

**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:

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

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Justice Sebutinde accused of delaying Taylor's trial

A senior Ugandan judge has been accused by an American diplomat of delaying the ongoing trial of former Liberian president, Charles Taylor, in the Netherlands, and questioned her motive for slowing down the prosecution.

Justice Julia Sebutinde has however referred to the allegation contained in a diplomatic cable released by Julian Assange's whistleblower website, WikiLeaks, as manifesting "ignorance and racism" on the part of the author.

The April 15, 2009 dispatch from one Gallagher and classified by Denise Manning, the legal counsellor at the American embassy in the Netherlands summarises the UN Special Court for Sierra Leone's milestones, including "uncertainty in terms of timing, finances, and (trial) completion".

The diplomat, reportedly drawing from accounts offered by a contact at the court, wrote in the confidential report to Washington that "the Trial Chamber could have accelerated the court's work by excluding extraneous material and arguments".

"Moreover, contacts in Prosecution and Registry speculate that Justice [Julia] Sebutinde may have a timing agenda," the memo reads in part. "They think she, as the only African judge, wants to hold the gavel as presiding judge when the Trial Chamber announces the Taylor judgment."

The document says the delay is messing timing predictions yet the Court Registrar's budget showed the trial should have been concluded by October last



*Unhappy: Special Court's Justice Julia
 Sebutinde of Uganda*

year; judgment and sentencing expedited in April 2010, with October set as deadline for handling any appeal.

Justice Sebutinde said the allegations against her were "odd and factually incorrect" since her colleague Richard Lussick, a Samoan, was the presiding Judge in 2009 when the memo was originated. "It's unjustified and I have no idea what the motivation (of the author) could be other than racism," she said, "Perhaps, since I am the only African Judge, some of these racists think it is easier to target the black one."

Contd. page 5

Justice Sebutinde accused

From page 2

Together with Northern Ireland's Teresa Doherty, The Hague-based special court has three full-time judges. Senegalese Justice El Hadji Malick, designated as an alternate fourth judge, has no voting power and can, therefore, not practically influence the court's decision.

Justice Sebutinde, who took over as the court's rotational presiding judge on January 18, this year, said she was baffled by how she came to be singled out for attack for slowing Mr Taylor's trial yet "we take decisions on majority basis".

She said: "As a (trial) chamber, we are trying to run the trial in a fair and expeditious manner with due regard to fairness to both sides (prosecution and defence) and without bending to external pressures like those [contained in the diplomatic cable]." It has emerged

that the US, partly concerned about shrinking financing for the court, has quietly been nudging for a speedy conviction of Mr. Taylor, 62. He is in the dock over eleven counts of unlawful killings, sexual violence, abductions and forced labour, conscripting child soldiers and terrorising civilians.

The war crimes, according to prosecution, were committed when Taylor, a former warlord, backed the Revolutionary United Front rebel group in neighbouring Sierra Leone. An additional month for the court costs international financiers at least \$1 million (Shs2.3b), according to details in the diplomatic cable. Justice Sebutinde suggested that Washington may be nervous that as an African, she may return favourable judgment for the former Liberian president. "My integrity

speaks for itself," said the Lady Justice, remembered in Uganda for her no-nonsense handling of two separate inquiries into corruption in the country's police force and revenue body.

"I did not do such a thing [of delivering manipulated verdict] while a national judge, and why would I do so while in a high-profile position?" she asked.

Her current one-year tenure as presiding judge at the court ends on January 17, 2011, and she will hand over to Justice Doherty.

Taylor, former leader of the National Patriotic Front of Liberia, was indicted in 2003, for allegedly arming and training Sierra Leone rebels. He is also accused of trafficking blood diamonds that fuelled and financed the fighting.

He denies all the charges.

New Vision

Tuesday, 21 December 2010

... *View Point* ...

ICC message to untouchables

By Shaka Dumbuya

Forget for a moment the orgy of killings in the Mano River Union country of Ivory Coast. Events in Kenya in the past week offer a ray of hope for the African continent in efforts to end the culture impunity, and consolidating democracy and human rights. The fight may be far from being won but there is a lot to celebrate from efforts in Sierra Leone in the West and now Kenya in the East. Most importantly, the Gbagbos on the continent are running out of hideouts.

