

**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

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Thursday, 26 March 2009

Press clips are produced Monday through Friday.
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Concord Times
Wednesday, 25 March 2009

'Taylor supported RUF'

...Defence lawyer asserts

By Ibrahim Tarawallie
Lead defense counsel for former Liberia president Charles Taylor has revealed in Freetown that his client indeed supported Foday Sankoh and the Revolutionary United Front (RUF) in their rebellion in Sierra Leone but only for

18 months.

Courtenay Griffiths told journalists at the Sierra Leone News Agency (SLENA) yesterday that the Special Court indictee assisted the RUF with arms and ammunition and manpower at the start of the rebellion.

"We accept the fact that he was involved with the RUF at the start of the war but his support only lasted for 18 months," Griffiths said.

He said according to the statutes of the Special Court, the tribunal was empowered to try offences committed in Sierra Leone between 1996

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'Taylor supported RUF'

From page 1

to 2002, noting that his client's indictment covers the Economic Community of West Africa Monitoring Group (ECOMOG) intervention and the Freetown invasion of January 6, 1999.

Griffiths said the prosecution's evidence against the former warlord was based "on lies and lies based on money"

adding, "The prosecution has never suggested that Taylor was in Sierra Leone during the 11-year war."

"The trial of Charles Taylor is not about law but politics. There is lot of pressure on the court to hand down verdicts that will please its financiers. We are not given up the fight because we are confident that we are on the right path," he

maintained.

The defence counsel said the millions of dollars spent on witnesses to testify against his client should have been spent on improving the roads in the country.

"I urge Sierra Leoneans to watch carefully as we begin our defence case. We will be prepared to call on Taylor as our first witness in July," he said.

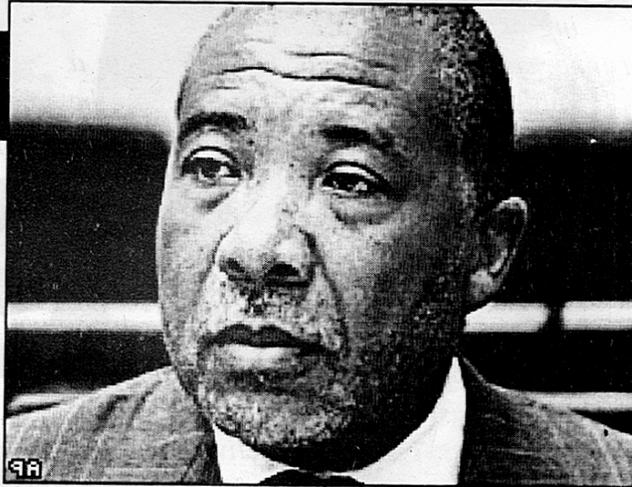
The Spark
Thursday, 26 March 2009

At The Hague... Taylor's Defence loses confidence in trial

BY KOMBA FILLIE

The lead defence counsel for Charles Taylor trial Courtenay Griffiths has said that he has no confidence for Taylor to be acquitted from the charges levied against him. In a press conference held at SLENA Wallace

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Taylor

Taylor's Defence loses confidence in trial

FROM PAGE 1

Johnson Street in Freetown, Mr. Griffiths said the trial of his client has a political undertone which is creating injustice to his client. He stated that he came to Sierra Leone at a critical stage; since his client is still in The Hague his motive is to persuade Sierra Leoneans to see beyond the pain of the brutal civil war which engulfed country and to recognize that there is more at the trial of Charles Taylor. "My intention is to rekindle that hope that Africans can be treated equally on the global state" He said. He compared the experiences of Charles Taylor to that of the recently President AL Bashir of Sudan which provide a guide, and urged Africans to continue that struggle" he explained. According to him the international community is promoting the idea that there can be no impunity for those who commit war crime and crimes against humanity, adding their should be equal ferocity for either former president Bush or

former British Prime Minister Blair to stand trial for the atrocities instigated by them in Iraq. He recalled that Charles Taylor was arrested and dragged in handcuffs to The Hague in Holland to stand trial; he warned, to borrow a phrase, that if they came for him in the morning they would come for others that night. He maintained that it is time for Africans to take charge of their own destinies. Taylor's trial has received very little publicity here in the African continent. Why did his trial not take place here in Africa, he questioned? Why has the African Union established its own court to deal with issues which affect Africans in Africa? He called on the people to find African solutions to African problems. One reasons he pointed out is Taylor's trial and other trails of other African were taken to The Hague is because it is easier to destroy the rights of a people when they are kept in the dark. The majority of Africans he said haven't got a clue about what is going on in The Hague. It is time for us to shed some light on this mis-

use of international criminal law. That can only be done if we mobilize to ensure the right of our African sons and daughters are given proper regard and that international criminal law does not become in the 21st century a form of neo-colonialism. The African Union must be prepared to take a public lead on this, particularly in light of statement made in the past by its current president, who is evidently aware of these concerns.

Likewise the African media must address these issues. The African public needs to be informed that this is not just about Charles Taylor, although his case is a useful place to start. This is a trial about Sierra Leone, so Sierra Leoneans must be able to decide if justice is truly being done fairly and equally to all men and women, irrespective of where they come from in the world. In that regard, I urge Sierra Leoneans to watch carefully as we begin our defence case, we will be prepared to call Mr. Taylor as the first witness in July.

Who Bears The Greatest Responsibility?... ...Kabbah Or Norman

The lead defence counsel for former President Charles Taylor, Courtenay Griffiths is still wondering who bears the greatest responsibility, Kabbah or Norman.
By Nfa' Alie Koroma

The legal officer asked this question while addressing journalists at a press conference yesterday in Freetown.

Responding to the question that Charles Taylor did not actively participate in the civil conflict in Sierra Leone but had an influence on the fighters, he said that the issue of influence is very broad and needs proper understanding.

He said that on 21st March 1991 the Revolutionary United Front rebels invaded Sierra Leone his client initially had an influence on the fighters.

He said however that from 1992 to 1996, the border between Sierra Leone and Liberia was closed by ULIMO who were trained and controlled by the Government of Sierra Leone, which prevented the direct involvement of Charles Taylor with the RUF.

Griffiths said that although Charles Taylor initially had an influence on the rebels, he did not participate in the burning of houses, rape and recruitment of child soldiers in the country.

He made a comparison between former President Ahmed Tejan-Kabbah and the National Coordinator of the Civil Defence Force (CDF), commonly known as Kamajors, Chief Sam Hinga Norman.

He said the former President provided both logistical and

other support to the CDF, who inflicted atrocities on the civil populace.

He also noted that kamajohs were trained in neighbouring Liberia with arms and ammunition provided by the Ex-president for the restoration of democracy.

He said Hinga Norman was executing operations on behalf of President Kabbah, but that Hinga Norman ended up being tried at the Special Court where he subsequently died.

