-- in recent years, believe it or not, has tempered some of the atrocities in Africa.

Kenya's political parties pulled back from civil war once it became clear that Western countries would push for prosecution of its political leadership had they not reached an accord after the disputed and violence marred elections.

The ICC also indicted leaders of Uganda's Lord's Resistance Army (LRA) on war crimes charges for abuses against civilians in its war with Yoweri Museveni's dictatorship.

(A Special Court indicted former Liberian president Charles Taylor, on war crimes charges; he sponsored the atrocious war in Sierra Leone).

And, no question, had it not been for the threat of war crimes and crimes against humanity indictments -- which may still be in the works anyway-- Ugandan and Rwandan troops would still be occupying the Democratic Republic of Congo.

In recent years, both countries have resorted to the use of proxies after pulling out most of their regular troops. Uganda financed a number of brutal Congo militias including Jean Pierre Bemba's, to do its dirty work; massacres to depopulate whole regions and pave the way for looting Congo's natural and mineral resources.

Bemba ended up at the Hague anyway, where he's now on trial before the ICC. He is wondering why he's there while paymaster Museveni still sits in a "State House" as president. His failure was to win the Congo presidency, which would have offered him similar protection.

Rwanda used Laurent Nkunda for the same purpose. Even with friendly Western media and countries -- chiefly the U.S. and U.K.-- on its side, Nkunda so relished massacres that he became an embarrassment



and risk to Rwanda's leadership, who still may face war crimes indictments anyway.

So then, how is Qaddafi right in his contention? In Col. Qaddafi's view, the ICC is a Western tool because it indicted Sudanese president Omar Hassan al-Bashir. But he's only half right.

To complete his argument, he should state this: The ICC is a Western tool because it indicted the Sudan's al-Bashir, and yet has not indicted Uganda's Museveni, for the war crimes committed by his army and militias he financed, in eastern Congo between 1998-2003; and for not indicting Rwanda's Paul Kagame, for war crimes committed in Congo by Rwanda troops in Congo in 1997 and 1998 and then more recently by its proxy army commanded by Nkunda.

In the case of Uganda, the International Court of Justice (ICJ) already ruled in favor of the Congo government in 2005; Uganda was found liable for the war crimes, including massacres and mass rapes, as well as massive theft of Congo's resources. The ICC subsequently launched an ongoing investigation, according to a June 8, 2006 article in *The Wall Street Journal*.

If Qaddafi really wanted to make a more convincing argument, he should ask why the Sudan, which is clearly not a U.S. ally, had its president indicted for the crimes in Darfur, while the presidents of Uganda and Rwanda, two Western allied countries, are not indicted for crimes that are exceedingly more horrendous in magnitude and scope.

The ICC has a future.

Ultimately, the solution isn't to entirely throw out the ICC; the solution is to insist that it prosecutes all who preside over mass crimes in Africa, without distinction of whether they are allied with Washington and London or not.

As it is, ICC Chief Prosecutor Luis Moreno-Ocampo is tainted and should be forced out. Until then, the ICC remains compromised and discredited.

New York Times  
Wednesday, 1 July 2009

## **Impunity No More**

By LUIS MORENO-OCAMPO

THE HAGUE — In 1998, more than 100 states adopted the Rome Statute to end impunity for those crimes that we had thought, over and over, would never happen again, only to see them occur, again and again: genocide, crimes against humanity and war crimes.

The states accepted their shared duty to punish massive atrocities and created a new actor, a judicial actor, on the international scene: a permanent International Criminal Court, which would step in when national courts failed to act.

An independent, permanent court with a global reach was the object of strong debate in Rome and, for some states, a motive to oppose the court.

The drafters of the Rome Statute were not naïve idealists. They were the ultimate realists. In their lifetimes, they had watched the Khmer Rouge kill millions, they had let Srebrenica happen and they had let Rwanda happen. They had failed the “never again” promises of their fathers.

During their careers as political leaders, diplomats and negotiators, they had tried every solution: They shook hands with devils, sent them off to golden exiles, tried to appease them with promises of immunity, power and wealth. Each time they gambled on impunity and each time they lost.

They learned the need to adjust tactics to a lasting solution. By integrating in one justice system states and an independent international court, the drafters provided incentives for states to prosecute the worst crimes themselves. If the states didn't do it, the I.C.C. would.

Less than four years after its adoption in Rome, more than 60 states ratified the statute and it entered into force. In 2003, 18 judges representing the five continents were appointed, and I was given responsibility to be the prosecutor. Together, we had to transform the idea of ending impunity into a reality.

