

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:

Tuesday, April 06, 2004

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
Ibrahim Tommy
Ext 7248
MOBILE: 232 76 645 914

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PARTIES AGREE TO MAKE HINGA NORMAN'S FINANCES AVAILABLE TO HIS FAMILY

...But it must be done legally, says Special Court

Monday April 5, 2004

The Sierra Leone Special Court and the Hinga Norman Defence have agreed that the Norman family should not be allowed to suffer and that they should have access to the account of the indicted Commander of the Kamajor Militia.



Special Court Deputy Spokesman, Peter Andersen , made this disclosure today to the DAILY NEWS-INQUIRER newspaper. Andersen however averred that the Special Court wanted it to be done legally.

As a result, Andersen went on, Judge Bankole Thompson on Friday issued an interim order to freeze Hinga Norman's account and for an expedited hearing , which will include all parties, on Thursday April 8. Mr.Andersen further stated that a lawful provisional order to freeze Norman's account still existed and "the bank was clearly in violation of that order when they unfroze the account last week."

Sanctions would have been imposed on the bank , but according to Andersen, "At some stage there must be a hearing before a provisional order can be converted into a permanent order , so instead of applying sanctions against the bank when there is a general agreement on what the outcome should be, Judge Thompson issued an interim ex parte order freezing the account ". The order had accordingly been served on the Attorney-General.

Norman's Account Freeze Lift

A sigh of relief all over, at the lifting of the freeze on the account of Special Court indictee, Sam Hinga Norman, we saw no reason for it in the first place. First it was the attorney general according to reports who ordered it frozen. Then officials at the court, who are also calling for the freezing of Norman's account, contradicted that order saying it should come from a judge or another competent court official. It seems there are no few takers willing to punish an alleged war crimes suspect. The man is innocent until proved guilty that is what the law says therefore, let's hold our horses until he is proved such, before we let go our desires of making sure he pays for his actions. Meanwhile, his family has got to live, so let it be.

Taylor's Wife Denies Special Court

By Jusu Sam

The wife of ex-president Charles Taylor of Liberia has taken the Special Court to task by denying that her husband amassed huge wealth and assets during his tenure as president of Liberia.

In a Voice of America in-

terview last Friday, the former Liberian first lady, Mrs. Jewel Taylor told a VOA Monrovia correspondent that the charges against Mr. Charles Taylor and his immediate family members for illegally

amassing wealth and assets was far from the truth.

According to Mrs.

Taylor, the ex-Liberia President does not have assets in any part of the world or even in Liberia, as claimed.

Mrs. Taylor reiterated that it is a figment of imagination to assume that her husband has a huge

amounts in Swiss banks to the tune of hundreds of millions of US dollars, as the Special Court for Sierra Leone had previously

From front page

claimed.

Meanwhile, in a related development, lawyers for Charles Taylor have filed law suits in a Monrovia court against the Ministry of Justice in Monrovia and the Special Court

in Freetown for ordering a search of his premises in Monrovia recently, and carrying out the search respectively. Lawyers for the exiled president argued that it was in contravention of International Law and the sovereignty of

Liberia for the search to have been carried out. However, the Liberian Justice Minister, Kabineh Janneh, has countered that the raids on Mr. Taylor's premises was ordered by the Registrar of the Special Court in Freetown and, hence was in compliance with International Law.

Aides, concubines abandon Taylor

Torn between a hostile former Liberian Nigeria, is finding life the US government and west and unsympathetic President, Charles pretty difficult, the United Nations to African neighbours, Taylor, on asylum, in following the decision of *Contd. Page 2*

Aides, concubines abandon Taylor

From Front Page

freeze his bank accounts worldwide. Only recently, he was held to ransom by over 20 of his aides over unpaid wages for six months. He could only defray half of the salary arrears, a development which caused all the workers to desert him. While most of them returned to Liberia, others left for other Nigerian cities to pick up jobs for fear of the unknown, should they return to Monrovia where an interim government headed by Jude Bryant is holding sway. Sources close to the Dan Archibong Lodge, Calabar where the Taylors are living, disclosed that the finances of the ex-war lord were in the red, hence, life was no more rosy as it were last year. The sources also claimed

that all his concubines have also abandoned him. Only his legitimate wife, Jewel, remains with him. However, we learnt that the concubines left behind their children even as Taylor's large entourage has been reduced to only members of his immediate family. Sources further said the erstwhile President was living a sort of solitary life waking up each day, play in-door games and makes or answers calls. It was revealed that because of the \$2 million bounty placed on Taylor by the US government for his capture and for his indictment and appearance before the Special Court for Sierra Leone over war crimes and his frozen bank accounts, the deposed President has become a shadow of his former self. Both the Cross

River and Federal governments were said to be picking the bills of Taylors' feeding, accommodation, medical treatment, school expenses of his children, fuel and transportation within Nigeria as access to his wealth has been blocked. It could not be explained if the UN action was effective in some commercial banks in Nigeria, where Taylor last year reportedly opened bank accounts after exchanging US/Liberia dollars for naira, which amounted to hundreds of millions of naira. And following the hardship being encountered, members of his extended family have also returned to Liberia, leaving him with only his children, all of whom are in elite schools in Calabar, the Cross River State capital. Our sources said the aides who left, initially protested the non-payment of salary for half a year but were paid the balance to avoid media attention, it was learnt.

