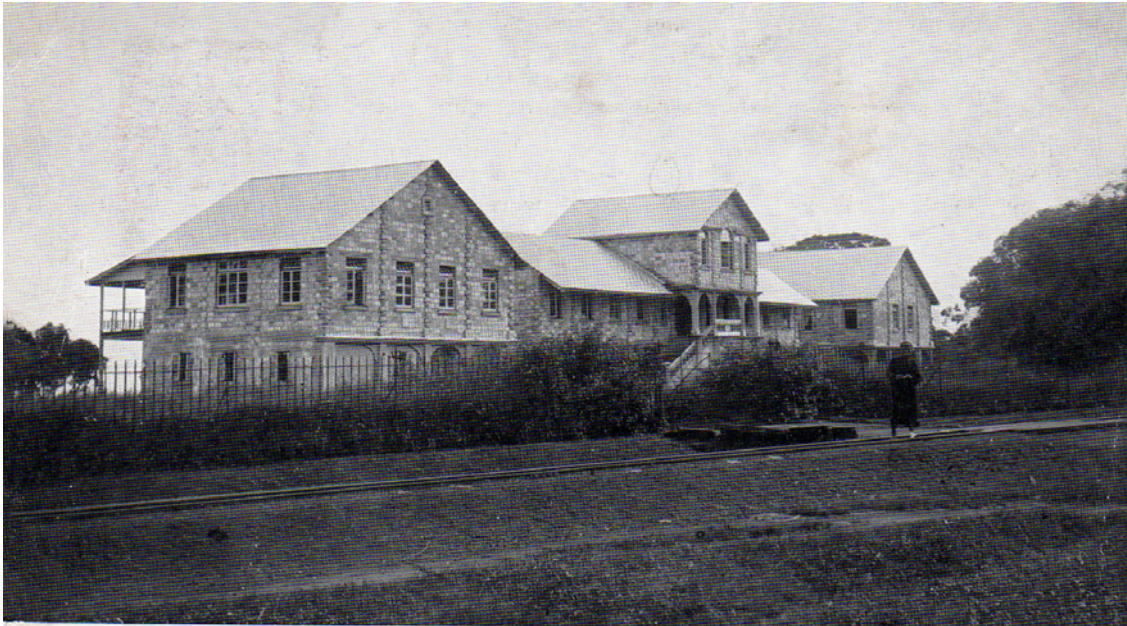


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



A. Lisk-Carew, Photo., Freetown, Sierra Leone.

PRINCESS CHRISTIAN MISSION HOSPITAL, FREETOWN, SIERRA LEONE.

PRESS CLIPPINGS

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

as at:

Monday, 29 November 2010

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

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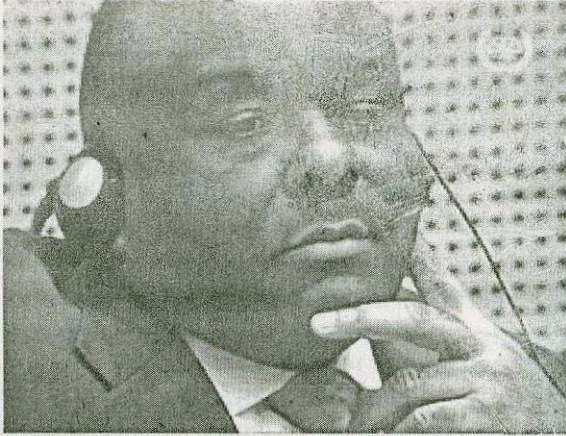
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U.S. Boosts Special Court US\$4.5 Million