During our first year, we found that the gravest crimes under our jurisdiction were committed in Uganda and Congo. The presidents of these countries decided to refer those situations to the court. One year later, in March 2005, Britain and France spearheaded the U.N. Security Council decision to refer Darfur to the court.

No one could have predicted the speed of this integration between the international system of peace and security and the new permanent system of international justice.

Central African Republic and the Ivory Coast also asked for an intervention by the court. Georgia, a party to the Rome Statute, but also Russia, a non-party, sent the court more than 3,000 communications regarding allegations of war crimes committed in Georgia. This year, the Palestinian National Authority accepted the jurisdiction of the court. A month ago the Arab League sent the court its first-ever fact-finding report on crimes committed in Gaza.

Supported by dozens of states — parties and non-parties — we are investigating those most responsible for the most serious crimes and collecting evidence in ongoing conflicts. As a result, the court has issued 13 arrest warrants and one summons.

The days of fearing a frivolous court are over. But there are new challenges created by a serious, operational institution. Arrest has become the biggest test. Some individuals sought by the court are enjoying the protection of their own militias, such as Jean Bosco Ntaganda in Congo. Others, like President Omar Hassan al-Bashir and Ahmad Harun of Sudan, are officials of governments eager to shield them from justice.

They are still committing massive crimes. But their destiny is to face justice. The court is not going away. But the victims do not have the luxury of time. In Congo, in Darfur, rapes — rapes of women, rapes of girls — are destroying entire communities, entire generations, now.

There is hope. Congo executed arrest warrants against three militia leaders for enlisting child soldiers and making sexual slavery a weapon of war. Belgium has executed on its territory an arrest warrant against Jean-Pierre Bemba for his massive campaign of rape and pillage in the Central African Republic. The first trial is under way and a second and third are starting soon.

Decisions of the I.C.C. are felt well beyond the courtroom. The monitoring of allegations of crimes that my office is conducting in Afghanistan, Colombia, Ivory Coast, Kenya, Palestine and Georgia can promote national justice efforts. Colombia is prosecuting hundreds of paramilitaries and guerrillas. In Kenya, our existence triggered discussions on accountability for crimes committed during the last elections. Impunity is no longer an option.

Armies around the world, even from non-signatory countries, are adjusting their standards and rules of engagement to the Rome Statute. This is the way to prevent crimes. The law makes the difference between a soldier or a terrorist, a policeman or a criminal.

Ratifications keep growing. This week, Chile becomes the 109th state party. But universal ratification is required to apply one standard all over the world. Today the court has no jurisdiction to investigate alleged crimes committed in Iraq, Lebanon, Sri Lanka, Burma or Somalia.

The states of 1998 supported the idea of the court. The states of 2009 are beginning to show the leadership required to implement the concept. They are aware that the court has a strong constituency: a new generation of global citizens in the making. Thousands of teenagers and 20-somethings from different countries, gathered in a group called “Invisible Children,” are calling for the execution of the I.C.C. arrest warrant for Joseph Kony, the leader of the Lord Resistance Army, a man who abducted thousands of children in the last 23 years, turning boys into killing machines and girls into his so-called “wives.”

Step by step, the Rome Statute is in motion, moving ahead. Even critics of the court are talking about ending impunity. Sometimes the process is painful and sometimes it is controversial, but it is changing international relations forever.

Luis Moreno-Ocampo is the prosecutor of the International Criminal Court.

## BBC Online

Thursday, 2 July 2009

### Amnesty details Gaza 'war crimes'

Israel committed war crimes and carried out reckless attacks and acts of wanton destruction in its Gaza offensive, an independent human rights report says.

Hundreds of Palestinian civilians were killed using high-precision weapons, while others were shot at close range, the group Amnesty International says.

Its report also calls rocket attacks by Palestinian militants war crimes and accuses Hamas of endangering civilians.

The Israeli military says its conduct was in line with international law.

Israel has attributed some civilian deaths to "professional mistakes", but has dismissed wider criticism that its attacks were indiscriminate and disproportionate.

Amnesty says some 1,400 Palestinians were killed in the 22-day Israeli offensive between 27 December 2008 and 17 January 2009, which agrees broadly with Palestinian figures.

More than 900 of these were civilians, including 300 children and 115 women, it says.

In March, Israel's military said the overall Palestinian death toll was 1,166, of whom 295 were "uninvolved" civilians.

#### Pattern

The 117-page report by Amnesty International says many of the hundreds of civilian deaths in the conflict "cannot simply be dismissed as 'collateral damage' incidental to otherwise lawful attacks - or as mistakes".

It says "disturbing questions" remain unanswered as to why children playing on roofs and medical staff attending the wounded were killed by "highly accurate missiles" whose operators had detailed views of their targets.