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Terms: **un should work better to secure global peace** ([Edit Search](#))

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The Daily Yomiuri (Tokyo) April 6, 2004 Tuesday

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The Daily Yomiuri (Tokyo)

April 6, 2004 Tuesday

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HEADLINE: **U.N. should work** better to **secure global peace**

BYLINE: Ramesh Thakur Special to The Daily Yomiuri

SOURCE: Yomiuri

BODY:

Ten years ago this month, as genocide unfolded in Rwanda and about 800,000 people were butchered in three months, the world bore silent and distant--very distant--witness to its own apathy. The indifference and inaction by the international community remains one of the most shameful episodes since the Holocaust. This was not a matter of lack of knowledge and awareness, nor even of lack of capacity. Rather, it was a failure of collective conscience, a failure of civic courage at the highest and most solemn levels of responsibility.

What if a coalition of the willing had been prepared to move in with military force, but the **U.N.** Security Council was deadlocked?

The worst act of domestic criminal behavior by a government is large-scale killings of its own people; the worst act of international criminal behavior, to attack another country. The history of the 20th century is in part a story of a twin-track approach to tame both impulses to armed criminality by states. Former Iraqi President Saddam Hussein's record of brutality was a taunting rebuke for the failure to achieve the first goal. His ouster and capture by unilateral force of arms was a challenge to the effort to outlaw and criminalize wars of choice.

But what if the second is a response to the first: if a country is invaded in order to halt killings inside it by the "legitimate" government--which already indicates a troubling appropriation and corruption of the word "legitimate"?

For answers to both these painful dilemmas, take a close look at the report, "The Responsibility to Protect (R2P)." In writing the report, we were strongly influenced by the dominant sentiment all over the world that, faced with a choice between "no more Rwanda" (no intervention) and "No more Kosovo" (intervention without **U.N.** authorization), we must avoid another tragedy like Rwanda.

In order to ground outside intervention in more widely shared international morality, R2P changes "humanitarian intervention" into the "responsibility to protect," and pins that responsibility on state authorities and the **U.N.** Security Council.

"Humanitarian intervention" was a persistent challenge in the 1990s: Somalia, Rwanda, Srebrenica in Bosnia, East Timor are familiar signposts on the raging controversy. The

challenge has not gone away: the continuing tragedies of Liberia, Burundi, Congo and Sudan come readily to mind.

It is easy to justify any war by calling it "humanitarian intervention" and labeling critics as "anti-humanitarian." R2P more accurately captures the sense of solidarity without borders from which external help should spring.

We reconceptualize sovereignty as responsibility. In part, this expressed what we heard from a cross-section of Africans. Governments are responsible for the functions of protecting the safety and lives of citizens, and accountable internationally and domestically for their acts of commission and omission.

While the state has the primary responsibility to protect its citizens, the responsibility of the broader community of states is activated when a particular state is either unwilling or unable to fulfill its responsibility to protect or is itself the perpetrator of crimes or atrocities.

We sought to define thresholds when conscience-shocking atrocities are so grave, they clearly require armed international intervention. To enhance the prospects of broad agreement for intervention, the circumstances have to be narrow, the bar high, and the procedural and operational safeguards tight.

Such thresholds are crossed when large-scale loss of life or ethnic cleansing is occurring or is about to occur.

All military interventions must be subject to four further precautionary principles: right intention, last resort, proportional means and reasonable prospects.

Intervention for human protection purposes occurs so that those condemned to die in fear may live in hope instead. The goal is not to wage war on a state in order to destroy it, but to protect victims of atrocities inside the state, to embed the protection in reconstituted institutions after the intervention (nation-building), and then to withdraw all foreign troops.

Who has the right to authorize the use of deadly force on a massive scale? The **United Nations** is the only international authority that can override national sovereignty. As we learn yet again in Iraq, it is easier to wage war without **U.N.** blessing than it is to win the **peace**--but victory in war is pointless without a resulting **secure peace**.

Thus the urgent task is not to evade or circumvent the **United Nations**, but to make it **work** better, to hold it in turn accountable for its responsibility to protect at the **global** level. If the **United Nations** fails in its duty, if it persists in being proof against occasions of the larger kind, if victims are let down yet again by the Security Council as in Rwanda, then others may well act rather than do nothing.

Our ability and tools to act beyond our borders have increased tremendously and thereby increased demands and expectations "to do something." Rapid advances in medical technology have greatly expanded the range, accuracy and number of medical interventions. With enhanced capacity and increased tools have come more choices that have to be made, often involving philosophical, ethical, political and legal dilemmas. The idea of simply standing by and letting nature take its course has become less and less acceptable.

Similarly, calls for military intervention happen. The challenge is neither to deny the reality of intervention nor to denounce it, but to manage it for the better, so that all of us come out of it better, with our common humanity not diminished, but enhanced.

