

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



Flashback to January 2004: Construction of the SCSL courthouse

**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**

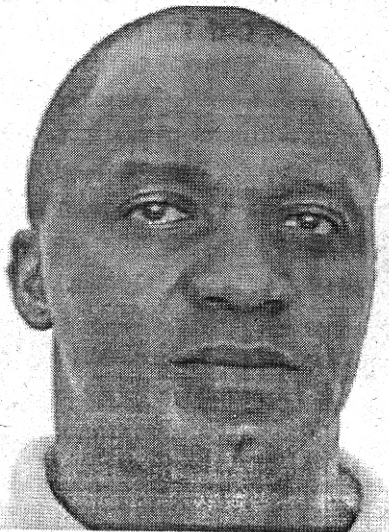
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Press clips are produced Monday through Friday.  
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## US official slams RUF kingpin



*Ibrahim Bah*

A United States Congressman, Frank R. Wolf has called on US Secretary of State John Kerry to wade into the issue of the former RUF kingpin and alleged Charles Taylor aide, Ibrahim Bah aka Ibrahim Baldeh.

"I write to urge the State Department to press the Government of Sierra Leone to open a criminal investigation against Ibrahim Bah", Wolf writes in a letter to Secretary Kerry.

The Chairman of the Committee on Justice said such a move by Sierra Leone would prove significant as "most of Africa's worst crimes are not usually adjudicated by and within the country they occurred especially when the criminal activity involves non-residents".

He expressed "concern about recent development in Sierra Leone involving conflict diamonds" describing Bah as "a key figure in the conflict diamond trade". Wolf said Bah was a trusted emissary of Mr

Taylor and received diamonds from the convicted war criminal and former rebel RUF leader, Issa Sesay.

He entreated Secretary Kerry to add his voice "in pressing Sierra Leone to take effective action against Ibrahim Bah" reminding him that as a Senator he had co-sponsored the clean diamond act.

Last week Human Rights watch and the Centre for Accountability and Rule of Law called on the Sierra Leone government to investigate Ibrahim Bah/Baldeh who's reportedly in police custody, and bring him to trial.

Police have confirmed holding a man called Ibrahim Baldeh but said they were still unsure as to whether he is the same man on a UN travel ban for his activities in Sierra Leone during the rebel war in the country. Both Human Rights Watch and Global Witness plan to urge President Obama to make a statement on the matter during his visit to Senegal this week.

## Bloomberg

Tuesday, 25 June 2013

### **Liberia's Ex-Boy Soldiers Who Rob Graves Miss Growth**

By Elise Zoker & Pauline Bax

Peter Toe used to carry an assault rifle in one of convicted warlord Charles Taylor's "small boy units" during Liberia's civil war. Now he sleeps at a graveyard robbing the dead and selling their coffins to earn money.

He's one of tens of thousands of young people who're missing out on a growing postwar economy that has received \$16 billion in foreign investment in mining and large-scale plantations since former banker Ellen Johnson Sirleaf became Africa's first elected female president in 2005.

"To survive, I sell the valuables we find on the dead," Toe, who doesn't know his exact age but reckons he's in his 20s, said last month in an interview at the Palm Grove Cemetery in downtown Monrovia, the capital. "I am in this cemetery because I have nowhere to sleep and no food to eat."

The 1989-2003 civil war displaced a majority of Liberians, gutted the economy and deprived a generation of teenagers of a basic education. Today, Liberia's jobless youth are still considered a potential threat to stability, both domestically and in neighboring West African countries. Half of the total population of about 4 million is younger than 24, according to the 2010 Liberia Labor Survey.

As many as 15,000 boys and girls served as a child soldiers during Liberia's conflict, according to the United Nations.

#### **Drugged Combatants**

Boys were routinely drugged before being sent into combat, while girls were raped and often assigned to commanders as their "wives," New York-based Human Rights Watch said in a February 2004 report. Many saw their families murdered and suffer post traumatic stress disorder, making it difficult for them to resume normal lives.

Toe said he became a drug addict and "after the war I completely lost interest in education."

When Johnson Sirleaf won re-election in 2011, she pledged to create at least 20,000 jobs a year and called young people "the driving force behind the nation's development."

Among the biggest investors in Liberia are ArcelorMittal (MT) and China Union Investment Ltd., both of whom are seeking to mine iron ore, while Golden Veroleum Ltd., Sime Darby Bhd. (SIME), and Firestone Natural Rubber Co. LLC manage palm-oil and rubber estates. Together they created a total of 9,378 jobs in 2012, according to Labor Ministry statistics.

"It's fair to say that the government has had far more success in attracting foreign direct investment than it has in creating jobs, and that the gap between these two is creating tensions and making the government increasingly unpopular," Joseph Lake, an economist with the Economist Intelligence Unit, said in an interview from New York.

## **Desecrated Graves**

For 76-year-old Sando Ketter, who stood sobbing over the grave of his wife at Palm Grove cemetery, solutions for Liberia's jobless youth can't come soon enough.

"The very grave that was decorated with flowers when I buried my wife nine months ago is open and empty," Ketter said. "We found only a heap of skeletal remains these hoodlums left near the grave without the casket. I can hardly believe it has come to this."

Private industry won't be able to meet the huge demand for work, and most people must rely on self-employment and odd jobs, Chris Blattman, assistant professor of political science and international and public Affairs at Columbia University, said in an interview.

## **Investment Costs**

"Liberia is impeded by many things, but everything is costlier than it needs to be," Blattman said. "A decade after the war, the government is still debating the location for a power plant. Private companies are not going to employ people unless the Liberian government can reduce the extremely high-cost structures for firms," many of which rely on generators for electricity.

For years, Liberia had one of the highest unemployment rates in the world, with an estimated 85 percent in 2003, according to the CIA World Factbook.

Last year, Liberia's national statistical service revised its unemployment definition to add so-called "vulnerable employment." Anyone who did any paid or unpaid work during a period of one week, even if they only worked for as little as an hour, is considered employed. The definition includes street traders, firewood collectors and kids who volunteer to help motorists park their cars.