Israel attributed civilian casualties to collateral damage in legitimate action

#### GAZA REPORT

Amnesty International report on Operation 'Cast Lead'

[Download the reader here](#)





Lives were lost because Israeli forces "frequently obstructed access to medical care," the report says. It also reiterates previous condemnations of the use of "imprecise" weapons such as white phosphorous and artillery shells.

The destruction of homes, businesses and public buildings was in many cases "wanton and deliberate" and "could not be justified on the grounds of military necessity", the report adds.

"All of those things occurred on a scale that constitutes pattern - and constitutes war crimes," Donatella Rovera, who headed the research, told the BBC.

The document also gives details of several cases where it says people - including women and children posing no threat to troops - were shot at close range as they were fleeing their homes in search of shelter.

Israeli officials responded saying the military targeted only areas where Palestinian militants were operating, and accused Hamas of turning civilian neighbourhoods into "war zones".

"We tried to be as surgical as is humanly possible in a difficult combat situation," Israeli government spokesman Mark Regev told the BBC.

### Human shields

The Amnesty report says no evidence was found that Palestinian militants had forced civilians to stay in buildings being used for military purposes, contradicting Israeli claims that Hamas repeatedly used "human shields".

However, Amnesty says Hamas and other Palestinian militant groups had endangered Palestinian civilians by firing rockets from residential neighbourhoods and storing weapons in them.

It says local residents had in one case told researchers that Hamas fighters had fired a rocket from the yard of a government school.

The Israeli military has repeatedly blamed Hamas for causing civilian casualties, saying its fighters operated from buildings like schools, medical facilities, religious institutions, residential homes and commercial premises.

In the cases it had investigated, Amnesty said civilian deaths "could not be explained as resulting from the presence of fighters shielding among civilians, as the Israeli army generally contends".

However, Amnesty does accuse Israel of using civilians, including children, as human shields in Gaza, forcing them to remain in houses which its troops were using as military positions, and to inspect sites suspected of being booby trapped.

It also says Palestinian militants rocket fire from the Gaza Strip was "indiscriminate and hence unlawful under international law", although it only rarely caused civilian casualties.

Hamas leader in Gaza Ismail Haniya declined to comment on the Amnesty International criticism, but said: "We believe the leaders of the occupation state must be tried for these crimes."

Thirteen Israelis were killed, including three civilians, during the offensive, which Israel launched with the declared aim of curtailing cross-border rocket attacks.

Women: 115

Men over 50: 85

Civilian men under 50: 200

Non-combatant police: 240

Total: 940

*Source: Amnesty International*

[Gaza conflict: Who is a civilian?](#)

[Gaza case studies: Weapons use](#)

## Radio Netherlands Worldwide

Tuesday, 30 June 2009

### Chile Joins International Criminal Court



Chile formally joined the International Criminal Court (ICC). Lima deposited its instrument of ratification to the Rome Statute, the founding treaty of the ICC, at the United Nations headquarters in New York on Monday.

With Chile's ratification, each of the 13 countries in South America is now a

member of the Court in The Hague. In the larger region, El Salvador, Guatemala, Nicaragua, Haiti and Cuba are the only Spanish-speaking countries in the American continent that have yet to join the ICC.

Chile's ratification brings the country "in line with the rest of the international community—more than half of which has joined the Court," said Lorena Fries, President of Humanas, a key civil society actor in the bid to ensure Chilean ratification of the Rome Statute.

"This development also represents the payment of a debt to the Chilean people to guarantee—once and for all—that the grave violations perpetrated during the Pinochet regime will never again be tolerated. As a nation, we can hold our heads high today and celebrate with pride."

Amnesty International said that "with the ratification of the Rome Statute of the ICC, Chile takes a great step for the future, but it does not settle its debt with the past."

The rights organization adds that "although the ICC does not have jurisdiction to investigate or to prosecute the crimes committed in Chile during the period of the military government (between 1973 and 1990), the recognition of jurisdiction for cases involving genocide, crimes against humanity and war crimes that could eventually be committed is –definitely- a positive step...."

Chile signed the Rome Statute more than ten years ago on 11 September 1998—only months after the historic adoption of the treaty on 17 July. The country's ratification process was delayed by a number of legal and constitutional hurdles.

The Rome Statute, which established the ICC, came into force on 1 July, 2002, once 60 countries had become parties. But now, even with 109 state parties, the Court still faces major challenges.

The Court has found it almost impossible to bring some of the suspected war criminals to trial. African member states of the ICC, which make up the largest regional group of the 109 states parties, have condemned the indictment against Sudanese President Omar al-Bashir, and continue to call for a one-year suspension under Article 16 of the Statute.