Thakur, who is senior vice rector of the **United Nations** University (assistant secretary general of the **United Nations**), was a commissioner of the Ottawa-based International

Commission on Intervention and State Sovereignty. The ICISS report may be found at <http://www.unhcr.org/refworld/docid/3a6b6b6b.html>

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Iraqis seek advice on trying war crimes

Marlise Simons NYT
Tuesday, April 6, 2004

THE HAGUE Iraqi judges and prosecutors preparing to try members of Saddam Hussein's regime have met here with veterans from several international war crimes tribunals to draw on their experience of judging atrocities in the Balkans, Sierra Leone and Rwanda, according to Iraqi and other participants. The meetings late last month in Amsterdam and The Hague were held discreetly and not publicly announced. But court officials based here have offered insights into the concerns of the Iraqis and their state of readiness. The Iraqis said their war crimes trials were not likely to start until early next year and stressed that Saddam would not be their first case.

The Iraqi group was led by Salem Chalabi, who is coordinator of the special tribunal that will deal with war crimes in Iraq. He said discussions had included issues such as the need for security for staff and witnesses and for defense for the accused. The group also talked about lessons from the plodding trial of Slobodan Milosevic, the former Yugoslav president, who is the first deposed head of state to be tried before an international court.

The Iraqis came to the Netherlands because it is a base for three international courts and several international law institutes. Their trip was organized by the U.S. Institute of Peace, a federally financed agency. "Iraqis feel quite strongly that they want the international input to be broad-based, not just American," said Neil Kritz, a specialist at the Institute of Peace who accompanied the group.

The group met with members of five international courts: the International Criminal Court, which Washington opposes, and those dealing with the genocide in Rwanda and with atrocities in the former Yugoslavia, East Timor and Sierra Leone. They visited two: the International Criminal Court and the court dealing with Yugoslavia. "It was all extremely useful," said Chalabi, who has practiced law in a London firm.

"Seeing the software and the monitors recording testimony in the courtrooms was an extremely powerful message for our judges," he said of the Yugoslavia tribunal. "It showed them how Iraq is lagging behind." But their meetings here, which lasted three days, also underlined the complexities and contradictions of finding international help to organize the Iraqi tribunal, which many believe will be largely controlled by the United States.

Human rights groups have complained about the secrecy surrounding the tribunal's creation. "It's all happening behind closed doors; it's almost clandestine," said Richard Dicker, a director of Human Rights Watch. "Other new tribunals have been created not with stealth but in an open process."

The United Nations has been cautious about getting involved in a process in which it has no say. Earlier this year, Secretary General Kofi Annan instructed staff at United Nations courts not to be drawn in until any UN role is clarified.

Some governments in Europe, including Britain's, where the death sentence does not exist, have said they will have problems cooperating in trials that could lead to capital punishment.

Washington, however, has been deeply involved in creating the future Iraqi war crimes tribunal, helping to draft the statutes and providing staff, funds and know-how. After a turf battle between the State Department, whose lawyers had long gathered evidence about Iraq, and the Justice Department, the Justice Department prevailed and in January was named the lead agency by the White House, according to administration officials.

A small Justice Department team has gone to Iraq to assess logistics. Investigators and prosecutors will follow this month to establish the tribunal, work out procedural rules, organize evidence and draft the cases against Saddam and his aides, the officials said.

Indictments are likely to include charges of crimes against humanity, war crimes and genocide, for which much evidence already exists, but formal charges against Saddam and others will not be brought until tribunal officials are named who can sign them, the Iraqis told their colleagues here.

Chalabi, who is a nephew of Ahmad Chalabi, leader of the Iraqi National Congress and a member of the Iraqi Governing Council, said that unlike other international tribunals, the judges will not be from different nations.

"We will have only Iraqi judges," he said, speaking by phone after returning to Baghdad. "That's a big political issue in Iraq. The judges will get special training to meet international standards." Experts from other countries, he said, may play a number of roles and act as advisers, "but this will be our tribunal." He cited several reasons for not trying Saddam first. Problems in the new tribunal would have to be ironed out, he said, "before it gets put under the scrutiny of a trial like Saddam's." Moreover, he said, many Iraqis have grudges against Saddam, "so we need a number of different charges, maybe as many as 12." All the evidence needs to be trial ready, which will take time, he said.

Kritz said Saddam would be tried for his responsibilities as a commander.

"To prove command responsibility you want to start lower and build upwards," he said. The number of defendants, Kritz said, has not been decided and may range from 50 to several hundred.

"It's a difficult issue," he said. "Iraq will want to have a large number, but there is also advice to keep that number limited."

U.S. officials have repeatedly cited the Sierra Leone court as a model for future war crimes prosecutions, rather than the costly and large Rwanda and Yugoslavia tribunals created by the United Nations a decade ago. The Sierra Leone court has a budget directly controlled by the United States and other donor countries, has a three-year mandate and aims to try the 15 to 20 defendants deemed most responsible for atrocities during the civil war's latter part.

Chalabi had a different view.

"The U.S. government was suggesting trying the 20 top cases and Iraqis are talking of hundreds," he said. "I rather think it will be closer to 200 people, a good portion of which can be dealt with through plea-bargaining."

At the meetings, the Iraqi group was briefed about the enormous undertaking of setting up a tribunal, the sorting and storing of evidence, training of staff and translators and not least the likely security problems for staff and witnesses. The Yugoslavia and Rwanda tribunals were set up outside the country because conflicts were still going on, as is the case in Iraq. Numerous witnesses at both tribunals have been threatened, and as a result a number have refused to appear. Even some who testified secretly or under assumed names have nonetheless seen their names disclosed in the press after leaks by defense lawyers. Some have had to be relocated and given a new identity under the courts' witness protection program.