On a sad note, ex-President Gbagbo is still hanging in there and there seems to be no end to the self-delusion. Reports speak of about thirty deaths in last week's peaceful march. As if the use of the security apparatus to unleash unprecedented level of violence on peaceful opposition marchers is not bad enough, Gbagbo now wants the UN Peacekeeping force out of the country.

But in spite of the public show of foolish bravado, in private Gbagbo and his accomplices must be worried about developments in Kenya where the Prosecutor of the International Criminal Court Luis Moreno Ocampo has named six high-profile politicians including the country's Deputy Prime Minister and Minister of Finance Uhuru Kenyatta of being behind the post-election violence of 2007 which claimed some one thousand two hundred innocent lives. In addition to the displacement of over five hundred thousand people. The crimes the six men are alleged to have committed are no ordinary ones. The Prosecutor underlined this saying: 'These were not just crimes against innocent Kenyans. They are crimes against humanity.'

The post-election violence we are witnessing in Ivory Coast bear stark similarities to those of Kenya in 2007. But Gbagbo is not as lucky as Moi Kibaki of Kenya who was rewarded with the most powerful job in the unity government after rigging the election in his favour. The approach towards the crisis in Ivory Coast by the international community makes it difficult for Gbagbo to cut corners. So far, there is no sign of dithering by the international community. The election produced a winner and the International Community is sticking by him.

The saying goes 'Once beaten twice shy.' ECOWAS, African Union and the International Community seem to have learned their lessons. We see a lot more vigilance and proactivity on the side of the international community. This has been clearly demonstrated in the decisiveness in endorsing Alassane Quattara as the winner of the presidential election. Additionally, they have so far resisted any attempt to play into the hands Gbagbao with Government of National Unity overtures as we saw in Kenya and Zimbabwe.

There is vigilance in the sense that the International Community and the International Criminal Court (ICC) have been actively engaged with the situation in Ivory Coast. They have been keeping a close eye on the madness unfolding in the country and alerting all concern that they should be prepared to account for their actions. The message from Kenya reinforces the view that International Criminal Justice is no respecter of untouchables in national jurisdiction – those who enjoy immunity from prosecution by virtue of their status and others based on strategic positioning in the heart of power.

Needless saying this has relevance to Sierra Leone. With the establishment of the Special Court for Sierra Leone, the country has shown leadership in addressing immunity. But the election violence we continue to witness leaves one wondering whether our politicians have learned anything. What the Kenyan experience has shown is that serious crimes can occur during elections. In our case, we are holding people to account for crimes that took place during the rebel war. That is why, there is still something to learn from the Kenyan experience because it relates to serious crimes committed during an election.

Election violence is still prevalent in Sierra Leone. The events in Kenya should therefore serve as a reminder that should this trend continue and get worse then those responsible will be held to account. There seems to be a pattern which could constitute crimes against humanity in future. We saw it in Togo Field where things went haywire after the election results were announced. We have seen this pattern in other parts of the country where politicians have deliberated provoked violence in the name of self-defence. Time will tell whether our politicians have learned anything or are going to learn the hard way. I would hate to reach the point where we will have to handover a politician(s) to the ICC. Fire-for-fire politicians are you listening?

Daily Observer

Monday, 20 December 2010

US Concerns over Timing of Charles Taylor Trial

Former President Taylor and Justice Sebutinde
Wikileaks Cables: The Hague

WikiLeaks cables have detailed America's lack of confidence in the proceedings against former Liberian president Charles Taylor at the International Criminal Court, The Hague. Judges in one of the world's most controversial war crimes trials have been deliberately slowing down proceedings, senior US officials believe, causing significant delays to proceedings.

Secret cables reveal US doubts about the trial in The Hague of Charles Taylor, the former president of Liberia, amid allegations that one of the judges has manipulated proceedings so that she can personally give the verdict in the case.

"[Sources] speculate that Justice [Julia] Sebutinde may have a timing agenda," one senior US diplomat states. "They think she, as the only African judge, wants to hold the gavel as presiding judge when the trial announces the Taylor judgment."

The cable alleges that Sebutinde, from Uganda, had slowed proceedings while she waited for her turn at the court's rotating presidency, which finally came up in January. Experts say such moves are common in international criminal proceedings.

"It is certainly the case that the identity of the presiding judge is a factor that those involved in an international trial pay careful attention to," said international law expert Philippe Sands QC. "That has been very clear in my experience."