Daily Nation (Kenya)  
Wednesday, 2 July 2009

## Kenya Asks Annan for More Time



Former UN Secretary General Kofi Annan (right) receives a sealed envelope with a report on Kenya's post election violence in 2007 from Justice Philip Nyamu Waki, head of the Commission of Inquiry into the Post Election Violence, at his hotel in Nairobi October 17, 2008. A three-member delegation, which will end up at the International Criminal Court at The Hague, will first meet Mr Annan who has given Kenya up to the end of August to form the local tribunal. Photo/REUTERS

By BERNARD NAMUNANE

Three Kenyan ministers left the country last night for Geneva, Switzerland, on a mission to convince chief mediator Kofi Annan to give the government more time to form a local tribunal.

Mr Mutula Kilonzo (Justice and Constitutional Affairs), Mr James Orenge (Lands) and Attorney General Amos Wako were also tasked to push for a third option of setting up a special court in any neighbouring country where the suspected key architects of the post-election violence can be tried, sources disclosed.

The three-member delegation, which will end up at the International Criminal Court at The Hague, will first meet Mr Annan who has given Kenya up to the end of next month to form the local tribunal.

Should that fail, the former UN secretary-general will hand over the secret envelope containing the names of key politicians and businesspeople to the ICC.

Asked about the trip, Mr Kilonzo said: "This is a trip with a specific mission which we have to accomplish. It has to do with the tribunal, but I cannot reveal the details now."

Even as the Justice minister was economical with details, the government said the agenda was agreed upon by President Kibaki and Prime Minister Raila Odinga on Tuesday last week.

Inasmuch as they have publicly stated that they will not ask for more time, it emerged on Wednesday that the three ministers will attempt to convince Mr Annan to give the government an extension.

This, we learnt, was driven by the fact that some members of the Cabinet from both PNU and ODM were opposed to the establishment of the local tribunal and preferred The Hague to take over the case.

Last weekend Agriculture minister William Ruto said it would be futile to re-introduce the two Bills on the tribunal in Parliament.

**Common position**

On Wednesday, deputy Prime Minister Musalia Mudavadi said that leaders should quickly agree on a common position on the trial of key layers of the post-election violence. “We must close our ranks on this issue and give Kenyans the way forward,” said Mr Mudavadi.

Sources said that Mr Kilonzo, Mr Orengo and Mr Wako will seek to convince Mr Annan to agree on a third option of a special court similar to the Sierra Leone and the International Tribunal on Rwanda.



UN News Centre  
Wednesday, 1 July 2009

### **UN rights expert concerned at restriction of lawyers' freedom in Cambodia**



A United Nations independent human rights expert today voiced concern at attempts to curtail lawyers' freedom to effectively represent their clients in Cambodia, with criminal charges being levelled recently against attorneys in the South-East Asian nation.

“To be able to represent their clients effectively, lawyers should not be subject to threats or intimidation, nor should they be targeted for prosecution or disciplinary action merely for having acted in the interests of their clients,” said Leandro Despouy, the Special Rapporteur on the independence of judges and lawyers.

“Lawyers play an important role as defenders of human rights and must be free to represent their clients as they see fit in accordance with professional standards and the rule of law.”

Last week, he said, a lawyer, working for an opposition member of the National Assembly who alleged that she has been defamed by the country's Prime Minister, was himself charged with criminal defamation and could be expelled from the Cambodian Bar Association.

This January, he added, defense lawyers representing defendants at the Extraordinary Chambers in the Courts of Cambodia (ECCC) – the UN-backed tribunal trying Khmer Rouge leaders accused of mass killings and other crimes three decades ago – were threatened with legal action by Cambodian judges for having called for corruption allegations at the tribunal to be properly investigated.

Further, Mr. Despouy noted, in June 2007, attorneys representing indigenous communities in Ratanakiri Province, involved in a land dispute with a businesswoman with ties to the Government, were threatened with criminal charges and disciplinary action for having allegedly “incited” communities to file a suit to reclaim their land.

The expert cautioned that these recent moves against lawyers seem to indicate a worrying new trend which could have a chilling effect on the legal profession, expressing his support and encouragement for the Bar Council and its President “in their efforts to strengthen the legal profession in Cambodia and to defend lawyers against attempts to undermine their independence.”

In a press release, Mr. Despouy, who reports to the Geneva-based Human Rights Council in an independent and unpaid capacity, underscored that Cambodia's obligations under international law, as laid out in the UN Basic Principles on the Role of Lawyers, say that “lawyers should not be identified with their clients or their clients' causes as a result of discharging their functions.”