Antonio Cassese, first president of the Yugoslavia tribunal, said he feared the unstable and polarized climate in Iraq may make it impossible to hold fair trials. But both Iraqis and Americans have said they see early trials inside Iraq as part of transition and stabilization.

The Iraqi group also heard about errors and pitfalls that faced the courts of Rwanda and Yugoslavia, the two courts that pioneered modern international criminal justice. Like those, Iraq is confronted with vast amounts of evidence, stretching over many years and events. Iraqis were told that the way this is stored from the start is crucial so that it can reinforce prosecution strategy.

The Yugoslavia tribunal had to reorganize its data bases and catalogues three times as

new evidence and new technology became available.

"Criminal trials and justice after armed conflict has now almost become a given," said Sam Muller, a senior official at the International Criminal Court in The Hague who attended the talks. "The practice of it is much more difficult than is often believed."

Iraqis were also reminded that defense and legal aid must also be dealt with from the start because strong defense lawyers are pivotal for a fair trial. Both the Yugoslavia and Rwanda tribunals have seen their work slowed by poorly trained and in some cases corrupt defense lawyers.

Both tribunals have found examples where defense lawyers inflated work hours and slowed proceedings to increase their earnings. Both courts also discovered cases in which defense lawyers agreed to split fees with suspects or their families in exchange for representing them.

Iraqis asked questions about the trial of Milosevic. They said they wanted to avoid the situation created by Milosevic, who in defending himself has used the dock as a political platform to encourage nationalists.

Iraqis said they were determined to keep Saddam on a far tighter leash. "There was a discussion what effect a Saddam trial could have on the Arab street," one participant said.

Chalabi said there was one important remedy. Under Iraqi law, no one, not even Saddam, will be able to defend himself unless he is a lawyer, he said.

The New York Times

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Terms: **un launches peacekeeping mission in ivory coast** ([Edit Search](#))

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HEADLINE: **U.N. launches peacekeeping mission in Ivory Coast**, ups West Africa role

BYLINE: BAUDELAIRE MIEUX; Associated Press Writer

DATELINE: ABIDJAN, **Ivory Coast**

BODY:

The **United Nations** launched its latest African **peacekeeping** effort Monday, taking command of regional troops in strife-torn **Ivory Coast**, where a year-old peace process has faltered.

During a handover ceremony, representatives of 1,400 soldiers from West African nations patrolling front lines from **Ivory Coast's** 2002-2003 civil war traded their camouflage berets for baby-blue **U.N.** headgear.

"This new day comes after so much hardship ... It is a day of glory and hope for **Ivory Coast**," said the top **U.N.** representative in **Ivory Coast**, Albert Tevoedjre.

The West African soldiers join more than 20,000 other **U.N.** troops on patrol in nearby Sierra Leone and Liberia - heavy security responsibilities for the **United Nations** across three countries whose interconnected wars have killed hundreds of thousands and spread gunmen and refugees throughout West Africa.

"The sufferings in Liberia and other places should be of concern to us," Tevoedjre said. "The **United Nations** will not impose peace but will maintain it with assistance from all parties."

By July, the **United Nations** expects to have 6,200 troops - including forces from Bangladesh, Benin, Ghana, Morocco, Pakistan, Togo and Ukraine, among others - in **Ivory Coast**, the world's top cocoa producer. Tensions here have ratcheted up since recent deadly clashes among security forces and opposition loyalists in Abidjan.

The new **U.N.** forces will patrol in **Ivory Coast** alongside 4,000 French troops - under separate command - between northern rebels and southern government forces from a civil war sparked by a September 2002 attempt to oust President Laurent Gbagbo.

All parties declared **Ivory Coast's** conflict over in July, but cross-charges of undermining the January 2002 accord brokered by France have flourished since.

Rebels now say they won't disarm, and last month they pulled out of Gbagbo's national-unity administration after government security forces fired on opposition demonstrators. The clashes killed 200 people, according to the Brussels-based think tank International Crisis Group.

The Gbagbo-led transitional administration arranged under the peace accord is charged with arranging a 2005 vote before ceding to an elected government.

Analysts hailed the **U.N. mission**, saying it indicates an understanding that global security depends on preventing pockets of lawlessness where terrorists can train or deal in lucrative natural resources, such as diamonds.

"It's important because Africa doesn't have deep enough pockets for these kinds of things," Ross Herbert, an analyst with the South African Institute of International Affairs, said of the latest **U.N. mission**.

"Now, there's a greater recognition that we can't allow state collapse," said the Johannesburg-based analyst. "Since September 11, the West is realizing it can't let Africa fall on its face."

The **United Nations** is nearing an expected 15,000-strong peace force in Liberia, where ex-President Charles Taylor's flew into exile on Aug. 11. That paved the way for a peace deal among rebels and government forces meant to end 14 years of near-constant bloodshed sparked by Taylor, then a warlord.

Liberian mercenaries joined both rebel and government forces in **Ivory Coast's** war, while Gbagbo is accused of supporting anti-Taylor insurgents.

In Sierra Leone, meanwhile, the **United Nations** is winding down a peace **mission** that topped 17,000 soldiers at its apex. Taylor is accused of war crimes by a **U.N.**-Sierra Leone tribunal for his support of brutal insurgents during Liberia's 1991-2002 war.