He then posed the question as to who bears the greatest responsibility between the two.

The lead defence Counsel argued that the statute, which established the Special Court for Sierra Leone empowered the Prosecution to charge those who bear the greatest responsibility for war crimes from 30th November 1996 to 30th January 2002.

He said Charles Taylor's only influence during this time was to broker a peace deal between the rebels and the Government, but did not commit any crime during this period and did not sponsor any faction during that period.

Courtenay Griffiths said most of the indictment falls between February 1998 and the end of January 1999, noting that it is complete nonsense to say that Taylor organized rebels to invade Freetown.

He said 91 witnesses have

testified for the prosecution, and that the defence wished to take more than 50 witnesses, majority of whom are Sierra Leoneans,

He explained that those who have travel bans will have them lifted by the United Nations to allow them to make the trip.

He acknowledged that there is political pressure to convict Charles Taylor, and said those that fund the Special Court want a positive outcome, as most of the accused persons die or face a conviction.

"My intention is to rekindle the hope that Africans can be treated equally on the global stage," he said.

He maintained that the experiences of Charles Taylor and more recently President Al-Bashir of Sudan provide a guide that there is more at stake in the trial of Taylor, and that we Africans must be prepared to continue the struggle.

He remarked that it is somewhat curious that no one is calling with equal ferocity for either President Bush or former British Prime Minister Blair to stand trial for the atrocities instigated by them in Iraq.

He said there is also a thick silence from the same "International Community" in the issue of crimes committed by the State of Israel in Gaza.

He said the cruel reality is that impunity only becomes an issue if the perpetrator is a black African who does not enjoy the backing of the West.

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Awoko

Wednesday, 25 March 2009

"Taylor's trial is not about law but politics" - *Defence says*

By Betty Milton

Speaking to members of the media yesterday at the Sierra Leone News Agency (SLENA) building, lead Counsel for Charles Taylor Courtenay Griffiths QC said that the trial of Charles Taylor former President of Liberia is not about law or justice but it is all about politics and that there is a great deal of political will on the court to convict him.

Counsel Griffiths stated that he is not against Taylor being tried by the Special Court but that everyone is subject to the rule of law.

The trial he said is being influenced by the international donors and everyone who they put on trial either dies or are convicted.

"We are confident that truth is on our side that we will win in spite of the pressure on the other side to convict him."

He pointed out that international justice should not be made for certain people while others go unpunished for the same crime committed as no one is calling with equal ferocity for either former President Bush or former Prime Minister Blair to stand trial for the atrocities instigated by them in Iraq.

Justice he said should be given to all be it the president of America or the Prime Minister of Britain and that of the President of Liberia.

Speaking about the transfer of the trial to The Hague the lead counsel said it "is because it is easier to destroy the rights of people when they are kept in the dark.

The majority of Africans have not got a clue about what is going on in The Hague it is time for us to shed some light on the misuse of international criminal law."

Mr Griffiths admitted that indeed Charles Taylor provided support through training, vehicles and other means to Foday Sankoh and the RUF during the start of the conflict in Sierra Leone that is between 1991 and this aid lasted for some time but by 1992-1997 "Taylor was in no position to provide assistance as he was fighting his own battle and NPFL was kicked out of Sierra Leone."

Speaking about the witnesses presented by the Prosecution, Courtenay Griffiths maintained that 91 witnesses were presented by them [prosecution] of which some of them were linkage and the rest were crime based, adding that at the start of the trial he told the prosecution that there was need for them to use crime based witnesses as he will not have any questions for them as his client was never present in Sierra Leone.

Griffiths stated that "the prosecution went ahead and

used crime based witnesses because they want to show or tell the world about the horrible things that happened during the war and they don't want to see that. The money they used should have been spent here to repair roads or use it for other development" he maintained. The lead counsel said that the African public needs to be informed that this is not just about Charles Taylor, this is a trial about Sierra Leone "so Sierra Leoneans must be able to decide if justice is truly being done fairly and equally to all men and women, irrespective of where they come from in the world."

Since the prosecution has closed its case, it is expected that the defence counsel will start their case in April with the accused taking the witness stand. Courtenay Griffiths said "the witness is expected to stay in the stand for some months and they are not going to force us to close our case if since they spend 12 month for their case after they had earlier stated that they only needed six months for their case."

Special Court for Sierra Leone Delivers Judgment in the RUF Case

Joseph A. K Sesay and Temitope Adeyemi

Trial Chamber I of the Special Court for Sierra Leone (SCSL), before Justice Pierre Boutet presiding, Bankole Thompson and Benjamin Muntanga Itoe being the other justices on Wednesday 25th February 2009 delivers the Chamber's final judgment in the case of the Prosecutor against Issan Hassan Sesay, Morris Kallon aka Bilai Karim and Augustine Gbao aka Augustine Bao, first, second and third accused respectively.



RUF Convicts: Issa Sesay, Morris Kallon and Augustine Gbao
Photo Courtesy of BBC World Service

The Chamber found Sesay and Kallon guilty on 16 of the 18 counts charged in their indictment and convicted Gbao on 14 of his 18 counts indictment.

The first and second accused persons were convicted on counts 1-15 and also count 17 and Gbao was convicted on counts 1-11 and 13-15, for crimes including acts of terrorism, collective

punishment, extermination, murder, violence to life, rape, outrageous upon personal dignity, conscripting children under the age of 15 years into an armed group. There was no conviction on counts 16 and 18, charging unlawful killings and abduction

and holding of hostage, taking of hostage, as the Prosecution is deemed not to have discharged their burden beyond reasonable doubt with regards these counts. Gbao was further acquitted on counts 12 and 15.

Summary of Charges and Findings

All accused were found guilty on a given charge unless otherwise indicated.

* All Accused found not guilty on the charge.

Gbao further acquitted

Count	Substantive Charge	Article of the Statute of the SCSL under which the charge was brought	Source of Law
1	Acts of Terrorism	Art. 3(d)	Crime Against Humanity
2	Collective punishments	Art. 3(b)	Violation of Common Article 3 or Optional Protocol II
3	Extermination	Art. 2(b)	Crime Against Humanity
4	Murder	Art. 2(a)	Crime Against Humanity
5	Violence to life, health and physical or mental well-being of persons, in particular murder	Art. 3(a)	Violation of Common Article 3 or Optional Protocol II
6	Rape	Art. 2(g)	Crime Against Humanity
7	Sexual Slavery and any other form of sexual violence	Art. 2(g)	Crime Against Humanity
8	Other inhumane acts (sexual violence)	Art. 2(g)	Crime Against Humanity
9	Outrages upon personal dignity	Art. 3(e)	Violation of Common Article 3 or Optional Protocol II
10	Violence to life, health and physical or mental well-being of persons, in particular cruel treatment	Art. 3(a)	Violation of Common Article 3 or Optional Protocol II
11	Other inhumane acts	Art. 2 (i)	Crime Against Humanity
12#	Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities	Art. 4(c)	Other serious violation of international humanitarian law
13	Enslavement	Art. 2(c)	Crime Against Humanity
14	Pillage	Art. 3(f)	Violation of Common Article