Taylor, who was the president of Liberia but is on trial for alleged crimes relating to the conflict in Sierra Leone, remains in custody in The Hague, where the trial continues in the premises of the international criminal court. Sierra Leoneans have expressed anger at the slow proceedings.

"People are frustrated that this case is taking so long," said AB Jalloh, a Sierra Leonean journalist. "Sierra Leoneans are really frustrated that they have not been able to reach the final decision at the set time, and that they have kept on extending proceedings. Many feel that the money could have been better spent elsewhere in Sierra Leone."

The court denied that proceedings had been deliberately slowed down, stating that the judges had tried to speed up proceedings. "Since she became presiding judge last January, Justice Sebutinde has worked to expedite the Taylor trial," a spokesperson said. "All of the judges of the trial chamber have worked tirelessly, and made personal sacrifices, to expedite the Taylor trial. The allegations that any or all of the judges have sought to slow down the proceedings is untrue."

But the cables reveal America's lack of confidence in the proceedings, as officials at the court explored possibilities for eventually putting Taylor on trial in the US.

"The best we can do for Liberia is to see Taylor is put away for a long time and we cannot delay for the results of the present trial to consider next steps," another high-ranking US official stated in a cable.

"All legal options should be studied to ensure Taylor cannot return to destabilize Liberia. Building a case in the US against Taylor for financial crime such as wire fraud would probably be the best route. There may be other options, such as applying the new law criminalizing the use of child soldiers or terrorism statutes," the cable adds.

Americans were so keen to see Taylor's trial begin quickly that they were willing to ignore reports that a senior official at the court was being abusive towards employees, the documents also reveal.

The Taylor trial has been dogged by controversy from the outset. It had originally been anticipated that proceedings at The Hague would have concluded by the end of this year.

Earlier this year the model Naomi Campbell was summoned to give evidence at the court, amid allegations that she had received a "blood diamond" from the former Liberian leader, which prosecutors said proved Taylor's connection to the conflict in neighboring Sierra Leone.

Courtesy of guardian.co.uk

US Envoy Wants Taylor Tried in US
Wikileaks Cable: Monrovia

Tuesday, 10 March 2009

Classified By: Ambassador Linda Thomas-Greenfield for Reasons 1.4 (b) and (d).

1. (C) Summary: The recent remarks by Special Court for Sierra Leone prosecutor Stephen Rapp suggesting Charles Taylor may go free because of budgetary reasons caused alarm within the GOL and has emboldened Taylor supporters. Communication inside the Taylor camp remains intact, and those in leadership roles continue to be active and unrepentant. Should Taylor be acquitted in The Hague or given a light sentence, his return to Liberia could tip the balance in a fragile peace. The international community must consider steps should Taylor not be sent to prison for a long time. We should look at the possibility of trying Taylor in the United States.

Voice of America

Monday, 20 December 2010

UN Security Council Extends Ivory Coast Peacekeeping Mission

Larry Freund | New York City



Photo: Sunday Alamba

UN forces wait outside the UN headquarters during a press conference in Abidjan, Ivory Coast, Monday, Dec. 20, 2010.

The U.N. Security Council has extended the mandate of the U.N. peacekeeping force in Ivory Coast for six months, despite demands by the incumbent Ivory Coast president for the pullout of the peacekeepers.

The 15-member Security Council voted unanimously to extend the mandate of the 10,000 member U.N. peacekeeping force in Ivory Coast until June 30, 2011. The incumbent president of Ivory Coast, Laurent Gbagbo, last week ordered U.N. and French peacekeepers to leave the country.

Mr. Gbagbo continues to refuse to accept challenger Alassane Ouattara as Ivory Coast's new president, despite international acceptance of Mr. Ouattara's election in last month's voting.

In its resolution extending the peacekeeping force for six months, the Security Council condemns, in what it calls the strongest possible terms, the attempts to usurp the will of the people and undermine the integrity of the electoral process and any progress in the peace process in Ivory Coast. The council urges all the Ivorian parties to respect the will of the people and the outcome of the election, citing the recognition by the Economic Community of West African States and the African Union of Mr. Ouattara as Ivory Coast's president-elect.

United States Ambassador Susan Rice, the current president of the Security Council, said the council warned all stakeholders they will be held accountable for attacks against civilians and peacekeepers, and will be brought to justice.