## **Drinking Water**

While Liberia's official unemployment rate now stands at 3.7 percent, there are fewer than 100,000 paid workers nationwide whose employers deduct income tax from their wages, according to the statistical agency.

The country, founded by former U.S. slaves in 1847, doesn't have functioning sewers, drinking water or a land-line phone system. Garbage collection is nonexistent. Electricity is scarce, with the state-run Liberia Electricity Corporation, supplying 14,000 paying customers. Liberia's per capita gross domestic product of about \$700 a year is the fifth-lowest of 229 countries ranked by the CIA World Factbook, one place ahead of Somalia.

The economy is expected to expand 7.5 percent this year after about 8.3 percent in last year, according to the International Monetary Fund.

"It makes no sense to register an average economic growth of 7 percent per year and you have the majority of the population unemployed," Finance Minister Amara Konneh told reporters in January.

## **Cash Preference**

While the UN and the Liberian government focus on skills-training projects that provide temporary employment, many young people say they prefer cash.

Tim Dokie, a 28-year-old former combatant, enrolled in a free training course to become an electronic technician, though not because he wanted to learn the trade.

“I was only praying for the teachers to hand me the tool kits promised at the end of the training, which I readily sold for \$15,” he said in an interview.

Such an attitude is one of the reasons government programs to help the unemployed aren't working, said Kortu Nyandibo, communications director at the Labor Ministry.

Toe said he can't go back home because his relatives fear being associated with abuses he committed while fighting as a boy soldier.

“My people do not want for me to go around them and the only place I used to call a home was destroyed by rockets and no one wants to rebuild it,” he said. “Without a job, where do I fit in?”

## Agence France-Presse

Wednesday, 26 June 2013

### **Liberian women's war wounds fester**

Monrovia - It is over a week since Ruth Flomo was last able to walk, the bullet lodged in her leg an agonising reminder of the terror of being shot in crossfire during Liberia's bloody civil war 10 years ago.

Flomo, then just a teenager, was caught in an exchange of fire between the rebel Liberians United for Reconciliation and Democracy and troops loyal to ex-president Charles Taylor as the conflict was nearing an end in 2003.

"I am living with a bullet in me," the 28-year-old said, her voice gentle and supplicating, as she held the back of her scarred thigh while resting in an armchair at her home in the Liberian capital, Monrovia.

"We were fleeing when a stray bullet penetrated my right leg. I was rushed to the hospital where doctors conducted an x-ray and said that the bullet that pierced my leg was still in my flesh and was just an inch away from my bone."

The medics in the Monrovia hospital were ill-equipped to deal with gunshot wounds and had to discharge Flomo in the hope that the bullet would work its own way out. Ten years later, it regularly causes her serious pain.

"After a week in the hospital I was discharged and sent home. I was advised to keep taking antibiotics, ampicillin or penicillin, with the hope that the [bullet] would have come out but to this date it is still in me.

"Every now and then I feel pain in my leg and my entire body. I don't have the money to go to hospital to remove it. I do not have the means of paying the bill," she said.

### **Psychological and physical wounds**

Deep psychological and physical wounds remain in Liberia after two back-to-back civil wars which ran from 1989 to 2003 and left a quarter of a million people dead.

Numerous rebel factions raped, maimed and killed, some making use of drugged-up child soldiers, and deep ethnic rivalries and bitterness remain across the west African nation of four million people.

There is no official figure for people living with poorly-treated gunshot and explosives wounds but charities estimate that Flomo is among 5 000 women and children coping with the pain of shrapnel they cannot afford to have removed.



Miatta Gayflor was just 12 when a bomb exploded near her as she fled a gun battle between government troops and rebels in Monrovia, sending white-hot shrapnel searing into her buttocks.

"It is sometimes difficult for me to sit. I feel rotten pain in my buttocks for at least a week every two months. The only treatment I can afford is a painkiller," the 23-year-old said, breaking into sobs.

"I was not armed, my mother did not have weapons and we were only running for our lives and that is the crime we committed. I can still remember my mother holding me in her arms crying for help while I was bleeding," Gayflor said.

She and thousands like her have formed a Liberian branch of the Association of Disabled Females International to demand compensation from the government for their suffering.

"The association is about only women and children because we did not pick up arms to fight. We were harmless but we suffered most," the group's executive director, Meima Hoff said.

"We have been going from office to office to cry for help but no one has come to our rescue."

A glance at the group's membership provides a gruesome snapshot of the privations women suffered during the civil wars, with many of the activists made blind, missing limbs or suffering mental or neurological disorders.

### **Compensation scheme**

A Truth and Reconciliation Commission (TRC) was set up by President Ellen Johnson Sirleaf to probe war crimes and rights abuses between 1979 and 2003, and particularly during the brutal conflicts that raged in 1989-96 and 1999-2003.

The commission said a compensation scheme should be set up alongside a war crimes court to prosecute eight ex-warlords for alleged crimes against humanity but the government is yet to implement the recommendations.

Ten years after the war, no money has been made available and the only Liberian to face trial is Charles Taylor, and that was for his role in neighbouring Sierra Leone's civil conflict, not that in his own country.

The former leader is appealing a 50-year prison sentence handed down in April last year for supporting rebels in Sierra Leone in exchange for blood diamonds during a civil war that claimed 120 000 lives between 1991 and 2001.

"It is time for all of us to fight for our rights... especially women that were made disabled because of the war. We have lots of women and children that are disabled as a result of the war in Liberia," Hoff added.

"They did not pick up arms. They did not fight war. Out of wickedness, they were made victims of the war. You see in Sierra Leone they have got their reparation. This was part of their reconciliation process.

"But since the TRC process ended in Liberia, the government has not opened that chapter. It is time for us to demand reparation for war-made victims in the country."



## The Informer (Liberia)

Tuesday, 25 June 2013

Editorial

### **Reconciliation Must Go Beyond Mere Handshake**

THE NATIONAL PEACE and Reconciliation Initiative, which was unveiled last week came at a time many Liberians are questing for peace and security to enhance their well-being. Even people in authority have been yearning for the appropriate opportunity and forum to begin the manifestation of peace to another.