Official report from Washington DC on Thursday November 25, from the Office of the Spokesman of the State Department states that the United States has provided additional \$4.5 Million to fund the Special Court for Sierra Leone Trial of Charles Taylor. The actual release of the fund took place on Monday November 22 when the Department of State released a \$4.5 million grant for FY2011 to the Special Court for Sierra Leone. This grant demonstrates the U.S. commitment to ensuring that those most responsible for the atrocities committed during the war in Sierra Leone are brought to justice. It was expedited due to the financial crisis the Court is currently facing. By all calculations, the Court would have run out of money by early December 2010 which could have jeopardized the continuation of the Charles Taylor trial before the Court reached a verdict. The Special Court for Sierra Leone was 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 November 30, 1996. The SCSL indicted former Liberian President Charles Taylor and 12 others for war crimes and crimes against humanity in 2003, due to their involvement in and support of some of the worst atrocities in Sierra Leone's civil war. The trials of three former leaders of the Armed Forces Revolutionary Council (AFRC), of two members of the Civil Defense Forces (CDF) and three former leaders of the Revolutionary United Front (RUF) have been completed, including appeals, leaving only the trial of Charles Taylor (two indictees died before the trial stage). On June 16, 2006, the trial of Charles Taylor was transferred to The Hague because Taylor's continued presence and trial in Freetown represented an impediment to stability in the sub-region, a threat to the peace of Liberia and Sierra Leone, and a threat to international peace and security in the region. The trial of Charles Taylor is close to completion; the defense evidence concluded on November 12 and a trial judgment is due in mid-2011 with an appeal to be resolved by early 2012. The trial of Charles Taylor is of enormous historical and legal significance as he is the first African head of state to be brought before an international tribunal to face charges for mass atrocities and gross violations of international humanitarian law. The Taylor prosecution delivers a strong message to all perpetrators of atrocities, including those in positions of power that they will be held accountable. It is imperative the international community prevents the Taylor trial from being suspended due to lack of financial resources, which is why the United States rushed its FY2011 contribution to the Court. "We hope other donor states will follow our lead and find ways to financially support the Court until it has finished its mandate and justice has been served", a statement from the State Department concludes. As a major donor to the Special Court, the United States serves on the Special Court's Management Committee in New York. To date, the United States has contributed \$81,189,445 amount to the Special Court.

Kinshasa and The Hague Journalists Questions Parties & Participants in Trial of Jean-Pierre Bemba Gombo



On Monday 22nd November 2010, Journalists in Bangui, Kinshasa and The Hague have put questions to parties and participants in the trial of Jean-Pierre Bemba Gombo. The matter involves the situation of the Central African Republic in the case of The Prosecutor v. Jean-Pierre Bemba Gombo. At Monday press conference at the seat of the International Criminal Court (ICC) on the commencement of the trial in the case of The Prosecutor v. Jean-Pierre Bemba Gombo, the speakers stressed the paramount importance of respecting the rights of the parties and participants in the proceedings before the Court. The Registrar of the Court, Ms. Silvana Arbia, stated that "only through a fair trial can the law play its proper role in establishing lasting peace and fighting effectively against impunity for crimes. From the Court's offices in Bangui, the Central African Republic and Kinshasa, the Democratic Republic of the Congo, local journalists were able to put their questions to the parties and participants in the trial of Mr Bemba via video conference. The press conference was further enlivened by journalists in the Court's press briefing room at The Hague. "Jean-Pierre Bemba used an entire army as a weapon to rape, pillage and kill civilians

the Central African Republic. Today he is brought to account for deliberately failing to prevent, repress or punish mass atrocities committed by his men in CAR", stated the Prosecutor of the ICC, Luis Moreno-Ocampo, adding that "in the ICC era, this is the fate of military commanders who allow their troops to carry out such command tactics out of strategic considerations." "The victims deserve to receive justice and, especially, to participate in the judicial process", affirmed Ms. Arbia. The legal representatives of the victims highlighted the Court's role in ending impunity and preventing the recurrence of atrocities. "Never again", stated Ms Marie-Edith Douzima-Lawson, legal representative of the victims, while Mr. Assingambi Zarambaud said that "no matter how long the night, the day is sure to come". Ms. Paolina Massidda, Principal Counsel of the Office of Public Counsel for Victims, which supports the teams representing the victims, stressed that what the victims want is to "break their silence and break the silence of the world on the terrible events they experienced", which is a "first step towards establishing the truth and gaining access to justice". Last to take the floor was Mr. Bemba's Defence team, comprised of Mr. Nkewbe Liriss, Mr Aimé Kilolo Musamba and Mr. Nick Kaufman. It stated that "under Patassé's presidency, the Central African State freely disposed of the Congolese troops of the MLC administration, who fought under its flag, and was accountable for their acts". Jean-Pierre Bemba Gombo is alleged to be criminally responsible for having effectively acted as a military commander within the meaning of article 28(a) of the Rome Statute for crimes against humanity (murder and rape) and war crimes (murder, rape and pillaging) allegedly committed in the territory of the Central African Republic during the period approximately between 26 October, 2002 and 15 March, 2003.