"The members of the Security Council urge all Ivorians to exercise maximum restraint, remain calm, resist provocative actions, refrain from violence and work together to restore sustainable peace," she said.

A U.N. spokesman says there have been at least 50 deaths in Ivory Coast, 200 people injured and 470 people arbitrarily arrested and detained since the election.

Running Africa

Monday, 20 December 2010

Foreign mercenaries alleged to be in la Cote d'Ivoire from Liberia, Angola

It appears that foreign mercenaries have begun making their way to the West African nation of La Cote d'Ivoire and this could spell an intractable situation with both Presidential contenders laying claim to the Presidency of the country.

International wire reports monitored in Philadelphia, Pennsylvania, USA on Monday say "hire for pay" fighters and "arms dealers" have been circulating in and around the Ivorian capital and neighboring countries and "looking for work."



The intelligence reports of this development have prompted the neighboring Liberian Government to warn former rebels from its own conflict to stay out of the Ivorian "funyan-funyan" to which a former rebel commander Thomas Yaya Nimley of the erstwhile MODEL rebel outfit has reacted claiming it was untrue that he and others had been contacted by elements in the Ivorian Coast for unknown reasons. The Liberian Government is warning of dire consequences against

former rebels who "interfere" in the Ivorian conflict.

In 2003, Mr. Nimley's Movement for Democracy (MODEL) rebel group surfaced, opened and operated a new front in southeastern Liberia against the regime of former President Charles Taylor. On 27 April 2003, fighters belonging to MODEL engaged in a major battle to take the town of Greenville, the main port of south-eastern Liberia, where several logging companies have based their operations. In its final report, Liberia's Truth and Reconciliation Commission (TRC) recommended the establishment of an "Extraordinary Criminal Tribunal for Liberia" to try all persons listed as having committed human rights violations.



Those indicted by the final TRC report for prosecution for human rights violations, including violations of international humanitarian law, international human rights law, war crimes and egregious domestic law violations of Liberia and economic crimes, Former President Charles Taylor, Prince Y. Johnson, former leader of the erstwhile Independent National Patriotic Front of Liberia (INPFL), now Senior Senator of Nimba County; Alhaji G. V. Kromah of the United Liberation Movement of Liberia for Democracy (ULIMO) and ULIMO-K; George Boley of the Liberia Peace Council (LPC); Thomas Yaya Nimely of Movement for Democracy in Liberia (MODEL); Sekou Damante Konneh of Liberians United for Reconciliation and Democracy (LURD); D. Roosevelt Johnson of ULIMO and ULIMO-J; and Francois Massaquoi of the Lofa Defense Force. Both Massaquoi and Johnson are deceased.

Among those not recommended for prosecution are Joe Wylie, Joshua Milton Blayee, Eugene Zinnah Gray, Emmanuel Sando Gray, Allan M. Nicholas, Joseph Kpagbor, Mulbah Sheriff, Papa Ballah, Bob Kofi Zar, Alfred Suah Debleh, Amah Youlu and others.

The TRC also recommended several persons as being responsible for crimes, but recommended that they not be prosecuted, owing to the fact that they cooperated with the TRC process, admitted to the crimes committed, spoke truthfully before the Commission and expressed remorse for their actions during the war. The Government of Liberia has cited legal and Constitutional implications to implementing the TRC final recommendations. Former warlords have vowed to resist any attempt to prosecute them.

A spokesperson for the internationally recognized winner of the Ivorian elections is accusing Liberian and Angolan mercenaries of being responsible for the deaths of scores of **supporters** of Mr. Alassanne Ouattarra in and around the capital of Abidjan. Security forces loyal to President Gbagbo violently put down a pro-Ouattarra protest last Thursday, December 16. Estimates put the death toll between 20 to 100.

Ms. Kandia Kamara told the Washington DC based VOA over the weekend that "... right now we discovered 65 people they killed and threw their bodies somewhere in Abobo (a suburb of Abidjan). He (Gbagbo) brought a lot of militias. They are from Liberia and from Angola and they kill people every day, by night and in the day, they kill people," spokeswoman Ms Kamara said.

According to the Ouattarra camp spokesperson, she alleged that the militias, allegedly recruited from Liberia and Angola, can be seen all around Abidjan.

"People see them everywhere. They speak English; they can't speak French. When they speak we recognize that they are from Liberia and from Angola. Everybody can see them everywhere in Abidjan..."