AT THE LAUNCHING ceremony recently, long time political arch rivals, Honorable Dr. Bhofah Chambers and President Ellen Johnson-Sirleaf joyfully and happily embraced one another in a dramatic handshake which symbolizes the spirit of peace and reconciliation.

DR. CHAMBERS AND President Sirleaf fell apart due to policy differences, which led to the resignation of Dr. Chambers from the ruling Unity Party to join the opposition Congress for Democratic Change (CDC).

PRESIDENT SIRLEAF SAID "My commitment to peace is genuine and I truly believe Liberia will be a better place to live because Liberia's journey to national reconciliation is gaining momentum."

AT THE FUNCTION, Ambassador George Weah, who headed the Peace Initiative, joined many Liberians to reaffirm their commitments to live in peace and harmony, as well as promote national renewals.

THE GESTURE BY the two top individuals of government gives a signal that, truly, there is the need for Liberians to let bye-gone be bye-gone and live together as one people with common destiny and purpose.

WHAT WE WANT to see happening in the nearest future is that, this historic hand shake and embracing will be translated into genuine and sustainable peace that Liberians can use as reference for promoting peace among themselves. IT IS OUR hope that the declaration of commitments to peace by all is not a mere bluff motivated by attempt to gain political popularity, which may vanish away when the political interest diminishes.

**LET RECONCILIATION IN LIBERIA GO BEYOND MERE HANDSHAKE**

## Frontpage Africa (Liberia)

Monday, 24 June 2013

Opinion

### **Memo to George Weah: Not in the Mood to Reconcile With Those Who Caused My Parents Death**

Written by Samuel P. Jackson, Contributing Writer

Dear Georgie,

As you well know the task of reconciling us hapless souls of 3.8 million is daunting and will require more than hugs and kisses at a national reconciliation fest. Before going forward, I would like to tell you about two great Liberians who died as a result of the on again, off again wars in Liberia from 1989 to 2003. My Father, Gbee Jackson was the best cook on the planet, cinnamon rolls, pineapple upside down cakes and gourmet foods were his forte.

Above all, he was a damn good parent, provider and a true patriot. He worked for President Tubman as a cook for all of 27 years, and then served Tolbert until he was forcibly retired because his son (you right me), was involved in political advocacy in 1979. He never liked politics and was a very good nature man. He raised many kids that were not his. All of my sisters and brothers are not biological to either of my parents. Surprise to some, enneh?

My mother was a saint. A strong market woman, with a penchant for hard work and an intelligence unequaled in the country. She raised us all, and before we were out of our teenage years, she had motivated us to leave Liberia and find education and greener pastures in foreign lands. She was that smart. My sisters moved to Spain in the mid 60's and I to the USA in 1971. We all have done our parents proud, but unfortunately, they are not here to enjoy the fruits of their labor, thanks to evil and wicked people whose only intentions were to ascend to power.

We see no moral imperatives in the warmongers and certainly no sign of remorse, except for someone like General Butt Naked. I met him and shook his hand. I believe he is sincere; he is demonstrating this in his works with ex-combatants. But for the rest, I am not so sure. My sisters are especially livid. They even bash me for my friendship with known belligerents. I try to explain that nation building requires holding your nose and moving forward. They accuse me of hypocrisy. They might have a point. For me it is realpolitik. For them, that is the crux of the problem in Liberia.

Therefore, I will only begin to even fathom forgiveness when the following occurred:

1. First, I want the people who financed the war, recruited the kids and destroyed the institutions to say collectively they are sorry and they will not do it again. I also want them to match their public utterances with solid evidenced based work for the citizens who are still suffering the indignities of their revolutionary wars. All factions included, my friend and brother Charles Taylor not excluded (needs to do penitence from where ever he is).

2. I want those in authority and especially who participated in the war to demonstrate that they have a solid plan to rehabilitate themselves. I want them to enter anger management classes, patience, tolerance and not give vent to their pugnacity.

3. I want them to dedicate and spend a significant amount of their time with the drug crazed youngsters they created in efforts to rehabilitate and transform these now men and women into responsible citizens of the country.

4. I want a a system of economic justice that provides equal access to all Liberians to opportunities; I would like to see a Liberian economic empowerment plan based upon the principles of equity, social cohesion and environmental sustainability.

5. I want the officials in power to conceive and implement an affirmative action program that will accelerate Liberian economic empowerment;

6. I would like to see clear and detailed plans with numbers, benchmarks and targets on economic empowerment. Percentage of citizens' participation and ownership in gross domestic product; percentage of citizen's participation in the productive process;

7. Finally, I would like to see the country organize a development plan based upon the patterns of sustainable production and consumption.

Absent these, Mr. Weah, in my humble opinion, reconciliation will only be a fleeting dream. I tell you why I say so. Over the years of the war, I watched in utter dismay as leaders of warring factions ate, slept and made love to each other in foreign places, pretending to reconcile only to continue killing innocent civilians in Liberia. I saw that wretchedness during the 2003 Accra Comprehensive Peace Talks, where I served as a Government negotiator. I was having lunch with my colleagues in LURD and MODEL when rockets were raining on Central Monrovia.

I don't want to participate in what I consider this fake reconciliation. Yesterday's enemies cannot be today's friends, when we remain unequal socially and economically. That would be impossible. I am not part of the charade.

And so it goes.

Samuel P. Jackson  
Unreconciled and seething in Monrovia

## New Democrat (Liberia)

Friday, 21 June 2013

### Manhunt For Taylor's Ally

Written by ND Staff



Police in Sierra Leone are said to be hunting for an ally of former Liberian president Charles Taylor who has reappeared in that country under mysterious circumstances.

Ibrahim Bah was suspected of heavy involvement in the transfer of arms and “blood diamonds” during Sierra Leone’s brutal civil war. He has been found living in the capital, Freetown.

Rights groups are calling for a criminal investigation of Ibrahim Bah, who was a top associate of former Liberian president Charles Taylor during the conflict.