IANS

Monday, 29 November 2010

War crimes trial: US special envoy to assist Bangladesh

Dhaka, Nov 29 (IANS) US War Crimes Ambassador-at-large Stephen Rapp will be here next month to assist Bangladesh in the trial of Islamists accused of 'war crimes' committed during the 1971 liberation movement.

Rapp will be here at the invitation of the Bangladesh government that is preparing to hold trial under its own laws.

The trial's credibility has been questioned.

Human Rights Watch, the International Bar Association and most recently the International Centre for Transitional Justice have raised some questions about whether the process will be fair, the New Age newspaper said Monday.

The US war crimes ambassador-at-large agreed to come to Bangladesh at a time when international lawyers outside the country have raised concerns about whether the tribunal would follow international standards under the current legal regime of the country.

Prior to being appointed US war crimes ambassador-at-large, Stephen Rapp was chief prosecutor at the UN-appointed International Criminal Tribunal for Rwanda 2001-07, and then at the Special Court in Sierra Leone.

The Bangladesh government has set in motion the process to try the top brass of the country's largest Islamist party, Bangladesh Jamaat-e-Islami, and an unspecified number of people who, as young Islamist militants, are accused of targeting unarmed civilians in the run-up to the liberation movement.

Bangladesh Foreign Secretary Mohamed Mijarul Quayes said that he invited Ambassador Rapp to ensure fullest credibility in the International Crimes Tribunal process.

The Hague Justice Portal

Saturday, 27 November 2010

Landmark Bemba trial hears first evidence

Proceedings are underway in the trial of Jean-Pierre Bemba Gombo, as the Prosecutor claims that the accused's weapon "was not his gun; it was his army."

At the landmark trial of Jean-Pierre Bemba Gombo before the International Criminal Court (ICC), the first witness in the Prosecution case against the accused has given his testimony. Known only as 'Witness 38' and speaking from behind a screen, the witness recalled horrific details including the rape of a nine-year-old girl.



Describing an attack allegedly committed by troops belonging to Bemba's *Mouvement de Libération du Congo* (MLC) rebel group in the Central African Republic (CAR), the witness claimed that the troops had entered his village in 2002 and proceeded to murder civilians, pillaging anything of worth. The witness also told the Court of the psychological abuse suffered upon men during the attacks, whereby rape and sexual humiliation were allegedly used as a tactic by the rebels.



Through his principal Defence counsel, Nkwebe Richard Liriss, Bemba denied all of the charges against him.

Delivering the Prosecution's opening statement, Chief Prosecutor, Luis Moreno-Ocampo asserted that the Prosecution would prove beyond a reasonable doubt that forces under Bemba's effective command committed rape, pillage and murder "in a widespread and organized manner". According to the Prosecutor, "the mass rapes were crimes of domination and humiliation, directed not only against women but also men with authority."

Jean-Pierre Bemba Gombo has been charged with murder and rape as crimes against humanity in addition to the war crimes of murder, rape and pillaging.

A hundred times more dangerous than any single rapist, Prosecution alleges

In his opening statement the Prosecutor emphasized the importance of the trial at the ICC, as the first to charge an accused on the basis of his command responsibility in accordance with Article 28 (a) of the Rome Statute. "The Prosecution is not alleging that Jean-Pierre Bemba ordered his troops to commit these crimes", the Prosecutor told the Court, rather that Bemba "is responsible for these crimes as a result of his knowing failure to control the troops he commanded" and for giving "licence to his troops to attack civilians." According to Article 28, a commander can be held criminally responsible for the crimes of forces under his/her

effective control where he/she failed to prevent or punish those crimes having knowledge of the risk of such crimes.

The Prosecution alleges that through “knowingly permitting” his troops to commit crimes in the Central African Republic, Bemba “is even more responsible than his subordinates.” The Prosecutor moreover claimed that, “[a] commander that lets his troops carry out such criminal tactics is hundreds of times more dangerous than any single rapist”.