This claim has not been independently verified.

The Liberian Government and the United Nations Mission in Liberia (UNMIL) have not confirmed if they have contained any "questionable movement" across the common border with La Cote'. Liberia and La Cote d'Ivoire share a border and some ethnic groups and language.

Both Liberia and La Cote d'Ivoire are members of the continental grouping the African Union (AU) and the West African economic blocs of the Economic Community of West African States (ECOWAS) and the Mano River Union(MRU).

The Liberian Government has chosen to stand with the international community and its position that Mr. Gbagbo should cede power to his rival Mr. Ouattarra who was declared the winner. A source has indicated that President Ellen Johnson Sirleaf, in consultation with other African leaders, has quietly told Mr. Gbagbo to "step down" and spare his country the possibility of another conflagration.

Already, nearly 5,000 Ivorian refugees have crossed into Liberia and neighboring countries to flee post election violence.

The Gbagbo government is facing increasing local and international isolation and pressure but is so far resisting calls for handing over to the 'legitimate winner" of the election Mr. Alassanne Outtarra.

Supporters of President Laurent Gbagbo have vowed to fight to the death to keep him as president as pressure grows for him to quit.

A former Prime Minister and former rebel Guillame Soro who served under President Gbagbo has switched sides and is now supporting Mr. Ouattarra. Former rebel forces who control the north of the country have dispatched armed guards to complement the UN forces who are protecting the hotel hosting the "president in waiting" Mr. Ouattarra.

Latest report indicate that the European Union (EU) has slapped travel restrictions on Mr. Gbagbo and the former colonial power France is said to be very upset with him.

Rival Mr. Alassanne Ouattarra has won almost unanimous international backing after his eight-point lead in a November 28 presidential poll was overturned on grounds of alleged fraud by the Constitutional Council, led by a staunch Gbagbo ally. The international community has said the Ivorian situation does not qualify for "power sharing" model like Kenya or Zimbabwe.

Kenyan Prime Minister Raila Odinga has, meantime, called for the forced removal of Mr. Gbagbo. "Mr. Gbagbo must be forced, even if it means using military means to get rid of him because he is just now relying on military power, not people's power to intimidate the people..." the Kenyan Prime Minister said.

By Emmanuel Abalo and International Wire Reports including VOA
Philadelphia, PA
EAbalo@RunningAfrica.com

In other story

The United Nations has said it is receiving growing reports of human rights abuses, including hundreds of reports of abductions in Cote d'Ivoire, which remains locked in a political crisis following last month's disputed election.

On Sunday the UN human rights chief said the organisation had received hundreds of reports of night-time abductions carried out by armed assailants in military uniform.

"The deteriorating security conditions in the country and the interference with freedom of movement of UN personnel have made it difficult to investigate the large number of human rights violations reported," Navi Pillay, the UN high commissioner for human rights, said in a statement.

Pillay said that the armed groups behind the abductions had been "accompanied by elements of the Defence and Security Forces or militia groups".

"Abducted persons are reportedly taken by force to illegal places of detention where they are held incommunicado and without charge. Some have been found dead in questionable circumstances," she said.

Ama Boateng, Al Jazeera's correspondent in Abidjan, said she had heard reports that people in various areas across the country were "setting up their own kind of neighbourhood watch".

"If, for example, they hear a knock on the door at night that they're not expecting, they may blow whistles or bang pots and pans to alert the entire neighbourhood," she said.

Deteriorating situation

Young-Jin Choi, the UN's Special Envoy to Cote d'Ivoire, speaking to Al Jazeera from Abidjan, confirmed that serious violations of human rights have occurred.

"Our preliminary investigations confirm that there are more than 50 dead, 200 injured and 270 detained. We are also investigating the cases which we think are very serious," he said.

"We, against road blocks and harassments by Gbagbo's forces, keep sending out patrols day and night to monitor and dissuade violations of human rights and violence."

The US state department on Sunday ordered most of its personnel to leave Cote d'Ivoire because of what officials are calling a deteriorating political and security situation and growing anti-Western sentiment.

Meanwhile, the EU imposed a travel ban on 19 Ivory Coast officials, including Gbagbo, Maja Kocijancic, European Commission spokeswoman said.

The developments come a day after the UN refused to bow to demands by Laurent Gbagbo, the incumbent president, to pull its troops out of the country.