A Sierra Leone police official said that someone going by the name Ibrahim Bah had been arrested, but then released on bail after he denied being the same person accused of associating with Taylor during the war. The official, Morie Lengor, said police are working with Interpol to confirm Bah’s identity.

Human Rights Watch said it would be important to have Bah tried in Sierra Leone. Because of security concerns, Taylor was tried in The Hague, far removed from the region he destabilized for years.

“The most important significance, I would think, is that it would certainly demonstrate the government’s commitment to promoting accountability and to even strengthening our national accountability mechanisms,” said Tommy.

Human Rights Watch has also joined the call for Bah to be investigated and possibly prosecuted.

In a statement Wednesday, the New York-based watchdog noted the case would be the “first purely domestic prosecution” concerning international crimes committed during Sierra Leone’s 11-year conflict, which ended in 2002.

Senegalese national, Ibrahim Bah, has been under a U.N. travel ban since 2004 for his alleged role in helping former Liberian president Charles Taylor support Sierra Leone's Revolutionary United Front rebel group. That support helped destabilize the country, while granting Taylor access to Sierra Leone's diamonds.

Last year, the U.N.-backed Special Court for Sierra Leone found Taylor guilty of war crimes and crimes against humanity, sentencing him to 50 years in prison.

In their ruling against the former Liberian president, judges said Bah was a "trusted emissary" between Taylor and the rebels, who killed and maimed thousands of people during the war.

Bah's whereabouts were unknown until last month, when a U.N. expert panel placed him in Freetown, saying he had been living there since 2008.

The executive director of the Center for Accountability and Rule of Law in Sierra Leone, Ibrahim Tommy, said it is important that all main perpetrators be tried for their actions during the civil war, even if they were not as famous as Taylor.

"Ibrahim Bah was one of the key supporters, one of the key aides to former Liberian president Charles Taylor and the RUF, who helped him pillage Sierra Leone's diamonds and even allegedly committed forced labor and enslavement against the people of Sierra Leone," Tommy said.

"We think that bringing him to justice will help combat the impunity gap that currently exists in the country, particularly for mid-level commanders who participated in the conflict, but also for foreign nationals whose only interest in the conflict in this country was to loot our resources."

The report detailing Bah's whereabouts was published on May 31. According to a U.N. statement, Sierra Leonean authorities arrested Bah less than a week later.

## Institute for War and Peace Reporting

Tuesday, 18 June 2013

### **Africa: ICC's Funders Seek Greater Efficiency**

By Blake Evans-Pritchard, Simon Jennings

As the court asks for a bigger budget, it will need to consider where cost savings can be made.

The gleaming new front desk which greets visitors as they enter the International Criminal Court's, ICC, Hague-based headquarters does not exactly scream austerity.



Renovating the entrance lobby, which is jointly shared with Eurojust, a judicial agency of the European Union, cost 50,000 euro, 66,000 US dollars, according to diplomatic sources.

Given that the ICC is due to move to new premises within the next couple of years, such apparently lavish spending rankles with the governments that pay for it, particularly at a time when they are cutting expenditure at home.

The 25,000 euro spent on the lobby - Eurojust paid the other half - is of course just a tiny fraction of the court's overall budget, set at 109 million euro, 145 million dollars, for 2013. Court insiders say that the new lobby has improved security and saves energy through better insulation, thus reducing costs.

For officials in many of the contributing states, however, this kind of expenditure is symptomatic of the way the court operates, and is one of the reasons why they are reluctant to give it the money it badly needs.

Questions have been raised about a wide range of ICC expenditure, from travel costs to current management structures, and the contributing countries want action.

"We believe there is a need for the ICC to challenge itself more on its needs and required budget so that it can ensure that its operations are as effective and efficient as possible," a spokesperson for the British Foreign and Commonwealth Office told IWPR. "It isn't possible to put a price on justice, but there are areas where we need more information from the court as to how certain budget lines are spent and how they contribute to the overall effectiveness and efficiency of the court."

Other governments that are major contributors to the ICC budget hold similar views, although officials were not willing to be quoted on the record.

### **DOUBTS ABOUT FINANCIAL PRUDENCE**

The ICC's budget is set by the Assembly of the States Parties to the Rome Statute or ASP, made up of the governments which signed up to the court's founding charter. In recent years, the ASP has been criticised for adopting a zero-growth policy for funding the court, even though the geographical scope of investigations has greatly expanded.

Many ASP members question whether the court is getting the most out of its current budget. The thinking is that if the ICC cannot be trusted to make every penny count, then it should not be entitled to more money.

Some have voiced concerns, for example, over the amount being spent to furnish the ICC's new headquarters, which it is due to move into in 2015. New desks in the building reportedly cost 6,000 euro each.

According to the FCO, the British government has asked the court to provide more information about why certain costs are so high, with a view to "challeng[ing] their assumptions in order to reduce costs".

"These areas include things like the cost of office equipment, travel and provision of services," the FCO spokesperson said. "We are asking [the court] to be creative and inventive in how it finds efficiencies, for example through procurement, and revising policies so as to reduce costs - [such as] how long computers are kept for - so that this money can be used in support of the court's work in other areas."

**Herman von Hebel**, who replaced Silvana Arbia as the court's registrar in March, recognises these concerns and has promised to address them.

"It is all about developing trust," he told IWPR. "What I would like to do is develop a transparent discussion with the ASP to show exactly what our needs are and what we can do with the money that we are being provided with. When we speak about efficiency, there's always room for critically assessing one's own working methods."

Von Hebel says that one of his priorities will be to look at the registry - the body in charge of administrative and financial management at the ICC - and to explore ways of doing more for less money.

"We need to be very specific about exactly what our needs are," he said. "I think that this is something that could be done not only within the registry, but on a court-wide basis."

Von Hebel certainly has the credentials for tackling budgetary constraints, and member states seem to have faith that he will make a difference.