The most unfair trial that international justice has seen, Defence asserts

Whilst many including the 759 victims who have been authorized by the Court to participate in the proceedings have praised the commencement of proceedings, Bemba's Defence has claimed otherwise. Speaking at a press conference before the start of the trial, Nkwebe Richard Liriss declared that the world would witness “for the first time, and let us hope for the last time, the most unfair trial that international justice has ever seen”.



According to Bemba’s Defence, none of the crimes alleged by the Prosecution can be imputed to the accused. In its opening statement, the Defence claimed that at no time did Bemba have the necessary effective control of those committing the alleged crimes, in essence relinquishing command of the MLC troops as soon as they crossed the border from the Democratic Republic of Congo (DRC) into the CAR at the behest of then CAR President, Ange-Felix Patassé. The Defence claims that it is Patassé, now seeking re-election in the CAR, who bears responsibility for any abuses committed.

The proceedings at the ICC are being heard before the first ever all female bench in an international criminal trial and focus almost entirely on the commission of crimes of sexual violence. Through charging rape as a weapon of war and command responsibility as the mode of liability the case is intended to send a message that such crimes will not be tolerated and that superiors bear responsibility for their prevention and punishment.

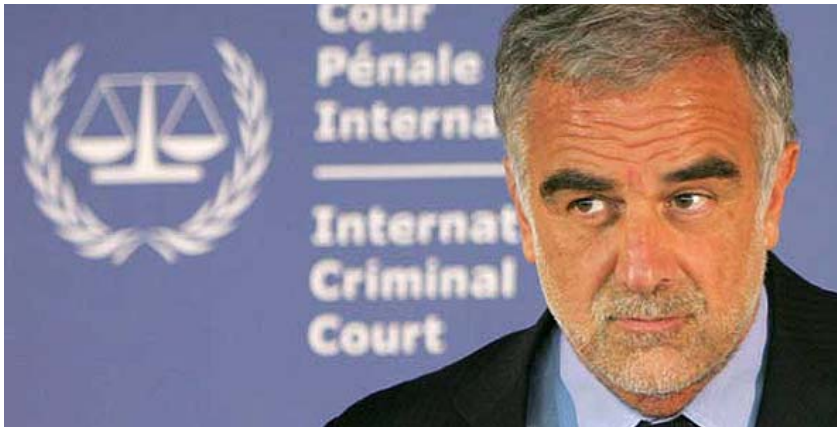
In the CAR capital, Bangui, the first two days of the proceedings were screened for over 1400 visitors.

The Daily Nation (Kenya)

Sunday, 28 November 2010

Ocampo to meet Big Two this week

By OLIVER MATHENGE



The ICC prosecutor is expected to go before the Pre-Trial Chamber judges any time from now and before mid-December when the court breaks for holiday.

Photo/FILE

International Criminal Court prosecutor Luis Moreno-Ocampo is expected in Kenya on Wednesday.

Mr Moreno-Ocampo is scheduled to attend a two-day conference, “The Kenya National Dialogue and Reconciliation: Two Years on, Where Are We?” at the Crowne Plaza Hotel in Upper Hill, Nairobi.

During his visit, sources say, Mr Moreno-Ocampo will also brief President Kibaki and Prime Minister Raila Odinga on the progress made on the Kenyan case.

He will also use the opportunity to officially inform the government of his intention to seek summons against six Kenyans over post-election violence.

The conference is organised by the Panel of Eminent African Personalities chaired by Mr Kofi Annan, a former UN secretary-general.

Mr Annan mediated the Kenyan crisis whose lowest point was the violence triggered by disputed presidential results.

Bringing to justice those who played a key role in post-election violence will be one of the issues to be discussed at the meeting, the *Nation* has learnt.

Before that, a meeting of ICC member countries is to be held in Nairobi this week.

Mr Moreno-Ocampo’s office is in the process of finalising the Kenyan cases for presentation to the Pre-Trial Chamber, which will make a decision on whether to indict anyone over the violence.

The ICC prosecutor is expected to go before the Pre-Trial Chamber judges any time from now and before mid-December when the court breaks for holiday.