Disputed elections

Gbagbo's spokeswoman, appearing on national television on Saturday, said that the UN's 9,000 peacekeepers and another 900 French troops supporting them were to leave the country immediately.

Gbagbo accuses the UN mission of backing and arming supporters of Alassane Ouattara, who the UN has said won the election over Gbagbo in a November 28 poll.

Both men claimed victory in the election, but the UN, along with the United States, the African Union (AU) and Cote d'Ivoire's former colonial power France say Ouattara was the rightful winner.

The post-election crisis turned violent last Thursday when security forces loyal to Gbagbo used live rounds to put down street protests by Ouattara supporters.

Gbagbo allies said some protesters were armed and put the toll from the clashes at 20 dead, including 10 members of the security forces.

The UN says that more than 50 people had been killed in recent days and more than 200 wounded.

'National tragedy'

Nicholas Sarkozy, the French president, has warned that Gbagbo could face prosecution in the International Criminal Court (ICC) and renewed a call for him to stand down immediately.

France, like the UN, has refused to pull its forces out of Cote d'Ivoire.

But experts say there are few strong options for forcing Gbagbo from office, and it is unlikely the AU or others would back a military intervention that Raila Odinga, the Kenyan prime minister, has called for.

"The trouble is both sides are clearly preparing now for conflict, and a cornered Gbagbo shows little sense of the national tragedy unfolding through his brinkmanship," Alex Vines, head of the Africa programme at Chatham House, an independent research centre in London, said.

Vines said it was more likely that the African Union would seek a "soft landing" for Gbagbo, though it remained unclear whether he would consider such an exile offer.

The Standard

Tuesday, 21 December 2010

Do you think ICC involvement in Kenya's PEV cases is impartial, not politicised?

The naming of six suspects by the International Criminal Court Prosecutor Luis Moreno-Ocampo has kicked off a flurry of activities in the country. Writer Vitalis Kimutai spoke with Dujis MP Aden Duale and Nominated MP Rachel Shebesh on their views.

YES: Nominated MP Rachel Shebesh

QUESTION: Do you consider the involvement of the ICC in Kenya good for the nation?



Nominated MP Rachel Shebesh

ANSWER: It is a good thing for this country as it is the beginning of justice and would guard against Kenya going down that dark road witnessed in 2007 and previous elections.

QUESTION: Majority of MPs previously insisted the ICC should handle PEV investigation instead of giving that role to a local tribunal. The same is now up in arms against the ICC process. What explains the change of position?

ANSWER: Deputy Prime Minister Uhuru Kenyatta and Eldoret North MP William Ruto's inclusion in the list of suspects by the International Criminal Court has informed the change of heart by the leaders who were previously opposed to formation of a local tribunal.

QUESTION: Do you agree with the observation that Ocampo could have cleverly set his case so that the names of the two principals can be dragged into the case if it goes to trial as five of the individuals he named were very close to the protagonists in the 2007 elections that led to the chaos?

ANSWER: What Ocampo has given us is what is contained in the Waki Commission and Kenya National Commission on Human Rights reports. There is nothing new in it. It is also clear there were two protagonists in the name of President Mwai Kibaki and Prime Minister Raila Odinga, but we must first wait for the evidence to be unveiled.

QUESTION: Long before Ocampo revealed the names, some politicians have been claiming that the ICC process was skewed to serve local political interests. Now that the names are known, do you think that claim will run out of steam or will it gain more currency?

Dujis MP Aden Duale

ANSWER: Many want to drag the Prime Minister's name into ICC because Kibaki is not seeking re-election. It is a fallacy to imagine that someone who wants to contest the presidency in 2012 would want to wrong the people who voted for him almost to a man in the last poll. Taking people to ICC is not in Raila's interest or scheme of things at all.

QUESTION: Do you support the bid by a section of parliamentarians to pull Kenya out of the law that makes Kenya subject to the ICC?

ANSWER: I wish my colleagues pushing that case would be more intelligent so we do not look like fools playing to the gallery. It is an attempt to interfere with the ICC process and its investigation and they are not helping the six suspects in any way.

QUESTION: Finally, do you support the calls for those named by Ocampo who serve in senior government positions to leave office?

ANSWER: Certainly, they will have to leave. But that will only happen once they have been summoned to appear before the ICC and defend themselves against accusations facing them. Under Chapter six of the Constitution, the President would have no choice but relieve them of their duties.