			3 or Optional Protocol II
15#	Intentionally directing attacks against Personnel involved in a humanitarian assistance or Peace keeping Mission	Art. 4(b)	Other serious violation of international humanitarian law
16*	For the unlawful killings	Art. 2(a)	Crime Against Humanity
17	Violence to life, health and physical or mental well-being of Persons, in particular Murder	Art. 3(a)	Violation of Common Article 3 or Optional Protocol II
18*	Abductions and Holding of hostages, taking of hostages	Art. 3(c)	Violation of Common Article 3 or Optional Protocol II

The accused persons were alleged leaders of the former Revolutionary United Front (RUF) and were separately indicted on 17 counts of alleged commission of crimes against humanity, war crimes and other serious violations of international humanitarian law punishable under Articles 2, 3 and 4 of the Court's Statute. Count 18 was later added to the initial 17 counts. Following an order from the Court, the Prosecution issued a joint indictment in March 2003. The Prosecution began its case against each accused persons after pleading not guilty with respect to every counts, on the 5th July 2004 and concluded on the 2 August 2006, calling 75 witnesses and an additional one at the behest of the defence. The defence opened their case on 3rd May 2007, with the first accused concluding on the 13th March 2008 with leave from the Court to reopen their case if they needed former president Kabba to give oral evidence. Defence for the second accused concluded on the 20th March 2008 and third accused on the 24th June the same year. The defence called a total of 85 witnesses including the first accused and former president Kabba. Three witnesses were common to Sesay and Kallon and one to Sesay and Gbao.

Turning to the factual findings, the Chamber noted that it conducted factual findings on all counts with regards to various districts, namely; Bo, Kenema, Kono, Koinadugu, Port Loko and Freetown and the Western area. The guilty findings were made pursuant to Articles 6:1 and 6:3 of the Court's Statute which found them individually criminally

responsible for planning, instigating, ordering or otherwise aiding and abetting the crime. Furthermore the Court found Kallon guilty as a superior for crimes committed by his subordinates. Regarding the RUF ideology, it was found that an ideology did exist, quoting parts of it within the judgement, noting that the RUF was established to topple the then government, and that subsequent commanders protected this ideology. The Court stated that there was a criminal nexus between the ideology and the crimes committed during the conflict, as atrocities were committed based on the ideology to take power, which in turn lead to the criminal responsibility of the accused persons as people in high command. A finding of fact was made regarding the nature of the Joint Criminal Enterprise, noting that the accused acted in concert to seize political power and later gain total control of diamond mining areas. The Court went on to find that the Joint Criminal Enterprise ended in November 1998 as a result of Dennis Mingo aka "Superman" separating RUF fighters from the AFRC forces.

The Court also made a significant finding that the prosecution had not discharged the evidential burden of proving that any of the accused was involved in the attacks in Freetown between 6th January and February 1999. It was found that during the relevant period there were an insignificant number of RUF fighters in Freetown and the Prosecution failed to establish that the accused persons had control over this insignificant number.

The Chamber established that members of the RUF unlawfully killed civilians who were suspected of supporting the Kamajors and the ousted government of Kabba. It also noted that all of the accused were guilty of enslavement as a result of civilians being forced to work in the diamond mines. The Court went on to state that it found the unlawful killings of civilians working in the mines amounted to acts of terrorism, designed to instil fear on the civilian population.

The Court made a general finding regarding the involvement of children in the conflict. It was stated that children were abducted, trained and actively used to participate in hostilities. Limited to Sesay and Kallon, it was found that they gave orders for children to be trained, and organised into SBUs and SGUs, and that Sesay used child soldiers as body guards. The third accused, Gbao was not found guilty of the conscription of child soldiers. Also the Chamber held that RUF, under the command of Kallon abducted peacekeepers and later released

them. Kallon has pleaded a defence of alibi which the Chamber held to be unfounded. Furthermore, Sesay was in command when RUF fighters launched similar attacks on UNAMSIL peacekeepers and failed to stop or punish the perpetrators. The Chamber was not satisfied that Gbao was in effective command at the time of the said attacks.

During the deposition, Sessay and Kallon were unanimously convicted on all counts except 16 and 18. Gbao was convicted by a majority decision on all counts except 12, 15, 16 and 18. Pursuant to Rule 100 of the SCSL's Rules of Procedure and Evidence, the Chamber will reconvene for submissions on sentencing to be followed by sentencing judgment. Also pursuant to both Article 20 and Rule 106, both parties may appeal the judgment on the basis of procedural errors, an error on a question of law invalidating the decision or a factual error occasioning miscarriage of justice.

Q & A: ICC Arrest Warrant for Sudanese President Omar al-Bashir

BY ICTJ*

1. Now that the court has issued an arrest warrant, what happens next?

The ICC does not have its own police force, so it cannot itself arrest President Bashir. What happens to him depends on how much support the international community gives the ICC.

The treaty that created the court—an agreement called the Rome Statute—says that states that have ratified the treaty must fully cooperate with the court, which means that they must enforce its arrest warrants. Also, the UN Security Council resolution that asked the ICC to investigate the situation in Darfur can be interpreted to require all states to cooperate fully

with the ICC, whether or not they have not signed or ratified the Rome Statute.



President Omar Al-Bashir

The court said the arrest warrant will initially be transmitted to Sudan, states that are parties to the Rome Statute (the treaty that governs the court) and to the Security Council. The court also stated that it could refer a lack of cooperation to the Security Council for possible action.

2. How will the court's decision affect people in Darfur? Does it put them in additional danger? What about the humanitarian assistance there?

So far, impunity for perpetrators of violence in Darfur has spurred further conflict. The arrest warrant may stand as a re-affirmation of the rule of law and act as a deterrent for future crimes. At the same time, victims of ongoing conflict need humanitarian assistance, protection and the benefits of a negotiated settlement. The international community, and in particular African countries, should continue to pursue these goals while insisting that the perpetrators of crimes be held accountable. Sudanese authorities should not hold their own people hostage and inflict more suffering by denying them access to humanitarian assistance.

3. This surely means the end of any peace negotiations over Darfur, right?

The issuing of an arrest warrant should not necessarily halt efforts to achieve peace. When the UN Security Council referred the situation in Darfur to the ICC, it determined that the crimes committed there constitute a threat to international peace and security. By doing so, the Security Council clearly re-affirmed not only that justice and peace are compatible, but that justice is an important factor in restoring peace and security.

4. The ICC charged President Bashir with "two counts of war crimes" and five counts of "crimes against humanity." What is the difference between those charges?