He will ask judges to be allowed to present his case in open court, meaning that chaos suspects and the cases against them could be unmasked before year-end.

The prosecutor had wanted to present the case in private, but given the circumstances surrounding witnesses and leakage of a confidential letter from the ICC, it is understood he will go for open submissions so that individuals accused of involvement are known.

The State Parties is the ICC's top decision making organ and brings together all the 114 nations, which have signed the Rome Treaty.

Its meeting on Wednesday will discuss ICC's role and the need for countries that have ratified it to cooperate.

A day after, the Kenya National Dialogue and Reconciliation conference, will sit for two days assessing the coalition government's record nearly three years after it was formed.

Lubangatrial.org

Friday, 26 November 2010

Investigator and Child Soldier Deny Charges of Falsifying Evidence

By Judith Armatta

An investigator for the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) and an alleged former child soldier testified this week about their relationships with intermediary 316.

The investigator, Nicolas Sebire, also known as witness 583, is accused by the defense of coaching and bribing individuals to falsely claim they were child soldiers in the Union of Congolese Patriots (UPC) headed by Thomas Lubango Dyilo. In earlier testimony, intermediary 316 denied defense allegations.

Lubanga is on trial for the conscription, recruitment, and use of child soldiers during the 2000-2002 conflict in the Democratic Republic of Congo. Presently, Trial Chamber I is hearing evidence on alleged abuse of process stemming from the dramatic reversal by witness 15, presented by the prosecution as a former child soldier, that he lied after being coached by intermediary 316 who was spending money on him.

Sebire testified that the OTP was forced to use intermediaries to make contact with potential witnesses due to restrictions on ICC movements in-country. Intermediary 316 was critical to OTP efforts because of his contacts in the UPC. He introduced investigators to witnesses 35 and 38, allegedly former child soldiers who testified for the prosecution.

The former OTP investigator testified that he worked with intermediary 316 for two years and found him believable. When defense counsel referred to a May 2006 email from Mr. Sabire to his investigation team, stating that it was difficult to justify payments to intermediary 316 and that some of the information he provided was “bizarre,” Sebire insisted it did not reflect on the intermediary’s reliability. It was normal to cross-check information.

‘Bizarre’ meant ‘surprising,’ not ‘suspect,’ he said. It does not mean the information was bad. A decision to limit intermediary 316’s access to people in the ICC was taken to assure a centralized point of contact following use of this intermediary by other ICC employees that interfered with his investigation, Sabire explained.

After introducing the OTP to witness 35, a commander in the UPC, intermediary 316 facilitated his travel to Kampala, Uganda for interviews, according to Sebire. There was an incident, discussed in detail in private session, where witness 35 complained that intermediary 316 took a portion of money allocated by the OTP to witness 35 for hotel and food expenses. Intermediary 316 allegedly did so because the witness used payments made to him for other purposes. Though Sabire was unable to go to the hotel to confirm this, he found the intermediary believable.

Defense counsel Jean-Marie Biju-Duval raised another allegation by witness 35 that intermediary 316 promised the OTP would purchase all products he needed. During his subsequent interview with witness 35, Sabire secured his agreement on record that the OTP had made no promises to him.

Defense counsel sought to show that witness 35 was a fraud and not the UPC officer he claimed to be. Since he had no opportunity to review the transcripts of his interviews with witness 35, Sabire could not recall errors witness 35 allegedly made, such as not knowing the name of the military arm of the UPC or of his commander. As a result, cross-examination on these points provided little useful evidence for the

Chamber to consider. Mr. Sabire did agree that he was not impressed by the way witness 35 told his story, though he did not necessarily question his factual statements.

During the week of November 15 – 19, 2010, the deposition of witness 582, an OTP investigator, was taken in closed session.

Prosecutor Manoj Sachdeva took witness 38, another alleged child soldier, step by step through his contacts with intermediary 316, who facilitated contacts with the OTP, secured travel documents, and made travel arrangements.

Occasionally, intermediary 316 called him to see how he was doing. After investigators provided him with a mobile telephone to contact them directly, witness 38 was rarely in touch with intermediary 316. The witness stated that at no time did he discuss with ‘intermediary 316’ the substance of his interviews with the OTP investigators.