He spent three years as deputy registrar and then registrar at the Special Court for Sierra Leone in Freetown, followed by a similar period as deputy registrar and then registrar at the Special Tribunal for Lebanon, based in The Hague.

Both of those courts rely heavily on short-term voluntary funding, which often places tremendous pressure on their budgets.

"In these other tribunals, I led forthright internal discussions about our needs and resources, and was often perceived as tough in terms of the budget," Von Hebel said. "Perhaps this is my Dutch nationality, but I hope that this is a reputation I will also have with the Assembly [of States Parties]."

## **PRESSING NEED FOR MORE FUNDS**

There has never been greater urgency for the ICC to show that it is a responsible organisation that can be entrusted with more funding.

The court has come in for serious criticism in recent months following a string of failed investigations that have left prosecutors unable to bring enough evidence against suspects. (See ICC Under Fire Over Investigations .)

Supporters of the court say the Office of the Prosecutor is overstretched and needs more funding to enable it to conduct investigations to the necessary standard.

Four years ago, the ICC was investigating just four situations, in the Democratic Republic of Congo, Uganda, Darfur and the Central African Republic. Since then, it has added four more investigations, in Kenya, Libya, Mali, and the Ivory Coast.

At the same time, the court's budget has barely increased at all, inching up from 101 million euro in 2009 to this year's 109 million.

"We see that there's a real problem with the number of investigations increasing whilst the number of investigation teams remain the same," Jonathan O'Donohue, legal adviser at the advocacy organisation Amnesty International, said. "Staff often have to be moved around in order to cover the increased workload. The ultimate goal must be for the court to function effectively, but this is constantly overshadowed by the zero-growth argument."

Von Hebel recognises that certain areas of the court are in desperate need of more funding, and he hopes that by making savings elsewhere he can persuade member states to increase the overall allocation.

"The prosecutor is in dire need of more resources to do investigations," said Von Hebel. "Compared with other courts and tribunals, the number of staff per investigation is extremely low. If you have eight situations and just over 60 investigators, then you have a very tough job. We have discussed already with the prosecutor how we can internally streamline to further support this work. All member states have significant financial challenges at the moment, so we need to recognise this and create a culture of transparency, trust and confidence within our organisation."

## **MAKING A DIFFERENCE**

It is too early to tell whether the new registrar's good intentions will make a meaningful difference to ICC expenditure, and there are few signs that member states are prepared to loosen their purse strings just yet.

This year's negotiations on the budget are under way, and it is unlikely that anything more than a very slight increase will be agreed when member states meet in New York in November.

Still, diplomatic sources indicate that if the ICC is able to increase the ASP's confidence in it by demonstrating a high level of transparency, subsequent years could see real steps towards addressing its funding needs.

"The court's willingness to respond to requests from the ASP on how it views and manages its budget has improved over the last few years," the FCO spokesperson said. "We can see a growing partnership between the ASP and the court to develop and improve the overall efficiency of its operations."

A source in another ASP member told IWPR, "The ICC has not always fostered a high level of trust with member states, which can make it difficult for the court to clearly show that it should be entitled to more funds. Things have improved noticeably since the low point of 2010, though, and we hope this continues."



Von Hebel says that it is soon to say which areas can be subject to efficiency savings. Nevertheless, a draft report prepared by the consultancy firm PricewaterhouseCoopers offers some clues.

The document, seen by IWPR, was prepared at the request of the ASP's Committee on Budget and Finance, which wanted an external assessment of the court's organisational structure and a view on where savings might be made.

The report focuses primarily on changes to the registry and the judiciary. A separate report looking at the Office of the Prosecutor is being worked on at the moment.

"It can be concluded that the registry should seek to reduce its structural complexity with clear hierarchical and escalation lines, with a view to strengthening internal (and thereby external) cooperation and coordination," the report states.

In his interview with IWPR, Von Hebel indicated that the registry's managerial structure was an area he would be looking at.

The report also says that the registry suffers from a lack of adequate performance measurements, hampering efficient and targeted application of budget funds.

The report also recommended better communication among different ICC departments, suggesting that some of their functions may overlap.

The PricewaterhouseCoopers consultants also tackled the issue of staffing, which, according to the latest figures from the court, eats up nearly 70 per cent of the budget.

Finally, the report notes a lack of staff motivation in some areas of the court, largely caused by a lack of career opportunities and general dissatisfaction with the performance appraisal system.

## **MEASURING JUSTICE**

In national courts, it is quite common to use a series of benchmarks to measure the effectiveness of the justice process.

Pim Albers is a policy advisor within the Dutch ministry of justice and a senior researcher at the Hague Institute for Global Justice. He says it is normal practice, for example, to look at the duration of cases of a similar type and the ratio between incoming and completed cases.

However, it is not clear whether this would readily translate to the sphere of international justice, given the many variables that affect the success of any given investigation or prosecution.

"A court is not a factory that produces shoes," Von Hebel said. "There are all sorts of factors that determine the effectiveness of the court. Whilst it may be useful to have a look at some quantitative factors such as the number of court hearings or the number of ongoing investigations, it's also a question of what you can achieve on the ground, and it's far too early in the court's lifespan to make a complete assessment of this."

Albers recognises that things work very differently at the ICC, and that there are huge challenges in comparing one trial or country situation with another. However, he thinks that some steps could be taken in this direction.

"It would be useful if the ICC could publish a breakdown of the time required by staff in order to reach a judgement," he said. "It would be useful to measure how long it takes to prepare an indictment, how much time is spent on the investigation, how long the trial phase lasts. Then the court might be able to draw some useful conclusions about where cost savings would make most sense."

Albers points out that such performance indicators might also reveal other valuable facts about the process of international justice, beyond merely where inefficiencies lie.

He suggests, for example, that it might be helpful to compare the number of indictments with the number of trials concluding, either in a conviction or an acquittal.

"A particularly high ratio... could indicate a high-level of cooperation with the situation country," he said. "Conversely, a particularly low ratio may mean the level of cooperation is insufficient and steps should be taken. Performance indicators are useful at showing where the bottlenecks lie."