All told, the region's wars saw over a quarter million dead, countless injuries and rapes, and millions of people driven from their homes.

Even as shaky peace spreads in Liberia and Sierra Leone for the first time in over a decade, concerns are running high that **Ivory Coast** could fall back into war, destroying the budding West African peace.

Addressing the new **U.N.** soldiers, **Ivory Coast** Prime Minister Seydou Diarra said: "You are arriving here at a decisive moment in the resolution of the crisis our country is going through."

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Associated Press Writer Edward Harris in Dakar, Senegal, contributed to this report.

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Terms: **draft include texts iun peacekeeping, financing, joint inspection, human resources, special court for sierra leone..** ([Edit Search](#))

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Concluding first resumed session, Budget Committee approves nine **draft texts**; Debates issue of domestic partnership, staff entitlements; **Drafts** include **texts** on **peacekeeping financing, Joint Inspection Unit, human resources**, extrabudgetary activities, capital master plan, international tribunals. Page 1 of 2.

BODY:

At the conclusion of its first resumed session this morning, the Fifth Committee (Administrative and Budgetary) approved six **draft** resolutions and three **draft** decisions on several items on its agenda, including those on **peacekeeping financing**, the work of the **Joint Inspection Unit, human resources** management and support costs related to the Organization's extrabudgetary activities. All the **texts** were approved without a vote.

The issue that attracted the most attention during the session, however, related to a staff bulletin issued by the Secretary-General at the beginning of the year to clarify the family status of staff for the purpose of United Nations entitlements. At issue was paragraph 4 of the bulletin, according to which "a legally recognized domestic partnership contracted by a staff member under the law of the country of his or her nationality will also qualify that staff member to receive the entitlements provided for eligible family members".

Numerous speakers in a heated debate that took most of the Committee's open meeting time said there was no consensus among Member States on the term of domestic partnership and that the Secretary-General's bulletin on the matter was not consistent with the existing rules and regulations of the United Nations. Insisting that it was a prerogative of Member States to amend those rules, many members of the Committee supported the position of Egypt, whose representative objected to the use of his country's dues to the United Nations to pay the benefits for something that was against its culture.

Several other delegations, on the other hand, said that the document dealt with an administrative matter within managerial purview of the Secretary-General as the Organization's chief administrative officer. The issue, from their point of view, was not whether Member States agreed or disagreed with any particular family model or relationship, but rather the need to continue the long-accepted practice of determining personal status for the purpose of entitlements by reference to the law of staff members' nationality.

The outcome of intense consultations on the matter was a **draft** resolution, by the terms of which the General Assembly would invite the Secretary-General to reissue the bulletin in question, taking into account the views and concerns expressed by Member States. In particular, the Assembly would note the absence of terms contained in paragraph 4 of the bulletin in the context of the existing Staff Regulations and Rules and decide that the inclusion of those terms shall require the consideration of and necessary action by the

Assembly.

By the same **text**, the Assembly would reaffirm the Secretary-General authority as a chief administrative officer and note the Organization's practice of determining personal status for the purpose of entitlements by reference to the law of nationality of the staff member concerned.

Acting on what many had described as the main item at the opening of the session on 10 March - the review of the statute and working methods of the **Joint Inspection Unit (JUI)** - the Committee approved a **draft** resolution welcoming the internal reform process undertaken by the Unit, including its strategic framework and internal working procedures, and urge it to continue those efforts.

The Committee has returned to the preliminary review of the JIU - the only systemwide external oversight body aimed at improving efficiency, management and coordination - three times during the fifty-eighth session. Commenting on a report, which highlighted the areas requiring the Assembly's approval, speakers during the March debate stressed the importance of swift action on the JIU reform to make the Unit a more effective body. Among the issues that needed to be addressed, they mentioned the Inspectors' selection process and the need to establish collective responsibility for the Unit's work.

By today's **text**, the secretariats of all participating organizations would be requested to facilitate the Unit's work, and their executive heads would be asked to facilitate follow-up to the Unit's reports. The Assembly would also decide to revert to the issue at its fifty-ninth session.

Having received clarifications to the suggestions of the JIU on support costs related to United Nations' extrabudgetary activities, the Fifth Committee today provided recommendations to the Assembly on the matter. By the **draft** approved today, the Assembly would endorse the recommendations contained in the JIU report, to the extent that they applied to the United Nations. Heads of various agencies would be invited to consider the Unit's recommendations, which address the need to precisely define the role of extrabudgetary **financing** in the overall structure of the United Nations, to refine approval and control mechanisms, and explain the role of extrabudgetary **financing** in relation to core programme activities. Among other questions addressed by the **text** is the need to ensure consistent application of rules, provide clear justification of exceptional support-cost rates, and improve the efficiency of administrative services.

Given the immediate cash shortages faced by the Organization, the Committee - by another **draft** resolution - recommended that the Assembly postpone until 30 June the repayment to Member States of some \$84.4 million representing the remaining 50 per cent of the cash balances from closed missions, which under the terms of Assembly resolution 57/323 were to be paid by 31 March.

Such a proposal had been made by the Secretary-General following an extraordinary acceleration in United Nations **peacekeeping**, including new and possible missions in Liberia, Cote d'Ivoire, Sudan, Haiti and Burundi, as well as the expansion of the operation in the Democratic Republic of the Congo and possible extension of the East Timor mission. Other factors that had led to a cash shortage included cross-borrowing to sustain operations of several open missions and the International Tribunals, as well as the time lag between the approval of assessments and the collection of contributions.