War crimes are serious violations of the "laws of war," also called international humanitarian law (IHL). IHL is a vast body of rules comprising The Hague Conventions, the Geneva Conventions and its Additional Protocols. These conventions seek to protect persons who are not taking part in armed conflict, such as civilians, the wounded and sick, and prisoners of war—so-called protected persons. War crimes may include willful killings, torture or inhumane treatment of protected persons. Under the ICC statute, a crime must be linked to an international or internal armed conflict and be perpetrated according to a broader policy or plan to be classified as a war crime.

Crimes against humanity are serious crimes (including killing, torture or rape) committed as part of a widespread or systematic attack against civilians, rather than as isolated acts. Crimes against humanity are often connected to a plan or policy organized or sponsored by a government. Unlike war crimes, they can be committed in a time of peace.

5. The court rejected the prosecutor's request that it charge President Bashir with genocide. Why?

The crime of genocide, as defined both by the Rome Statute and the Genocide Convention of 1948, requires proof that the perpetrator intended to "destroy, in whole or in part, a national, ethnical, racial or religious group, as such." This destruction can take the form of murders, rapes or torture.

The prosecutor sought to establish that President Bashir specifically intended to destroy, on account of their ethnicity, members of the Fur, Masalit and Zaghawa ethnic groups in Darfur, Sudan. According to the prosecutor, President Bashir, with the support of the Sudanese military and the militias known as Janjaweed, attacked civilians in towns and villages inhabited mainly by members of those three ethnic groups. The attacks, including killing and rapes, led to forced displacement of a substantial part of these groups.

The judges apparently were not persuaded that President Bashir committed these acts with the requisite intent. It would be incorrect to interpret this as a formal decision by the court that there was no genocide in Darfur. The court is only judging individuals, and only on the basis of the limited evidence brought to its attention. The prosecutor said he may appeal the court's decision not to charge President Bashir with genocide.

6. If President Bashir is not immediately taken into custody, what will that say about the authority and importance of the ICC?

President Bashir is the first head of state indicted by the ICC, which sends a signal that no one is above the law. The ICC will only be as powerful as states

want it to be, yet it is a permanent institution and its arrest warrants will not go away. The International Criminal Tribunal for the Former Yugoslavia waited 12 years from the time it issued a warrant for the president of the self-proclaimed Republika Srpska, Radovan Karadžić, until his arrest.

7. The ICC has so far issued arrest warrants for 12 people, all of them Africans. Why does the court seem focused on Africa instead of the entire world?

African states have been at the forefront of establishing the ICC, and three out of the four situations currently under examination by the ICC were referred by the concerned African states themselves: Uganda, the Democratic Republic of Congo and the Central African Republic. The court itself has highlighted that it was acting to protect victims of mass atrocity. The court is also analyzing crimes allegedly committed in other part of the world, including Colombia, Afghanistan and Georgia.

The ICC should not be judged on the basis of where its cases come from, but whether they meet the threshold for admissibility and merit to be before the court. The ICC is an independent justice institution, and its decisions to convict a person are based on whether there is enough evidence to establish beyond a reasonable doubt that a crime has been committed. The court also depends on the political will and support of the international community to conduct investigations and gather evidence.

The court's mandate is limited to crimes committed after July 1, 2002, which excludes many situations. Except in the case of a UN Security Council referral, the court can only investigate in countries that have ratified the Rome Statute or accepted the jurisdiction of the court on an "ad hoc" basis. Global ratification of the ICC Statute will ensure that the ICC can become active in all parts of the world.

8. What gives the court authority to take action against President Bashir?

The ICC was established by the international community in recognition of the importance of fighting impunity for serious crimes. The ratification of the Rome Statute by more than 100 states bears witness to a global trend to put an end to impunity for the perpetrators of these crimes. This provides the ICC with strong legal and moral authority.

In 2005 the UN Security Council referred the situation in Darfur to the ICC with a resolution that is binding on all states, including Sudan. The referral gave the ICC jurisdiction over the situation in Darfur and a mandate to investigate and try those responsible for crimes committed there. In the case of President Bashir, the ICC judges issued an arrest warrant after finding reasonable grounds to believe that he committed crimes against humanity and war crimes.

9. Does President Al-Bashir have immunity as a head of state?

Sudanese law may provide the head of state with immunity in Sudan, but the Rome Statute says that immunities do not bar the court from exercising its jurisdiction. The International Court of Justice confirmed in 2002 that such immunities do not bar the ICC.

10. Is it possible the Security Council will stop this case from going forward?

The Rome Statute gives the UN Security Council authority to defer an investigation or prosecution for 12 months. We believe that this power should be used only in cases where the demands of peace make it absolutely necessary to temporarily suspend efforts toward justice. The Security Council should not defer cases in response to threats, including threats to commit violence or cut off a peace process. The Security Council deemed Darfur a threat to international peace and security in 2005 and referred the case to the ICC. Deferring the case now would seem inconsistent with that finding. It also would appear to give in to those seeking to prevent justice rather than heeding the voices of victims who consistently demand justice.

11. What standard would be used during an ICC trial to determine President Bashir's guilt or innocence?

Different standards of proof have to be met at different stages of the proceedings. For the arrest warrant to be issued, the prosecutor had to convince a panel of three judges there were "reasonable grounds" to believe that President Bashir committed a crime within the jurisdiction of the court.

Before a trial can start, the judges will call a hearing to confirm the charges listed in the warrant, which requires a higher standard of proof. For the judges to confirm the charges, the prosecutor has to show there are "substantial grounds to believe" that the accused has committed the alleged crimes.

At the trial stage, the standard is still higher, for the prosecutor must establish "beyond reasonable doubts" that the accused committed the alleged crimes. The defense has a right to present its own case and try to cast doubt. Ultimately, the judges must be convinced without the slightest hesitation that the accused is guilty. If there is doubt, the accused must be acquitted.

* This Q&A was compiled by the New York based International Center for Transitional Justice (ICTJ), a partner organization of SLCMP. ICTJ works in countries emerging from conflict or repressive regime to pursue accountability for past mass atrocity, as well as in established democracies and the rule of law. ICTJ has programmes in Africa, the Americas, Asia, Europe and Middle East and North Africa. For further information, please contact Robert Ruby, Communications Director at ICTJ at: rruby@ictj.org or by phone on +1 917 637 3845.

(Photo by Bulent Kilic/AFP/Getty Images)

Awoko

Thursday, 26 March 2009

Government silent on death penalty

By Ishmael Bayoh

In commemorating statistics day on death penalty, Amnesty International in Sierra Leone has drawn attention to Government's silence on the abolition of the death penalty.

Explaining to the Press yesterday at their Pademba road office, the Campaign and Growth Coordinator Solomon Sogbandi said there were 2,390 executions around the World for last year with China topping with 72% of those executions.