In April 2007, the ICC moved him to Kinshasa for safety after he received numerous threatening telephone calls because of his cooperation with the ICC.

Defense counsel Marc Desalliers asked witness 38 about payments he received from the ICC. The court paid for his accommodation and medical expenses and one year of school expenses, he replied. Other than that, he was given cash to buy food for which he signed receipts.

At the close of direct examination, the prosecutor led witness 38 through a series of direct questions on whether intermediary 316 ever asked him to give a particular account or gave or promised him a reward for what he would say or made an agreement with him to provide false stories to the ICC. The witness emphatically said he had not.

“I only said what I knew or had done. I did not blow anything out of proportion or leave anything out. It is a question of morality, of ethical standards. I am from a Christian family. . . . Lying is a sin. I would rather have problems with myself than problems with morality.”

This week, the Chamber also denied the defense request for more time in which to file an application to dismiss the case for abuse of process. The additional testimony of witness 598 “will not add in any significant way to matters already known by the defense,” presiding judge Adrian Fulford stated.

The prosecution requested that witness 598 be substituted for witness 555, who was to testify about the alleged climate of fear and intimidation in Bunia among individuals alleged to have cooperated with the ICC. Witness 555 subsequently refused to testify.

Defense written submissions are due December 10, 2010. The prosecution has until January 31, 2011, to respond and victims’ counsel, if they choose to do so, must file by that date as well. The Chamber allowed prosecutors a longer period due to the large number of factual issues they must address.

The Chamber will begin hearing testimony of witness 598 at 14.00 hours on Wednesday, December 1, 2010.

The New Times (Kigali)

Thursday, 25 November 2010

Rwanda: UN, Senegal Sign Agreement On ICTR Convicts

Gashegu Muramira

Senegal and the United Nations (UN) have signed an agreement that will ensure enforcement of sentences handed down by the International Criminal Tribunal for Rwanda (ICTR).

According to Bocar Sy, the Chief of Public Affairs and Information Unit at the ICTR, the agreement was signed on Monday in Dakar, Senegal.

"Yes, the agreement was signed on Monday," he said in an interview yesterday, adding that the move cannot immediately come into force until a decision has been made by the ICTR President.

The agreement was signed by the ICTR Registrar, Adama Dieng and Senegalese Minister of Justice, Cheikh Tidiane Sy.

"It cannot be automatic because it is the President who decides the country where ICTR prisoners should serve their sentence," Bocar said.

Senegal becomes the eighth country to sign the agreement after Rwanda, Mali, Benin, Swaziland, Italy, France and Sweden.

Agencies said yesterday that a jail-house where ICTR convicts could be hosted has already been identified in Dakar.

The ICTR has so far completed 52 cases, with 36 convictions.

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The Seattle Times

Sunday, 28 November 2010

Watershed moment for international justice at The Hague

Guest columnist Frederick Lorenz writes that the future of international justice could be in jeopardy. The United States and other major powers must take a more active role.

By Frederick Lorenz

FOR the past three years I have been taking University of Washington students to The Hague on a program called Challenges of International Justice. During our last trip I realized we witnessed important events that have escaped the attention of the international media.

On Sept. 8 we saw the last witness in the trial of former Liberian President Charles Taylor finish his testimony and the Special Court for Sierra Leone (SCSL) rapidly moved to closure.

Despite its duration, overall cost and other shortcomings, the SCSL will be remembered as one of the most successful of the international tribunals. A former head of state was brought to justice and the trials (including appeals) of nine leaders of three warring factions were completed in a fair and efficient manner.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) is also nearing the end of its mandate, bringing justice to victims and making a major contribution to the development of international law.

September was the high-water mark for international justice in The Hague, and future prospects are uncertain. As the temporary tribunals wind down in the next year, all eyes will turn to the International Criminal Court (ICC), the first standing tribunal that is competent to deal with accountability for war crimes, crimes against humanity and genocide.

But the ICC is under siege, unable to complete its first relatively simple cases, and mired in controversy about charges against the president of Sudan and the investigation of post election violence in Kenya. To many in Africa and the Middle East, the ICC appears to be a white man's court seeking to impose Western standards of justice on an unwilling world.