Responding to a request for a subvention for the **Special Court for Sierra Leone**, the Committee also recommended that the Assembly - as an exceptional measure - provide an amount not to exceed \$16.7 million to supplement the financial resources for the Court for the period from 1 July to 31 December 2004.

Although the Court was established on the basis of voluntary **financing**, the request for a subvention was made after it encountered serious financial difficulties in the second year of its operations.

By the same **draft**, the Assembly would, as a matter of urgency, appeal to Member States to make voluntary contributions for the Court. Expected to complete its work by the end of 2005, the Court would be invited to adopt a completion strategy and review its structure in order to minimize the cost of completing its work.

By other **texts** approved today, the Assembly would: take note of the report of the Office of Internal Oversight Services on the review of the Office of the Prosecutor at the Rwanda and former Yugoslavia Tribunals; defer to the next session its consideration of several items on its agenda, including reports on the participation of United Nations volunteers in **peacekeeping** operations, on strengthening investigation functions in the United Nations, on the implementation of the Oversight Office recommendations on the Investment Management Service of the United Nations **Joint** Staff Pension Fund, and on the United Nations common system services at Geneva. It would also decide to postpone consideration of **financing** of the Capital Master Plan to the second part of its resumed session in May.

Action on **Drafts**

By the terms of **draft** resolution A/C.5/58/L.58, having received during the resumed session clarifications to the recommendations of the **Joint Inspection** Unit (JIU) on support costs related to United Nations organizations' extrabudgetary activities, the Assembly would concur with the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the matter and endorse the recommendations contained in the JIU report, to the extent that they applied to the United Nations.

In the light of frozen or falling core resources, effective use of extrabudgetary resources in support of mandated programmes has become increasingly important. The original JIU report (document A/57/442 and Add.1) reviewed formulation and application of extrabudgetary support-cost policies within the United Nations system and proposed measures to harmonize a wide range of arrangements in various programmes and financial management structures of the Organization.

Recognizing that most recommendations are directed at executive heads of various agencies, the Assembly would further invite them to consider those recommendations.

Joint Inspection Unit recommendations address the need to precisely define the role of extrabudgetary **financing** in the overall structure of the United Nations, to refine approval and control mechanisms, and explain the role of extrabudgetary **financing** in relation to core programme activities. Also supported by the Unit is consistent application of rules, clear justification of exceptional support-cost rates and improved efficiency of administrative services.

Taking note of recommendation 1, which advocates integrating extrabudgetary and core resources in budget presentations, subjecting them to legislative approval and aligning them with the main priorities of the Organization, the Assembly would agree with the JIU that governing bodies should take steps to ensure that extrabudgetary resources are accepted for purposes that are consistent with programme priorities and approved mandates.

The **text** also addresses recommendation 4, in accordance with which legislative bodies would consider permitting various organizations to retain the interest earned on extrabudgetary resources contributed to multi-donor activities, where donor-specific accounting is not possible. In this connection, the Assembly would draw attention to the

practice of the United Nations Children's Fund (UNICEF) of retaining interest earned on supplementary resources and of using this income to offset support costs, and invite legislative organs to consider its applicability or relevance to their organizations.

Taking note of recommendation 9, which calls for harmonization of the policy principles upon which support-cost rates are established, the Assembly would agree with the Unit that legislative organs should enact support cost policies to ensure effective mobilization and deployment of extrabudgetary resources in order to further mandated activities in developmental, humanitarian and other substantive areas. It would also agree that those policies should be straightforward, transparent and easy to administer, providing a consistent and equitable approach to special arrangements.

The **draft** was approved without a vote.

The Committee then turned to a **draft** resolution on the **Special Court for Sierra Leone** (document A/C.5/58/L.65), by the terms of which the Assembly would authorize the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed \$16.7 million to supplement the financial resources for the Court for the period from 1 July to 31 December 2004. Any regular budget funds appropriated for the tribunal would be refunded to the United Nations upon liquidation of the Court, should sufficient voluntary contributions be received.

The Secretary-General, in concert with the Management Committee, would be requested to redouble efforts to raise voluntary contributions for the Court and report at the fifty-ninth session on the progress made in that respect. As a matter of urgency, the Assembly would also appeal to Member States to make voluntary contributions in support of the Court and to honour existing pledges.

Noting that the Court is expected to complete its work by the end of 2005, the Assembly would request the Secretary-General to invite the Court to adopt a completion strategy. The Management Committee would be requested to review the structure of the Court with a view to minimizing the cost of completing its work, without adversely affecting the implementation of the legal agreement between the United Nations and the Government of **Sierra Leone**.

The Committee approved the **draft** without a vote.

The United States representative expressed pleasure at the approval of the **draft** on the **Sierra Leone** Court, saying that her country had been a leading proponent of the Court, which had made commendable progress towards achieving its goal of bringing to justice those bearing the greatest responsibility for the terrible crimes committed in **Sierra Leone**. It was imperative that the Court had sufficient funding to continue its important work, particularly at such a crucial time when trials were set to commence.