NO: Dujis MP Aden Duale

QUESTION: Do you consider the involvement of the ICC in Kenya good for the nation?

ANSWER: In my opinion, the ICC process has turned out into a curse instead of a blessing for the country largely because of political interference in the exercise. It is no longer a legal process, but a political one, which is very unfortunate for Kenya.

QUESTION: Majority of MPs previously insisted the ICC should handle PEV investigation instead of giving that role to a local tribunal. The same is now up in arms against the ICC process. What explains the change of position?

ANSWER: It should go on record that I supported the setting up of a local tribunal to deal with the issues, but it was rejected because of fear of a weak judicial system and a compromised police department. But now, we have a new Constitution that would enable us deal with the root causes of the violence and find lasting solutions.

QUESTION: Do you agree with the observation that Ocampo could have cleverly set his case so that the names of the two principals can be dragged into the case if it goes to trial as five of the individuals he named were very close to the protagonists in the 2007 elections that led to the chaos?

ANSWER: In my opinion, Muthaura is a mask representing President Kibaki and Industrialisation Minister Henry Kosgey represents Prime Minister Raila Odinga in the ICC list. In this political rather than legal process, the Chief Prosecutor has put the two Principals on notice on the violence.

QUESTION: Long before Ocampo revealed the names, some politicians have been claiming that the ICC process was skewed to serve local political interests. Now that the names are known, do you think that claim will run out of steam or will it gain more currency?

ANSWER: It is now real that this is not a legal but political process. The players are known by Kenyans and that they have used the Court to settle political scores and eliminate perceived competitors in 2012 is an open secret.

QUESTION: Do you support the bid by a section of parliamentarians to pull Kenya out of the law that makes us subject to the ICC?

ANSWER: The mandate of pulling a country out of being subjected to the ICC process is the Executive's. As parliamentarians, we are only uniting the leadership to remind the President and the Prime Minister that we are not happy how our affairs have been conducted by ICC. It is upon them to send the AG to the UN General Assembly to initiate the process of moving out.

QUESTION: Finally, do you support the calls for those named by Ocampo who serve in senior Government positions to leave office?

ANSWER: I do not approve of that. Let us follow the rule of law by leaving the judges to deal with the case before them at the Pre-Trial Chamber. Before the ICC issues summons, there is no reason to warrant those named quitting their positions.

World Socialist Website

Monday, 20 December 2010

Cables expose Washington's contempt for international law, democratic rights

By Barry Grey

Secret cables published in recent days by WikiLeaks reveal the efforts of the United States to thwart the exposure by the Council of Europe and the International Criminal Court (ICC) of human rights violations by the US and its allies. The cables, among the more than 250,000 State Department documents leaked to the web site, reflect the hostility and contempt of both the Bush and Obama administrations for democratic rights and international law.

A series of cables dispatched in September and October of 2009 give vent to the disdain of Washington for the Council of Europe, which monitors human rights in 47 European nations. The Council in Strasbourg oversees the European Court of Human Rights.

In the likely event that WikiLeaks founder Julian Assange faces extradition to the United States, the European Court of Human Rights will become his last court of appeal in opposing such action.

The cables from 2009, drafted by Vincent Carver, the consul general at the US embassy in Strasbourg, express US vitriol over the Council's earlier exposures and condemnations of Washington's policy of rendition—in which alleged terrorists are abducted and transported to a third country, where they face interrogation and torture without any legal protections—and the complicity of European governments in the US practice. The Council has also exposed and denounced secret CIA “black site” prisons in Europe and elsewhere.

A cable marked “classified” from March of 2009 is headlined “Council of Europe: More Effective Around the Edges than at the Core.” It begins: “The Council of Europe (COE) likes to portray itself as a bastion of democracy, a promoter of human rights, and the last best hope for defending the rule of law in Europe—and beyond. It is an organization with an inferiority complex and, simultaneously, an overambitious agenda. In effect, it is at its best in providing technical assistance to member-states and at its worst in tackling geo-political crises.”

The cable was sent in advance of a visit to Washington by the then-secretary general of the Council, Terry Davis of the UK. Carver disparages Davis, who was preparing to leave office that summer, as an “unpopular lame duck.” Davis had vocally opposed some attempts by the US to extradite Europeans and had denounced US renditions and secret CIA prisons.