Patrick Vinck, a research scientist at the Harvard Humanitarian Initiative, a centre within Harvard university, has been looking at ways in which indicators can be used to measure the effectiveness of outreach - the efforts made to communicate with people affected by the trial in the country concerned.

In the past, the court has been criticised for cutting its outreach programmes too quickly, since they are often viewed as a "non-core" function. This is something that Von Hebel wants to change.

"The key challenge is to decide what exactly you are trying to measure and what you are trying to do with outreach," Vinck said. "If you are only trying to measure how much people have heard about the court or a particular trial, then things are fairly straightforward. But if you're trying to capture true understanding of the trials, then measuring the impact becomes much more complex."

Vinck says the methodology he uses is the same as might be used to measure the extent of a disease.

"We interview representative samples of the population and use this data to measure the prevalence of knowledge, attitudes and perceptions," he said.

Whilst Vinck does not think it makes sense for benchmarks to be used to shape the budget, he nonetheless sees it as important to gather this kind of data, as a way of finding out whether ICC outreach work is effective, and whether more funding is needed. For example, past research into outreach activities in the Central African Republic, CAR, revealed that awareness of the ICC was especially low among women, even though gender-based violence forms a large component of the ongoing case against Jean-Pierre Bemba, a Congolese politician accused of crimes in CAR.

"The budget for outreach in the ICC is ridiculously small," said Vinck. "By evaluating their own work and effectiveness, outreach units can better demonstrate what their needs are."

*Blake Evans-Pritchard is an IWPR contributor in The Hague and Simon Jennings is IWPR's Africa Editor in London.*

## Huffington Post Blog

Tuesday, 25 June 2013

Opinion

### **The African Union vs. the International Criminal Court: Where Should African Victims Seek Justice?**

Bukeni Waruzi, Program Coordinator at Witness

At the end of May, the African Union celebrated its 50th anniversary. At the end of the Union's three-day summit held in Ethiopia, members accused the International Criminal Court (ICC) of being racist and going after African leaders in 99% of the cases it is investigating.

Africa is suffering immensely from ongoing conflicts throughout the continent. Mali, the Democratic Republic of Congo (DRC), the Central African Republic, Sudan, Libya, Somalia, South Sudan, Kenya, Burundi, Nigeria, and others all have long-simmering conflicts. Millions of victims are suffering from atrocities that are caused or exacerbated by these conflicts: AIDS, child recruitment, rape of women and girls, killings, torture, disappearance, looting, maiming, etc.

The African Union (AU) is an important political body in Africa, playing a crucial role in peace building and security, largely by mediating conflicts. This task has not been easy, and but there have been successes including in Burundi and Comoros.

But the AU has failed on other fronts including fighting poverty, establishing democracy, ensuring security, and ending conflict in countries such as Somalia and Sudan.

The AU, like many of us, wishes to have a peaceful Africa where there is rule of law, democratic values are respected, civilians are protected and participate in decision-making in their countries, where security is guaranteed, and justice accessible and effective. There's no way the AU can expect to achieve this without other forces to complement their work.

The International Criminal Court (ICC) was created to end impunity for perpetrators of war crimes and to ensure justice is served for victims. At the moment most of the suspects at the court are from Africa. What African victims wouldn't be happy to see perpetrators brought to justice? Does it matter where perpetrators are taken into custody and tried if justice is served for victims?

I believe the recent hostility shown by the AU towards the ICC is unfair. The Rome Statute clearly states that the ICC is an independent, fair and effective jurisdiction. I offer an example from my home country of the Democratic Republic of Congo to illustrate.

When I look at the conflict in eastern DRC, victims and citizens lack faith in the Congolese justice system because it is weak and doesn't have a structure to deal with international crimes.

The video below features the plight of child soldiers in eastern DRC. Without the ICC's recent trial of and guilty verdict declared against Thomas Lubanga, none of these children and their families would have seen justice served.

Another example is the violence that occurred after the Kenyan presidential election in 2008. Kenya was unable or unwilling to effectively prosecute the crimes committed during the post-election violence. Uganda, after decades of conflict, has been unable to deal with the Lord's Resistance Army, despite

heinous crimes committed by them. In Darfur, thousands of people were killed by the Bashir regime and Darfuri victims didn't see any prospects for justice whatsoever.

The African Union, if it is really concerned about justice in Africa and wants lasting peace on the continent, would do better to collaborate and support the ICC in its mandate. However, the ICC itself cannot completely end impunity for perpetrators of crimes in Africa. The future of fighting impunity lies in the hands of domestic jurisdictions, and the ICC can help by exercising its principle of complementarity. This gives domestic jurisdictions -- or national courts -- the duty and primary obligation to investigate, prosecute and prevent international crimes. Only if states cannot fulfill their duties, should cases be referred to the ICC since it's a court of last resort.

The collaboration between the African states (domestic jurisdictions) and the ICC would effectively protect victims and justice served, and future crimes prevented because of the deterrent effect, ensuring the primacy of national jurisdiction, and domestic prosecutions strengthened.

The AU's hostility toward the ICC stands to benefit perpetrators of crimes; the losers will be the millions of victims in Africa.

## Daily News (Sri Lanka)

Wednesday, 26 June 2013

Opinion

### **International law is Eurocentric and Colonial – TIME TO CHANGE**

Shenali D Waduge

How many would agree that imperialism hasn't ended and it is found in what we know today as "international law"? The stark reality is that decolonization took place ONLY AFTER the former empires established another means of retaining control – that mode was international law. International law propagated by the West is today applicable internationally and even locally and relevant to economic, political, social, private and public affairs.

Imperialism takes place even without our awareness. For sovereign nations to be realistically free the strangle-hold that the West dictates through international law must be changed.

#### **History of International Law**

Modern international law traces its roots to the 1648 Peace of Westphalia Treaty that was supposed to grant sovereign equality by dividing Europe into sovereign and independent states. The 1648 Treaty of Westphalia was applicable to the civilized European sovereign nations not the non-European uncivilized world.