She welcomed the decision to authorize the Secretary-General to enter into commitments up to \$16.7 million to supplement the financial resources of the Court for the period from 1 July to 31 December 2004 and looked forward to the supplemental information that the Court would provide to the ACABQ and the Committee, which would allow them to consider the remaining portion of the subvention needed for the Court's operations in 2005. She reiterated her delegation's appeal to Member States to contribute voluntary funds to the Court and honour their existing pledges to provide resources for the important cause of justice in **Sierra Leone**.

Japan's representative reiterated that his Government considered subvention as an exceptional measure that would not be considered as a precedent for other cases. His delegation looked forward to receiving the completion strategy as mentioned in the resolution.

By another **draft** decision (document A/C.5/58/L.61), the Assembly would decide to postpone consideration of **financing** of the capital master plan to the second part of its resumed session in May, requesting the Secretary-General to submit during that time all outstanding reports on the matter.

The decision was approved without a vote

By the terms of the **draft** resolution on **human resources** management (document A/C.5/58/L.64), the Assembly - reaffirming that the Secretary-General, as the Organization's chief administrative officer, shall provide and enforce staff rules consistent with the broad principles of personnel policy for the Secretariat's staffing and administration, and that all provisional rules and/or amendments to the Staff Rules shall be consistent with the intent and purposes of the Staff Regulations and should be reported to the Assembly in accordance with regulation 12.3 - would note the Organization's practice of determining personal status for the purpose of entitlements as are set out in the Staff Regulations and Rules by reference to the law of nationality of the staff member concerned.

The Assembly would, by further terms, invite the Secretary-General to reissue the Secretary-General's bulletin ST/SGB/2004/4 after reviewing its contents, taking into account the views and concerns expressed by Member States. It would also note the absence of terms referred to in paragraph 4 of the bulletin in the context of the existing Staff Regulations and Rules and decide that the inclusion of these terms shall require the consideration of and necessary action by the Assembly.

Paragraph 4 of the bulletin states that a legally recognized domestic partnership contracted by a staff member of the law of the country of his or her nationality will also qualify that staff member to receive the entitlements provided for eligible family members.

Speaking before action on the **text**, the representative of Syria said the **draft** resolution did not contain all of the points put forward in informal consultations and official meetings on the issue regarding the Secretary-General's misinterpretation of the freeze of General Service staff language posts. His delegation had put the matter forward since the fifty-seventh session, noting the special nature of the Arabic language, in particular, for the Arabic Web site.

The special features of the Arabic language required greater resources. Not dealing with the point represented a mistaken signal regarding the importance given to the Organization's official languages.

He said he regretted the irresponsible conduct of the Committee's bureau, which had resulted in wasted financial resources and time in dealing with the item. The bureau was not a small General Assembly. Its role was to facilitate the Committee's work and not enter into substantial debate. The bureau had not dealt responsibly on the matter, by not devoting an additional meeting to the item, as requested by a number of delegations. The Committee's work was not transparent. Syria, out of a constructive spirit, would demonstrate sufficient flexibility in joining the consensus on the **draft** in order to support the ultimate objective and make progress in the Organization's work.

The **draft** was then approved without a vote.

The representative of Ireland, speaking on behalf of the European Union and associated States, said that she appreciated the efforts made by all delegations to arrive at a consensus on the matter. The long and complex negotiations in the Committee reminded her of a poem about building a house by her compatriot Seamus Heaney, which illustrated that no matter how difficult the work had been, it was possible to cooperate until the work was done.

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EDITORIAL: Rwanda's agony, the U.N.'s shame

A decade after Rwanda's agony, the horror is still unfolding. Just last week, a United Nations court heard how Mikaeli "Maki" Muhimana, a village councillor, came to be accused of genocide and crimes against humanity in the 100-day slaughter that began April 7, 1994, and took 800,000 lives while the world looked the other way. Maki hacked off the head of his neighbour Assiel Kabanda, a witness said. Then he pinned his grisly trophy to the Kabanda family's door, joking "my neighbour has come back" after being cut down trying to flee for his life. Such was the depravity that Rwanda's green hillsides ran red.

The world will observe a minute's silence at noon tomorrow, to remember. But that silence must not be taken for resolve that such barbarity never happens again. The U.N. today is no better organized to deter genocide.

"We risk the same paralysis" today, Foreign Affairs Minister Bill Graham warned a recent U.N. memorial conference. "We lack the political will to achieve the necessary agreement on how to put in place the type of measures that will prevent a future Rwanda from happening." He called for "an honest global debate" about intervening.

Graham is right. Shamed by Rwanda, the major powers have sent troops into places such as Kosovo, Sierra Leone and the Congo to protect civilians, but on an ad hoc basis. The United States, Russia and many others on the Security Council are not at all keen to be tied down by rules, so the United Nations still has no policy for protecting people threatened by despots, failed regimes or war.

"The political will was not there" in 1994, U.N. Secretary-General Kofi Annan has said. Bill Clinton's risk-averse officials were warned explicitly of genocide, but chose not to hear. Clinton's 1998 apology - he claimed he didn't "fully appreciate" the horror - was half-hearted at best. Even today, the U.N.'s will still isn't there. That betrays the memory of those who died.

No regime should be able to invoke a "sovereign" right to slaughter people and expect the world to stand idly by.