He lauded the effort of Government for the release of about 14 persons on death row and stated that there is an unofficial moratorium on death penalty despite it being in the law books. Sogbandi hailed the Government for being silent on the issue when they went to the United Nations as they did not either vote in favor or against the abolition of the death penalty.

Amnesty says they do not have a point to start negotiating with the Government as they do not know their stance on the death penalty.

They however said the death penalty was the ultimate cruel,

inhuman and degrading punishment meted out as beheadings, electrocutions, hangings, lethal injections, shootings and stoning convicts.

The report for 2008 provides a world overview on the death penalty which found out that at least 2,390 people were executed in 25 countries with at least 8,864 sentenced to death in 52 states. Amnesty in Sierra Leone said it was difficult to get the information on those in prison that are awaiting the gallows.

Most of the sentencing to death that has been carried out in the country is politically motivated. Since the last executions involving the 24 AFRC military officers, no more executions have been carried out despite unconfirmed numbers in custody awaiting execution.

Amnesty International also reported that many death row inmates languish in harsh detention conditions as they face psychological hardship whilst arguing that capital punishment is not just an act but a legalized process of physical and psychological terror that culminates in people

being killed by the state.

They also say most of the world is moving a step closer to the abolition of the death penalty with only 25 out of the 59 countries that retain the death penalty reported to have actually executed in 2008 "In spite of this trend, death sentences continue to be handed out in their hundreds all over the world ... there are positive signs of President Koroma's government to abolish the death penalty. This is evidenced in the recent release of 14 death row prisoners and the country's unofficial moratorium on the death penalty. In addition, in our engagement with His Excellency, he made it very clear that the section will hear positive news towards the abolition of the death penalty".

Solomon said they were however disappointed that the government "...abstained in the recent UNGA vote to abolish the death penalty". He appealed to the Government to abolish the death penalty as the practice is not in tune with contemporary civilization and global trends of good governance.

Awoko

Wednesday, 25 March 2009

Amputee President pleads - do not forget us

The President of the Amputees and war wounded Alhaji Ahmed Jusu Jarka has pleaded on behalf of the amputees that they should not be forgotten.

Speaking at a consultative conference organized recently by NACSA at Parliament on the reparation process, he said they as victims are living reminders of the country's eleven year war stating "we can forgive but look at me, I cannot forget. None of us can

forget. We alone know how we suffer and the discrimination and difficulties we face in society"

He asked that they, like the former ex-combatants and ex-servicemen be treated with equal respect. But he said because of that "some of us were forced to beg in the streets and others are still traumatized. Our recovery has been slow and we as a community are grateful for what aid and charity we got from the NGOs and other

organizations and agencies".

He did not dispute that they benefited greatly from programs but called for it to be continued as he distinguished between the benefits and the present reparations.

Jusu Jarka reminisced how they, the victims of human rights abuses, the amputees, war wounded, the sexually abused, the children and war widows supported the TRC

process and willingly engaged themselves in reliving the trauma of the war. "We listened to the government, the International Community, civil society, NGOs and other stakeholders as you told us to forgive and forget. We stood by you as we engaged in the DDR

process to make our country stable and secure"

He explained how in their communities they saw former ex-combatants ride past them on shiny bikes "yet we supported these people. We saw how ex-servicemen who had lost

limbs invested their money in their houses or land. We supported this as well. We knew that the reparations would come and you would not forget us". Jarka also called that the dead should not be forgotten by way of a symbolic reminder and education for the past not to be forgotten and for lessons to be learnt from it.

40 chiefdoms to benefit from symbolic reparation programme



The high table

BY MUSTAPHA SESAY

The Director for Reparation in Sierra Leone Obi Buya Kamara has revealed that 40 chiefdoms are to benefit now from the Symbolic Reparation programme and when enough funds are available other Chiefdoms will also benefit.

Mr. Kamara made this disclosure during a three-day programme at Bomaru in the Kailahun District that was aimed at cleansing the town and bushes from the dangerous activities undertaken by the Fighting Force during the decade long brutal civil war that started on the 23rd March 2001.

According to Mr. Kamara, the ceremony which took place from the 21st to 23rd March 2009 witnessed the slaughtering of a cow that was distributed among community members, cleansing of the bush and town, true confessions and request for forgiveness. This programme will target vulnerable groups like the war widows and amputees that will be registered by NaCSA.

Paramount Chief Musa Ngubugha Kallon II of Great Njaweh Chiefdom, Kailahun District thanked God for making it possible to observe this historic day with the building of a war monument center where the first gun shot was fired. He referred to Bomaru as the entry point for the anarchy that befell the people of Sierra Leone.

According to him, there was a pending election on that day at Malema which many opined that the shot was the sound from a cannon to signify victory for a candidate but only to realize later that it was an explosion in which 14 people were killed including two military personnel.

PC Kallon called on the President to take a firm stance on security issues so that nothing of that sort is repeated in our country.

The Senior Director of NaCSA, DR. William Conteh said that most of the activities under the reparation package is demand driven by various communities to enhance the genuine reconciliation and sustainable peace and development in Sierra Leone.

He expressed Government's commitment to improving the battered communities and has therefore extended the life span of NaCSA for another ten years so as to heal the wounds of war.

PC Cyril Foray Gondor of Upper Bambara Chiefdom stressed that many Sierra Leoneans have still not learnt any lesson from the violence of the war.

PC Gondor recalled the March 13-16 violent activities by political party supporters in Freetown, describing it as a recipe for chaos and further political confrontation and instability in the Country.

PC Gondor on behalf of his people of Upper Bombara Chiefdom declared their support for the government of the day.

He said the people accepted and recognized the APC government but however called on H.E. the President Dr. Ernest Bai Koroma to deal with all those who provoke and participate in what he called unpatriotic and disorderly behaviour.

The three days symbolic ceremony was dominated by revelations, repentance and messages of forgiveness by war victims and other stakeholders.

AllAfrica.com

Wednesday, 25 March 2009

Sierra Leone: 'Family Talk' Empowers Country to Move Past Civil Conflict

Stephen Kaufman

Reconciliation efforts following Sierra Leone's 1991-2002 civil war included a truth-and-reconciliation committee and a special court to try those accused of the most egregious human rights abuses, but the short mandate of these processes kept their effects from filtering down to many in the populace. As a result, renewed aggression prompted by fear or a desire for revenge continues to threaten the peace.

To encourage wider dialogue and help create more possibilities for individual and community healing, the Maine-based Catalyst for Peace foundation teamed with the Sierra Leone nongovernmental organization Forum of Conscience for the Fambul Tok program.

In the Krio language, "Fambul Tok" means "family talk." The program enlarges Sierra Leone's traditions for discussing and resolving issues within the family to encompass a much larger community and provide it with a structure for beginning a process of reconciliation.

Amy Potter, associate director for The Practice and Training Institute at the Center for Justice and Peacebuilding at Eastern Mennonite University in Virginia, spoke with America.gov about the program. She worked with Fambul Tok as a program officer and trainer from the program's beginning in December 2007 until January and continues to serve as a consultant.