International law consists of doctrines and principles developed in Europe, influenced by European history and experience. We would be naïve if we were to think that these international laws would be applied to the non-European world without bias because they were designed with bias. They were also designed subtly to promote their Christian faith. If colonies were invaded to spread Christianity and plunder nations – sovereignty was given to ensure this status quo remained unchanged. Let us not fool ourselves - 'Christian law' has transformed itself as international law.

#### **Syrian rebels**

The manner in which these independent states were to be run led to standards and establishment of laws applicable to all the sovereign states under the banner "Family of Nations". What needs to be noted is that the Third World was excluded as they were "uncivilized" and "non-European". The world was divided as "the civilized and Christian people of Europe" against "the uncivilized non-Europeans". Today it is known as Developed and Developing world. By this very definition, it reveals racism, bias and discrimination. When by 1914, all territories of Asia, Africa and Latin America fell under control of major European states – there is little that needs to be said of the "uncivilized" manner these supposed "uncivilized" Third World nations were treated! Little do people realize that these nations had civilizations far superior to those of the West – what they lacked was English and French. What right did the White Christian West have to define Indians as heathens and animals and claim they had no cognizable rights? Similarly, just because the aborigines do not fit in because they have no international laws or magistrates can they be written off?

Following the two World Wars – a new international order emerged dictated by America and Europe.

There were no legal obstacles to taking over these nations because the mission was to “civilize the natives”. In the eyes of the West – the colonies were too “primitive to understand the concept of sovereignty”. So this is the excuse given to why the Third World did not belong to the “family of nations” and did not have any right to the concepts of international law that the West designed. It appears there’s little change and questioning as to why a handful of Third World natives would still want to continue worshipping these imperialists.

If Charles Taylor, former President of Liberia and the like face the full force of international law why has the impartial international legal system omitted actions on George Bush, Tony Blair, Dick Cheney for scores of misadventures under a new banner called R2P/military intervention? Why do crimes of aggression not apply to the powerful Western nations?

When the IMF – International Monetary Fund is under the control of the US and former colonial rulers who control 85 per cent of the vote - what more is there to say? Is the IMF not the instrument that dictates how financial markets run and does this US-led Western monetary body not force Asian, African and Latin American nations to liberalize their currencies to benefit Western investors? Third World is made victim to development with debt – debt that scores of future generations have to pay!

It is in this context that repressive governments are created with the blessings of the West under a “you scratch my back – I’ll scratch yours” deal. These created governments are dislodged when they are of no use or when the real dictators have found new “friends” who are prepared to offer a better deal and these very nations lecture to us on morality, ethics and good governance!

### **Colonial crimes**

If international law was not Western biased – it would not have the British Foreign Office destroying evidence of its colonial crimes and keeping them secret from the public all these years? It would not take victims like the Mau Mau over 60 years to be given justice and it would certainly encourage nations that had been invaded and plundered to seek compensation instead of having them beg for justice. The former colonies need to now break away from their colonial servitude and demand reparations – India must lead the way by breaking away from the India sepyo attitude.

### **Neo-Colonial crimes**

If crimes during colonial rule was not enough what about the crimes taking place presently? What right do these Western nations have to invade nations, bomb civilians and infrastructure, carrying out renditions, make false charges and simply use every international law to their advantage?

We are no fools to realize that the West is using international law to the maximum to secure global power, oil and forge spheres of influence. The West created “humanitarian angels” that are simply agents given that NGOs have grass root access and are able to do their undercover work since funds can be channeled easily too. The camouflage of “humanitarianism” is nothing but a sham and equates to mean imperialism never ended and we are fools to think so. Everything still remains ‘blacks’ and ‘whites’.

Was it not the desire for title ownership that led Europeans to stake claim using the Berlin Conference of 1884 and divided Africa between them? Despite decolonization and self-determination ensuring Third World nation secured more presence in the UN General Assembly the topic of nationalization of foreign entities did not go well with the European colonies who wished to maintain the older rules of international economic laws that favoured them. Thus World Bank and IMF do a meticulous job on behalf of the West.

Countries colonized and decolonized were again victims of neocolonialism and burdened by divisions created by the colonial rulers along ethnic – boundary – religious lines. All giving rise to issues defined as human rights violations.

Can any of the developing nations obey international law when it sees merit and discard it when it does not like Europe and America does? Those that do will end up hounded like Saddam and Gaddafi and killed. But no one would ever claim these murders were foul or illegal. The deafening silence about the manner the US and NATO is attacking Syria is proof that when the West wants something it will move heaven and earth to secure it – even creating, arming and training terrorist groups. So much for a supposed war on terror!

So where are the justice seeking activists, the citizens organizations, the celebrities, the op-ed writers and moral Western politicians of the West in defense of the defenseless?

### **Discoveries of non-Western civilizations forgotten**

Education systems and pro-Western media have ensured that not much gets promoted about ancient civilizations that existed before the West took over the world and the inventors or inventions of these times. How many in the world are even aware that Sri Lanka possesses the ONLY man-made irrigation systems with man-made tanks that remain an engineering marvel to this day and baffles engineers on how without engineering degrees such works of art could last for centuries when modern day buildings are seen to collapse on a daily basis. Why have non-Western inventors never got the limelight that the Western inventors are getting. Is it possibly because it is from them that the idea was borrowed and refined?

### **United Nations and Human Rights Movements**

The Universal Declaration of Human Rights in 1948 completely ignores the social differences of 191 UN member states and the 58 nations that existed when it was drafted. Though it is not a legally binding document its principles are incorporated into domestic legislation and is said to have inspired more than 60 human rights standards which include the International Covenant on Civil and Political Rights. All drafts are dominated by the West looking at issues from their angle. It is their morals, ethics, standards that take precedence. Unfortunately, the fault lies in the newly decolonized nations not realizing they needed to speak up and demand equal status for their cultures too because too many of them were mesmerized by the fact that they were “accepted” into Western society and were ever ready to give up their cultural heritage save for a handful. Now people and nations are beginning to realize their mistake.