A leading scholar, M. Cherif Bassiouni, describes the history of international criminal justice in three stages, the first beginning in 1268 when a German nobleman was tried for crimes "against the laws of God and Man." The second stage began after the First World War in 1919 and culminated with the Nuremberg Trials in 1945. The third stage will begin in 2012 when the ICC, after 10 years of operation, assumes the full burden of international criminal justice.

This will be difficult without the support of the U.S., China and Russia, the major powers that have expressed concern about sovereignty and potential charges against their own leaders. Although the U.S. under the Obama administration is taking a more conciliatory tone, U.S. ratification of the Rome Statute of the ICC remains controversial and is unlikely to gain political traction in the short term.

This year in The Hague our students heard from more than a dozen international court professionals, lawyers and judges. They gave us a clear sense that the entire system was at risk, and that the U.S. would be playing a much smaller role in the future.

The U.S. has an extraordinary record of support for international justice. The Nuremberg trials will stand as a major achievement. U.S. political, financial and personnel support was vital to the success of the SCSL and the ICTY. But the U.S. has drawn a line in the sand with the ICC.

The best hope for international criminal justice lies with an invigorated ICC, headed by a prosecutor who can effectively manage the current cases and make the necessary political judgments on when and where to bring charges. In today's world, justice cannot be truly blind, and far too many conflicts demand attention.

The Court needs the support of the major powers and a steady hand at the helm before it can gain legitimacy on the world stage. Unless the U.S. takes a more active role, the future international justice will remain in jeopardy.

Frederick Lorenz is a senior lecturer at the Jackson School of International Studies at the University of Washington. He is also a senior peace fellow with the Public International Law and Policy Group

The Sunday Leader

Monday, 29 November 2010

Universal Jurisdiction – UJ (International Jurisdiction)

S. V. Kirubaharan in France



UJ: Important yet impotent?

Human rights activists and institutions encounter difficulties within the framework of international conventions and modern legal mechanisms in overcoming the legacy of international crimes — torture, genocide, crimes against humanity and war crimes.

The 1945 Nuremberg Trial, 1948 Universal Declaration of Human Rights (UDHR) and 1948

Genocide Convention led to many other conventions and mechanisms.

The concept of Universal Jurisdiction (UJ) is complicated. Debates and academic papers are contributing to the chaos. One group argues that clauses in the treaties of the 1948 Genocide Convention, 1949 Geneva Conventions and 1984 Torture Convention are based on the concept of UJ which is thus a minimum of six decades old. Another group argues that this terminology never existed in the past, that it is a new concept and a breach of state sovereignty.

The birth of the International Criminal Court (ICC) in 2002 hasn't reduced the importance of UJ, because the ICC is not entitled to prosecute any offences committed before 2002.

Procedure

UJ has become crucial because in the aftermath of many conflicts, national courts have failed to prosecute perpetrators of international crimes committed within their territory. Instead of holding fair trials, amnesties have been awarded to suspects and impunity prevails.

There is no special treaty on UJ. Its spontaneous authorisation is exercised when states are parties to certain international conventions — e.g. The Convention against Torture. Grave breaches of provisions in the Geneva Conventions are another good example.

UJ facilitates scrutiny into international crimes regardless of whether the perpetrator(s) or victim(s) are nationals of the country where the court is located. The crime that took place could be outside that country.

Generally, national courts prosecute crimes under territorial jurisdiction. Once a state party is signatory to certain conventions, if there are sufficient admissible

grounds, international law allows national courts to proceed with a case. Perpetrators can be prosecuted when they enter the territory.

Presently, more than 125 countries are qualified to prosecute perpetrators under UJ. But very few countries have investigated and punished suspects. Many states have no political will to exercise UJ.

Since the Nuremberg Trials, 28 countries have dealt with UJ — Argentina, Australia, Austria, Belgium, Canada, Chile, Denmark, East-Timor, Finland, France, Germany, Guatemala, Iceland, Israel, Mexico, Netherlands, New Zealand, Norway, Peru, Rwanda, Senegal, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States. The European Union and African Union have also contributed to it.

United Kingdom

Under the existing law in UK, if there is ample evidence on an international crime, any individual or organisation can obtain an arrest warrant on any suspect. However, the law in UK is not clear on immunity for heads of state on an official visit. But there is no immunity available to anyone including heads of state on private visits.