TRADITIONAL RITUALS REPAIR THE COMMUNITY

Part of the program "is about reviving tradition," she said, such as bonfire and dance ceremonies of reconciliation that involve confessions and forgiveness, and ritual cleansing ceremonies to bring offenders back into the community and create opportunities for people to tell their stories, take responsibility and repair relationships.

These practices are rare in modern Sierra Leone, but Potter says the traditional rituals are relevant and helpful because they build a "strong community fabric."

"That's one of the big things that helps people work through their trauma, when they feel that they are part of the connected network of a community."

The staff members from Catalyst for Peace and Forum of Conscience create the structure for communities to reconcile. Staff members first meet with a diverse group of leaders within a district, including chiefs, religious figures, women and youth, to discuss their needs and the community's willingness to participate.

Amy Potter says western countries would benefit from learning the need to address harm in post-conflict situations.

Fambul Tok departs from tradition because it makes a point of involving women and youth, populations historically excluded from such ceremonies. It also is a voluntary process. In the past, a community decision to reconcile made participation mandatory -- effectively telling its members "Get over yourself and do it!" Potter said.

"This is not a political process," she said, and it does not force people to reconcile or meet with those who have harmed them or their loved ones. The goal is to "talk to people to see what the harm has been, what

their needs are, and to see if there is anything that they can do to facilitate forward movement." But the community ultimately has to do most of the work, including the long preparations and discussions required before two sides can meet and reconcile through traditional rituals.

DIVIDED COMMUNITIES CANNOT THRIVE

Potter said every community that has been approached thus far has agreed to participate. Most understand "if their communities are divided, they're not going to thrive and they're not going to be able to really move forward," she said. "That's particularly true there because a lot of victims and offenders are from the same communities."

During the civil war, the country was not necessarily divided along ethnic or religious lines, and neighbors were sometimes at odds. "Even family members hurt each other. There were a lot of child soldiers who were forced to do awful things to their family members," Potter said. Many young people have been too scared to return home, and the communities are looking for a way to encourage them to come back.

Fambul Tok has facilitated at least 40 village-level reconciliation ceremonies in which thousands have participated. The first ceremony was held in March 2008 in Kailahun District, where the civil war started in 1991.

"The intention is in three years to have ceremonies in all of the [12] districts, two per section," Potter said.

The program recognizes the ceremonies are only the beginning of the process, and has followed up by developing community farms, dedicating trees to serve as traditional meeting places and promoting friendly football matches between aggrieved communities.

Potter says Sierra Leone's reconciliation traditions can be useful to Westerners, who often view the response to violence as a matter of "blame and punishment," and do not attach the same cultural importance to community or the need to address harm.

"Addressing the harm makes a difference," she said. "That's what makes people OK and pulls communities back together and makes people not live in fear ... on both sides."


United Nations **Nations Unies**

United Nations Mission in Liberia (UNMIL)

UNMIL Public Information Office Complete Media Summaries
24 March 2009

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

Newspaper Summary

President Sirleaf Signs Three Bills into Law

(Heritage)

- President Ellen Johnson Sirleaf has signed into law three bills, including an act authorizing the establishment of the National Transit Authority (NTA).
- The President has also signed into law a Joint Resolution adopted by the Liberian Senate and the House of Representatives extending the tenure of the Truth and Reconciliation Commission (TRC) to nine additional months beginning September 22, 2008 and ending June 30, 2009. An act ratifying the International Convention on Maritime Search and Rescue of 1979 was also signed into law by the President.
- The Act, according to an Executive Mansion release, also creates the National Maritime Search and Rescue Centre of Liberia.

Confusion Erupts at Senate Ahead of Thursday's Election for a new leadership

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

- Confusion Tuesday erupted in the Senate over the foreign travel budget and the pending leadership election.
- The first confusion followed a dispatch by the Senate's Finance Committee halting the processing of foreign travel funds based on discrepancies it discovered in the Senate's travel budget.
- Correspondents say some members of the Senate became were angry over the reports and called for Thursday's Pro Tempore election to be postponed but other Senator argued that Thursday's election must go ahead.
- According to reports, the over US\$200,000 dollars foreign travel budget of the Senate has been reduced to US\$28,000 with seventeen senators yet to travel.

Nimba County Lawmaker Wants Road Rehabilitation

(Daily Observer)

- [sic] Nimba County District #2 Representative Martin Farngalo says the major problem facing the people of his district is lack of accessible road. He has therefore called on Government to help with the reconditioning of the roads linking his district. Speaking to the Daily Observer in an interview on March 18, 2009 at the district headquarters of Karnplay, Representative Farngalo said the roads from Saclepea and Sanniquellie linking the district had become deplorable to an extent that one of them had totally been completely cut off.

Radio Summary

Star Radio *(News monitored today at 9:00 am)*

Tension brews at Senate Ahead of Thursday's Pro-tempore Elections

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

Italy Donate 28 Police Vehicles to Government

- A statement from the office of the Vice President says the 28 BMW and Alpha Romeo Sedans donated to Liberia by the Italian Government last September have arrived in the country.
- The Italian government initially presented the vehicles to Vice President Joseph Boakai during his visit to Italy last year.
- The vehicles are fully equipped with handcuffs and other security gadgets and are for use by the Liberia National Police (LNP) and other security agencies.
- Meanwhile, a four-man Italian delegation is in the country to formally turn over the vehicles to the Liberian Government.

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

U.S. Embassy honours TRC Member

- The United States Embassy near Monrovia has honoured a member of the Truth and Reconciliation Commission, Massa Washington as the embassy's "Woman of Courage for 2009."
- Ms. Washington was among eighty women nominated worldwide for the "Secretary of State's Annual International Women of Courage Award."
- The Award pays tribute to outstanding women who demonstrate courage and leadership as they struggle for social justice and human rights.
- A statement issued by the U.S. embassy said Ms. Washington was a top finalist in Africa and she did not win the top award the embassy was delighted to honour her as Embassy of Monrovia's 2009 Woman of Courage."

WFP Donates Vehicles, Motorbikes to Liberia's Education Ministry

- The World Food Programme (WFP) has donated two vehicles and four Honda motorbikes to the Ministry of Education.
- The Deputy Country Director of the WFP, Mr. Taban Lokonga said the vehicles and motorbikes were intended to enhance the capacity of the ministry in supervising the school feeding program.
- For his part, Education Minister Dr. Joseph Korto described the donation as a critical gift to the ministry saying besides education value, the school-feeding program also adds health value to children enrolling in schools.

Labour Minister Unhappy with Developments at Guthrie

- The head of the Inter-ministerial Committee set-up by President Ellen Sirleaf-Johnson to investigate the situation at the Guthrie Rubber Plantation, Labour Minister Samuel Woods says development at the Plantation is not positive for international consumption.
- In an interview, Minister Woods said the committee have just conducted an assessment that will lead to a detail investigation but described the situation as grave.