In 2000, Jean Chrétien created the International Commission on Intervention and State Sovereignty that urged the U.N. to be bolder dealing with despots, criminals and fanatics who threaten entire peoples. Its report, *The Responsibility To Protect*, acknowledges that military intervention is legitimate only rarely, to avert "large scale loss of life," and it affirms that Security Council authorization must be sought.

But it challenges the U.S. and other veto-wielding countries not to obstruct intervention when their vital interests aren't affected. And if the Security Council does refuse to intervene, or temporizes, the General Assembly should take action, deputizing "coalitions of the willing" to act.

That might have saved Rwanda. The Security Council turned a deaf ear to Canadian Gen. Roméo Dallaire's pleas for 5,000 troops to thwart the Hutu extremists who planned to slaughter the Tutsi minority like "snakes and cockroaches." Rather than confront the killers, the United Nations invited butchery by pulling most of the 2,500 troops it had. A decade later, much has changed. Rwandan leaders, including prime minister Jean Kambanda, have been convicted and jailed by a special U.N. tribunal. There's a new International Criminal Court with universal jurisdiction to try such cases. The culture of political impunity has been challenged. But Rwanda could happen again. When the United Nations observes its minute of silence tomorrow, it should be a silence not just of remembrance, but of shame.

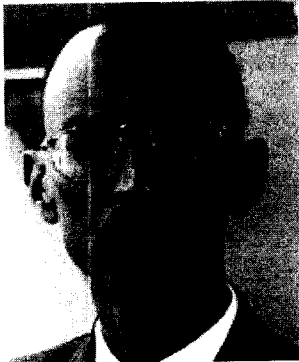
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RWANDA: Week of genocide commemoration begins, Kagame in plea to international community



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President Paul Kagame.

KIGALI, 5 Apr 2004 (IRIN) - Rwanda began on Sunday a week of commemoration of the 1994 genocide, with President Paul Kagame urging the international community to show more commitment in acting swiftly to intervene in volatile situations that could result in mass killings of civilians.

"When genocide takes place, the international community should not shy away from its responsibility, it should take strong and immediate action including military action if need be," Kagame said when he opened an international conference in the Rwandan capital, Kigali, on genocide prevention.

Weeklong activities to commemorate the genocide include events to honour and dignify the victims of the killings as well as seek universal acknowledgement that the world must never allow genocide to occur again.

In his opening speech at the conference, Kagame said what happened in Rwanda in 1994 was due to "sheer reluctance" on the part of the international community to rescue innocent lives. He added that the occurrence of genocide in any part of the world represented the failure of the international community.

The conference, whose theme is "Preventing and banishing genocide forever through universal active solidarity", is being held 10 years since extremist Hutus killed hundreds of thousands of Tutsis and politically moderate Hutus.

Kagame called on the international community to consider ways of fostering the will to act appropriately and on time to halt atrocities.

"The international community should monitor [the situation] early enough and put in place measures that combat systematic discrimination, dehumanisation, and persecution which all precede the genocide," he said.

Nightmare for survivors

Kagame said that 10 years on, Rwanda was still struggling to cope with the destructions of the social, political and economic sectors caused by the genocide.

"The genocidaires, not only murdered a million people, they also destroyed our physical and social economic infrastructure, government, legal system, businesses and the whole economy," he said. "They destroyed everything that supported human life."

He said life had been a nightmare for survivors who now lived in abject poverty.

He added: "The survivors of the genocide have suffered in silence during the last 10 years. They lost their loved ones, their property and everything they called theirs, they were tortured, raped and infected with the HIV/AIDS and now live in abject poverty."

"As if all this was not enough, we are over burdened with the need to forgive, to reconcile, and to live with their former tormentors," Kagame said.

Revelation

Kagame stunned the audience when he said that at one point, during the genocide, after the head of the UN peacekeepers in Rwanda, Gen Romeo Dallaire, had told him that his mission had no mandate to protect the masses, he contemplated forcefully taking arms from UN troops.

"I really contemplated taking those arms by force from them and using them to protect the people who were being killed," he said. "But of course we knew that would open for us another front to fight when we still had another complicated situation to deal with."

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UN official calls for strengthening of multilateral disarmament system

5 April 2004 – Strengthening the multilateral system for peace and security is the correct answer to growing international concerns about arms control and non-proliferation, the United Nations' most senior disarmament official said today.

Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, told the annual opening of the UN Disarmament Commission (UNDC) at UN Headquarters in New York that the world is waiting for it "to come out with correct answers to the urgent questions we are facing."

He said the world now has to deal with "many new and persisting concerns," including the possibility that terrorists may acquire and use weapons of mass destruction (WMDs).

"There is frequent talk about a 'crisis' facing the multilateral system on disarmament, arms control, and non-proliferation," Mr. Abe said, adding the best response is to enhance, rather than discard, the multilateral mechanisms.

The UNDC suspended its formal debate today to allow for informal consultations over two issues of disagreement - nuclear disarmament and conventional arms disarmament. There are also concerns between nations about the appropriate role for the UN in disarmament.

The UNDC's Chairman, Revaz Adamia of Georgia, called for a "revitalized effort" to reach agreement given the current troubling times for disarmament. He cited the persisting national stockpiles of WMDs, the fear that others are trying to acquire them and growing military expenditure.

The UNDC, which is comprised of all General Assembly Member States and was founded in 1952, is charged with overseeing issues in the field of disarmament.