The Former Chilean dictator, Augusto Pinochet, was arrested in the UK in 1998 over torture and murder committed during his military dictatorship in Chile. Pinochet was eventually freed on health grounds and some British ministers lobbied on behalf of Pinochet.

During Pinochet's trial in UK, the British House of Lords confirmed that "no one is above the law and Pinochet had no right to immunity from prosecution as a former head of state". The same statement has been repeated in the recent past by the current government.

In 2005, Tony Blair officially invited Israeli Premier Ariel Sharon to UK. Even though Israelis have very good legal experts in UK, Sharon rejected the invitation and said, "...I have heard that the prisons in Britain are very tough. I wouldn't like to find myself in one."

Anyhow, due to objections from various countries, certain changes are being proposed to the current UK law, avoiding minor cases being filed.

Other countries

In Belgium, cases were filed against Israeli Prime Minister Ariel Sharon, Yasser Arafat, US President George Bush, Vice President Dick Cheney and Secretary of State Colin Powell. In 2001, some individuals who were involved in the Rwandan genocide were prosecuted and sentenced to long terms of imprisonment. An amendment to Belgium law in April 2003, led to some cases being overlooked. In Canada, anyone who is alleged to have committed torture or genocide in any part of the globe can be prosecuted.

The Danish Penal Code provides for UJ over crimes that Denmark has an obligation to prosecute under an international convention. This includes the Torture Convention and grave breaches of the Geneva Conventions.

Penal Code in France, asserts that any offence connected to torture and other serious offences committed by a French citizen or foreigners outside the French frontiers could be prosecuted in France. However, French courts have held that not all the international conventions are directly applicable in national law. In fact, in France, UJ is possible only under the Torture Convention.

Code of Crimes Against International Law (CCAIL) in Germany came into force on June 30, 2002 and provides for UJ over international crimes. Crimes committed before this date must be considered under German Criminal Code, which provides for UJ over international crimes that Germany has a treaty obligation to prosecute. According to German criminal law in June 2006, the federal prosecutor has wide discretion on the decision whether to open cases on non-German nationals. The International Crimes Act (ICA) of June 19, 2003 in Netherlands, provides for the exercise of UJ over international crimes provided that the perpetrator is present in the Netherlands and that the crimes were committed after the entry into force of the Act on October 1, 2003. Any crimes committed before this date have to be dealt with under previous laws — the Wartime Offences Act of July 10, 1952; the Genocide Act of 1964 and Torture Convention of 1988.

Norway never introduced definitions of international crimes into national law. But there are provisions in the Norwegian General Civil Penal Code, to prosecute non-nationals for international crimes committed overseas, provided the criminal acts amount to a crime under Norwegian criminal law. Under Norwegian law there are provisions to act on a foreigner who commits assault, murder and other criminal acts, if the suspect is resident in Norway or stays therein.

Spanish law enacted on 1 July 1985, recognises the principle of the UJ. In June 2003, a former Argentine naval officer was prosecuted and in 2006 a court agreed to investigate few former Chinese administrators — including former President and Premier, Jiang Zemin and Li Peng. However a subsequent law passed in Spain in 2009 restricted investigations to those “involving Spanish victims, suspects who are in Spain or some other obvious link with Spain”.

Israel and Sri Lanka

After World War II, the “architect of the Holocaust”, Otto Adolf Eichmann, fled to Argentina and lived under a false identity. In 1960, he was captured by Mossad operatives in Argentina and abducted to Israel to face trial on 15 criminal charges. He was found guilty and executed by hanging in 1962. The prosecution of Adolf Eichmann was claimed by the Israeli Supreme Court as an assertion of UJ over crimes against humanity.

On November 2, 2007, a present Deputy Minister of Sri Lanka, Vinayagamoorthy Muralitharan, alias Karuna was arrested in UK for carrying a forged passport and sentenced to nine months to prison. Human rights organisations and individuals urged the British government to prosecute Karuna for international crimes — recruiting of child soldiers, torture, summary execution and extortion. At the end of his prison term, UK deported him back to Sri Lanka. But the national court has failed to prosecute him, amnesty was awarded and impunity prevails.