To sustain world balance imperialists need to uplift the majority of the world’s nations that are impoverished and undeveloped. It is for these selfish reasons that handouts are given to the Third World. Former colonies are foolish to think they are no longer OBJECTS of international law despite being called “sovereign”. What international law ever favoured or took the aside of the oppressed former colonies? The Third World is supposed to feel gratitude for being included to the “family of nations” called the UN. For that “inclusion” what have these nations sacrificed post-independence?

### **Real status of Human Rights Laws**

Human rights law was created to be used to legitimize the intrusion of international laws in the internal affairs of a sovereign state and justify intervention if there was a need. Human rights organizations were

the West's means of deploying their agents on sovereign soil. Interventions in the Middle East is no different to the Spanish conquest of the Indians!

International law has also helped legitimize and sustain unequal structures and processes that divide people further. Everything eventually becomes tied to international financial trade and leaders irrespective of their ideology end up compelled to pursue the same economic and social policies. When national leaders like Lumumba, Che Guevara, Allende emerge to challenge the status quo – their fate was sealed and to stop similar nationalists from emerging, plenty of funds go to create rebel movements that ensure nations are trapped in a conundrum. The UN Secretary General Dag Hammarskjöld also destroyed himself in wanting to provide equality to the newly decolonized nations alongside the former colonial rulers. Such equality was taboo then and it cannot be any different today. Equality is never part of any deal though a lot of propaganda goes to show otherwise.

### **Today**

What is evident is that all non-Europeans/Americans are only an OBJECT of international law. The quasi-sovereign status given to some under “unequal treaties” was only a sham created to force them to “honour” the imperial agenda. International laws were adapted to suit Europeans and there's little that can be done unless the Third World realize the status quo and wish to change it.

We are in a world where industrial and well-organized West dictates its terms to the rest of the world through international laws.

If the sovereignty doctrine expelled the non-European world from its realm should the Third World not be demanding immediate reforms after all the First World cannot run on its own and without the Third World. The Third World now needs to make their demands. This is what Third World diplomats are expected to achieve and not to worship the laws that benefit the West. This is why Third World nations need to recruit officials who have a love for their nation and wish to use the systems in place and make representations for the advantage of the Third World not meekly appease and follow international laws that are dictatorial. Future recruitment policy of Third World must address this to change the equilibrium otherwise East-West, civilized-uncivilized, Developed-Undeveloped, Black-White, international laws that are Christian-Non Christian biased will continue unabated.



## New Times (Rwanda)

Wednesday, 26 June 2013

### **ICTY Prosecutor Seeks Retrial After Allegations Against Meron**

By Felly Kimenyi

The Prosecutor of International Criminal Tribunal for the former Yugoslavia (ICTY) has expressed concern over recent allegations against a top judge at the court, saying that he may seek review of cases in which Theodor Meron is said to have exerted undue pressure on judges to acquit war criminals.

Meron, who also doubles as the president of the International Criminal Tribunal for Rwanda (ICTR) Appeals Chamber, was put on the spot by Frederik Harhoff, a fellow judge at The Hague-based ICTY.

He is behind many controversial decisions against suspects at the Tanzania-based ICTR, including overturning guilty convictions on appeal and was accused by Harhoff of specifically mounting pressure on judges to set free former commanders in Yugoslavia.

"While acquittals can be a just and appropriate outcome in any judicial process, they must be based on sound and evidentiary analysis and coherent legal reasoning," reads a statement released by the ICTY Prosecutor, Serge Brammertz, adding that his office will file a notice to that effect this week on Friday.

In the missive, Harhoff accuses his colleague of acting under political influence, but does not say from which country.

"Justice is predicated in confidence which in turn is rooted in the trust, independence, impartiality and fairness of a judicial system. The trust of the people of Rwanda, especially the survivors of the Genocide, in the integrity of the Appeals Chamber is a necessity for the Chamber to continue enjoying their confidence," reads part of the letter whose copy The New Times has obtained.

"The situation that has emerged may have adverse effects on the relationship between the Mechanism for International Criminal Tribunals and the Rwandan people as well as government."

The mechanism is currently in the process of absorbing the duties of both the ICTR and ICTY after their closure next year.

This comes after various concerns raised by both Genocide survivors and the Government of Rwanda, mainly following the decision in February this year, overturning of the guilty sentences against former ministers in the cabinet that implemented the Genocide.

The duo - Justin Mugenzi who headed the commerce docket and Prosper Mugiraneza of Public Service - had both been sentenced to 30 years by the Trial Chamber.

He also acquitted former businessman Protais Zigiranyirazo, a top member of the Akazu group that oversaw the Genocide, and the brother to former First Lady, Agathe Uwiringiyimana.

Other controversial cases that were yet overturned by Judge Meron on appeal, including that of former strongman Col Theoneste Bagosora, whose life sentence was on appeal reduced to 35 years.

Government concerns:

Meanwhile, in a letter addressed to the president of the Mechanism for International Criminal Tribunals, Justice Minister Johnston Busingye called for investigations on the concerns raised against Meron's conduct.

In the letter that was sent to the tribunal through the Ministry of Foreign Affairs, Busingye said the people of Rwanda are worried and extremely concerned with these allegations of bias and political influence of a Judge of the Appeals Chamber.

Meanwhile, Martin Ngoga, the Prosecutor General said that his office intends to advise the Chief Prosecutor of the ICTR, Boubakar Jallow to consider seeking review of the cases that were controversially adjudicated by Meron.

"We shall advise the Prosecutor to seek review of cases that were decided in a controversial way. The record is very clear on these cases," said Ngoga, refusing to indicate the specific cases that they would like reviewed.

Jallow, a Gambian jurist, is also the chief prosecutor of the mechanism, and will take over prosecuting powers of both the ICTR and ICTY once they close shop.

The ICTR which was established by the UN Security Council in 1994 has completed 75 cases and of these, 12 are acquittals and six of the acquitted are former cabinet ministers.

During its time of existence, the tribunal has been accused of allegedly including Genocide suspects in its ranks, and indeed, some of them ended up being arrested and put on trial by the same court following protests from Kigali.