Truth FM

Vice President Boakai Calls for Closer Ties between Country And Ivory Coast

- Liberia's Vice President Joseph N. Boakai is calling for closer ties between Liberia and La Cote d'Ivoire which would not only ensure security but enhance economic development in the two countries.
- He observed that Liberia and Cote d'Ivoire have a lot in common, noting that citizens of the two countries share cultural and ethnic similarities which need to be further concretized.
- Vice President Boakai made the call on March 24 when the newly accredited Ivorian Ambassador to Liberia, Elizabeth K. Toure, paid a courtesy call on him at his Capitol Building office.
- He lauded Ivorian President Laurent Gbagbo for seeing the need to join the Mano River Union (MRU) which hitherto grouped Liberia, Guinea and Sierra Leone.
- The Liberian Vice President also lauded Cote d'Ivoire for hosting thousands of Liberians during the country's civil crisis.
- In remarks, the Ivorian Ambassador, speaking through an interpreter, called for the Ivorian and Liberian governments to set up a joint commission to further strengthen ties between them.

Ohmy News (Kenya)

Thursday, 26 March 2009

<http://english.ohmynews.com>

Kenyan Leaders Could Face Trial at The Hague

[Analysis] Rejection of a local tribunal is a sure recipe for indictments by the ICC

Zachary Ochieng (Zach)

After the recent International Criminal Court (ICC) indictment of Sudanese President Omar Hassan al-Bashir, a section of the Kenyan political leadership could be the next in line, following crimes against humanity committed during the 2007 general election violence in which more than 1,000 people were killed and at least 600,000 displaced. The election aftermath has returned to haunt the country as debate rages on whether the suspects should be tried locally or handed over to the ICC at The Hague. With some of the 600,000 displaced people still languishing in dilapidated internally displaced person camps, politics and personal interests have taken centre stage, with little attention being paid to the administration of justice.

President Mwai Kibaki and Prime Minister Raila Odinga, the two principals in the year-old grand coalition government and whose supporters fought over the disputed presidential election results seem to have conveniently forgotten the implementation of agenda 4, namely addressing long term causes of the violence as recommended by the panel of eminent African persons that brokered a peace deal between them.

Kenya -- East Africa's largest economy considered an island of peace in the region -- erupted into unprecedented chaos soon after the announcement of Presidential results in December 2007. The presidential election was a closely contented race between incumbent Kibaki of the Party of National Unity (PNU) and Raila of the Orange Democratic Movement (ODM). While initial results gave Raila an assailable lead, Kibaki ironically overtook him on the last day of vote counting amid allegations that the Electoral Commission was doctoring results in favour of Kibaki..

Fighting between Kibaki's and Raila's supporters then broke out in major towns, culminating in deaths and destruction of property. Worse still, the violence degenerated into an ethnic war in which communities which had lived together peacefully for decades, killed and kicked out rival ethnic members, before setting fire on their property. But the international community moved in quickly, with the African Union appointing a panel of eminent African persons chaired by former UN secretary general Dr Kofi Annan. The panel's mediation led to the Feb. 28, 2008 formation of a grand coalition government in which Kibaki became president and Raila the prime minister. The two are now sharing power.

In what observers now see as a leadership vacuum, the country is highly polarized with a section of the political divide insisting on the formation of a special tribunal made up of Kenyan and international judges to try the post-poll violence suspects as recommended by a judicial commission of inquiry, and others preferring The Hague option. On Feb. 12, Kibaki and Raila suffered a humiliating defeat in parliament when a bill seeking to entrench a special tribunal in the constitution, and which had their blessings was resoundingly rejected by backbenchers and some assistant ministers. Not even the physical presence of the two in the House, preceded by days of intense lobbying could sway the defiant MPs. In the Kenyan parliament of 222 MPs, 101 supported the Constitution of Kenya (Amendment) Bill 2009 while 93 rejected it. At least 145 MPs needed to support the bill for it to sail through.

Raila, Kibaki, Vice-President Kalonzo Musyoka and Justice, National Cohesion and Constitutional Affairs Minister Martha Karua want the suspects tried locally by a special tribunal. Also supporting this option are diplomats and the panel of eminent African personalities led by Annan. Proponents of this option argue that a local tribunal would be the best since it will try all the post-election violence suspects, including those who committed rape and destroyed property, as opposed to the ICC which only tries suspects for war crimes and crimes against humanity.

They also argue that Kenya is not a failed state and handing over the suspects to The Hague would compromise the country's sovereignty. But above all, they want justice before the next general elections due in 2012 to forestall a repeat of the violence. This is also the view held by human rights groups. Addressing a news conference in Nairobi today,

Kenneth Roth, executive director of Human Rights Watch noted that a local special tribunal would be most suited to address impunity to prevent a recurrence of violence in the 2012 elections.

"The special tribunal is the best option for justice for the victim's of last year's election violence. If the tribunal is manipulated by the government, then the threat of the ICC remains, but it should be a last resort, not the first port of call," Roth reiterated.

On Feb. 24, Annan, who was not happy with the defeat of the bill in Parliament wrote a letter to President Kibaki and Raila, granting them more time to re-introduce the bill in Parliament, while emphasizing that a special tribunal would help end the culture of impunity.

"The failure by the Kenyan parliament to create a special tribunal would constitute a major setback in the fight against impunity and may threaten the whole reform agenda in the country," Annan wrote, adding: "The panel of eminent African personalities remains of the firm conviction that a Kenyan owned and a Kenyan-led process would be the most beneficial to the Kenyan people."

But as a parting shot, Annan made his intentions clear that he would hand over the names of the suspects to the ICC if Kenya failed to form a local tribunal within a reasonable time. According to the recommendations of the judicial commission of inquiry into the post-election violence headed by Justice Philip Waki of the Court of Appeal, the names of 10 key suspects were sealed in an envelope to be handed over to the ICC if the Kenyan government failed to form a tribunal by March 1.

On the other hand, a number of MPs and cabinet ministers prefer The Hague option. Their argument is that a local tribunal can easily be manipulated by the suspects and that the Judiciary is prone to manipulation by the Executive. This group is led by Agriculture Minister William Ruto, who ironically was the first to rubbish the report that recommended the establishment of a special tribunal. Ruto, whose Eldoret North constituency in the Rift Valley province was the epicentre of the violence that saw his Kalenjin supporters butcher and destroy the property of hundreds of Kikuyus, now wants Annan to immediately hand over the names of the suspects to the ICC.

"Kofi Annan should hand over the envelope that contains the names of suspects to the ICC so that proper investigations can start. Mr Annan should allow us to move forward. We cannot just get stuck in one place addressing the same thing," Ruto told a public rally in Sotik, Rift Valley.