Carver writes that the Council “receives (rightfully, in our view) neither the level of funding nor the attention from member-states that other regional organizations, such as the EU and the OSCE (Organization for Security and Cooperation in Europe) receive.”

Of the European Court of Human Rights, Carver writes: “The ECHR will block the extradition of prisoners to non-COE countries if it believes they would be subject to the death penalty or torture. It has also requested more information on pending British extradition cases to the US where it believes the prisoners might be sentenced in the US to life imprisonment with no possible appeal or automatic judicial review of the life sentence.”

Carver proceeds to denounce the Council for blocking efforts led by its Eastern European members to condemn Russian actions in Georgia.

“Finally,” the cable continues, “we turn to one issue where the COE (Council of Europe) has been both an irritant and, more recently, somewhat of a champion—Guantanamo.” Carver singles out Dick Marty, a member of the Swiss delegation and an investigator for the Council, who “conducted an investigation into renditions and ‘secret prisons’ in Europe connected to the US war on terrorism. His work created a great deal of controversy and anti-US sentiment in the COE.”

Marty issued reports in 2006 and 2007 documenting US renditions involving European states, describing them as “criminal acts” which “run counter to the laws that prevail in all civilized countries today.” He also exposed the existence of CIA secret prisons in Poland, Romania and other locations around the world.

Carver wrote more favorably about the role of Secretary General Davis and COE Human Rights Commissioner Thomas Hammarberg in calling on Council member-states to accept Guantanamo detainees and help the US close the facility.

A second cable from September 2009 deals with the imminent election of a new Council secretary general to replace Davis. Carver urges the State Department to quickly arrange a meeting between a “ranking Department official” and Davis’ successor (and current secretary general) Thorbjørn Jagland, former prime minister of Norway.

“Jagland can be expected to criticize the US for the death penalty,” Carver writes. “He may, however, be less enthusiastic than the previous SecGen Terry Davis (UK) in publicly criticizing renditions, particularly if we review the issues with him soon.”

A third cable deals with US efforts to shape the deliberations on climate change of the Council’s Environment Committee in accordance with Washington’s policy of placing the onus for emissions reductions on emerging economies such as China and India. It states: “Former White House adviser Kathleen McGinty effectively outlined her views of the Obama administration’s commitment to fighting climate change to the... Environment Committee September 29. CG underscored the need for all countries, including developing ones, to cut carbon emissions as part of any agreement coming out of the Copenhagen conference.”

The cable notes a move to add a protocol to the European Convention of Human Rights on the “right to a healthy environment,” but adds, approvingly, that “one western ambassador told us the CEO’s Council of Ministers ‘will bury’ the proposal.”

Another set of cables from 2003 reflect US hostility to the International Criminal Court, established by the United Nations in 2002 to prosecute individuals for war crimes, crimes against humanity and genocide, up to and including government leaders. The US has refused to join the court on the grounds that Americans must be exempt from the operations of such an international judicial body.

One cable, sent in July 2003, reflects Washington’s fears that the court might prosecute US and British war crimes in Iraq. The cable, sent three months after the election of Argentinean Luis Moreno-Ocampo as chief prosecutor, states: “Less clear are [Ocampo’s] views on Iraq. Ocampo has said that he was looking at the actions of British forces in Iraq—which led a British ICTY (International Criminal Tribunal for the Former Yugoslavia) prosecutor nearly to fall off his chair.

“Privately, Ocampo has said that he wishes to dispose of Iraq issues (i.e., not to investigate them).”

The US had good reason to fear prosecution for war crimes, having just carried out the unprovoked invasion of Iraq on the basis of outright lies.

More recent cables reflect Washington’s strong opposition to any expansion of the court’s role. The Obama administration opposed “crimes of aggression” being added to the list of those within the ICC’s jurisdiction. The crime is defined as one “committed by a political or military leader which, by its character, gravity and scale, constituted a manifest violation of the [UN] Charter.” It was adopted as falling within the purview of the court in June.

US efforts to subvert and manipulate international organizations such as the Council of Europe and the ICC underscore Washington’s repudiation of the Nuremberg principles, which define the planning and launching of aggressive war as a war crime. In their place, the American ruling class has adopted the doctrine of preemptive war, a rationalization for the unilateral use of military force against any country deemed a threat or even a potential threat to US imperialist interests.