However, Ruto's stand -- which contradicts his party leader Raila's position -- has more political connotations. His cabinet colleague Karua has dismissed him as a man carrying the baggage of violence and corruption. The Hague proponents particularly feel that their political careers could be brought to an end if they were tried locally. Still, critics argue that those opting for the Hague option know that it takes long to issue a warrant of arrest and even a longer time to commence prosecution, hence the suspects can buy time, hoping that the ICC may not intervene after all.

Ruto did not hesitate in letting the cat out of the bag at a recent rally in his constituency. He admitted that he prefers The Hague because it could take up to 20 years to prosecute an individual.

Prof Philip Alston, the UN Special Rapporteur on unlawful executions, who spent 10 days in Kenya gathering evidence on post-election violence and extra-judicial killings by the police, castigated the MPs for playing politics and buying time with such a weighty matter. While supporting the establishment of a local tribunal to try the suspects, Prof Alston said the ICC did not have to wait for Annan to hand over the names before commencing investigations since, according to him, there was a lot of evidence.

"If the ICC cannot move faster in the case of Kenya where there is a lot of documented evidence then it cannot move anywhere else in the world," Prof Alston told a press conference at the UNEP headquarters in Gigiri, Nairobi.

"The ICC prosecutor should immediately undertake of his own volition an investigation into the commission of crimes against humanity by certain individuals in the aftermath of 2007 elections."

In his preliminary report, he accused the police of killing innocent civilians, especially during the post-poll violence and recommended the sacking of the Police Commissioner Major General Hussein Ali as well as the long-serving Attorney General Amos Wako, whom he referred to as "the embodiment of impunity in Kenya."

As the debate rages on which option Kenya should adopt, legal experts argue that more justice will be seen to be done if the suspects are handed over to the ICC. They cite the legality of the Constitution of Kenya (Amendment) Bill 2009 vis-a-vis other existing laws and its implications for the judiciary. Notably, the Law Society of Kenya (LSK) presented recommendations on which sections of the constitution should be amended before the Bill was tabled. However, its pleas fell on deaf ears, with the two principals going ahead to lobby MPs to support the bill in its current form. LSK Chair Okongo Omogeni claims Kibaki and Raila do not have the political will to set up a special tribunal.

Section 47 and 60 of the constitution only empowers parliament to confer extra judicial powers to the existing High Court. It does not envisage the establishment of a parallel court like the proposed special tribunal. Consequently, this would open up floodgates of suits once the tribunal began its operations. Section 14 of the constitution offers immunity to the sitting president. Since no one is certain whose names are in the envelope containing the names of the suspects, the president and the prime minister could easily go scot-free.

A more contentious one is Section 27, which allows the president to pardon convicts. This would mean that in exercising his powers, the president could pardon all the convicts and entrench a culture of impunity. Still, Section 26 allows the attorney general to take over and terminate cases. This would clearly spell doom for a local tribunal, hence the preference for The Hague option.

The Rome Statute of the International Criminal Court (often referred to as the International Criminal Court Statute or the Rome Statute) is the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome on July 17, 1998, and it entered into force on July 1, 2002. As of January 2009, 108 states are party to the statute. Kenya became a signatory to the Rome Statute on Aug. 11, 1999, and ratified the treaty on March 15, 2005. ICC's first trial -- that of Thomas Lubanga, a former rebel leader of a militia in the Democratic Republic of Congo -- began in January 2009, almost five years after the Congo situation was referred to the ICC prosecutor and three years since Lubanga was transferred to the ICC's custody.

With no clear consensus on how to punish the suspects of the post-election violence in Kenya, another group, led by Imenti Central MP Gitobu Imanyara is calling for the establishment of a special court modelled on the Special Court of Sierra Leone. Set up jointly by the government of Sierra Leone and the United Nations, it is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since Nov. 30, 1996. The trial of former Liberian President Charles Taylor is in the Prosecution phase at The Hague but could be terminated as the court has run out of funds, thanks to the global economic meltdown.

It remains to be seen what option will finally carry the day in Kenya.

Voice of America

Wednesday, 25 March 2009

AFRICOM: No US Military Role Against Sudan's Bashir

A senior civilian official of the American military command for Africa said she sees no role for U.S. troops in any effort to arrest Sudanese President Omar al-Bashir on war crimes charges.

Ambassador Mary Yates is Deputy to the Commander for Civilian and Military Activities of AFRICOM and has a unique role in the military command.

She met Wednesday with AU Commission Chairman Jean Ping and Peace and Security Commissioner Ramtane Lamamra to discuss policy coordination on many of Africa's trouble spots.

Afterward, she said the conversation touched on the ICC indictments against Sudan's President Bashir. The African Union is urging a suspension of the arrest warrants for Mr. Bashir, and Chairman Ping is likely to lead a joint AU-Arab League delegation going to the U.N. Security Council soon to press the case.



Ambassador Mary Yates

Courtesy of AFRICOM



Sudan's President Omar Hassan al-Bashir at a press conference in Dubai, 11 Mar 2008

In apparent defiance of the arrest warrants, Mr. Bashir is traveling to regional capitals, and is due in Addis Ababa early next month. But Ambassador Yates said AFRICOM would not be involved in any attempt to arrest him.

"There is no role I can see at this moment. ... review of our policy toward Sudan. certainly crimes and war crimes need to be accounted for, and this is a dialogue I came to listen and have with the leaders of the AU as well," she said.

Yates said any U.S. military activity would be peripheral, as it was in the arrest of another indicted war criminal, Liberia's Charles Taylor.

"I would look back to the arrest of President Taylor in Liberia. The U.S. military command played no role in that. We watched with concern, we helped get ECOWAS peacekeepers into Liberia to bring about stability," she said. "The [U.S. warship] Iwo Jima sailed offshore and we helped Marines secure the airport. That's the kind of role the U.S. military plays after decisions have been taken, but we are not in the political arena," she explained.

Yates acknowledged the role U.S. ships are playing in international efforts to combat piracy off the coast of Somalia. She had nothing to say about Osama bin Laden's recent call for the overthrow Somalia's new President Sheikh Sharif Sheikh Ahmed.

But she said the United States remains closely tuned to the movements of suspected terrorists from the Horn of Africa all the way to the western Sahara.

"I would leave reaction to Osama bin Laden's comments up to people of Somalia and the region. As far as our counterterrorism efforts. The U.S. military, and the State Department together are working with nine countries on both sides of the Sahara because of the ungoverned spaces in the Sahara," she said. "We have worked with them training, equipping...because to develop the capacity of Africans and African nations to look for the terrorists crossing their borders is something we take very seriously," she said.

Yates is a career diplomat who has served both Republican and Democrat administrations in Africa. She said experience tells her that while there will be small changes here and there in U.S. policy toward Africa under President Barack Obama, she cannot imagine what she called "broad brush changes" in the new administration.