

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



The Coat of Arms of pre-independence 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, 8 March 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Local News

Witness Says Charles Taylor Wanted to Empower Liberian People / <i>Premier News</i>	Page 3
Witness Defends Taylor on Freetown Invasion / <i>Concord Times</i>	Page 4
Fambul Tok to Hold More Reconciliation Meetings / <i>Awoko</i>	Page 5
Message of Gratitude / <i>Independent Observer</i>	Page 6

International News

Witness Says Charles Taylor Did Not Help Sierra Leonean Rebels... / <i>Charlestaylortrial.org</i>	Pages 7-9
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 10-14
Lebanon Tribunal Beset by Problems That Plague any International Court / <i>The Daily Star</i>	Pages 15-19
Two Testify As Lubanga Defense Reels Off Complaints / <i>Lubanga Trial Website</i>	Pages 20-21
US Genocide Resolution is An Ignorant Stunt / <i>Guardian</i>	Page 22

Premier News
Monday, 8 March 2010

Charles Taylor Trial Witness Says Taylor Wanted To Empower Liberian People

Charles Taylor wanted power to empower the Liberian people to develop their country, a defense witness told Special Court for Sierra Leone judges on Thursday as he testified about the former president's motivation to wage a rebel war in the West African country of Liberia.

The witness, only identified by pseudonym number DCT-125 started his testimony the day before and is testifying as a protected witness whose identity cannot be disclosed to the general public.

When he started giving his evidence, the witness' testimony was heard mostly in private session to the exclusion of the general public.

In his testimony, the witness testified in open session but with voice and image distortion, meaning, no one can identify his face and voice.

The witness described himself as a founding member of the Mataba: that is, the "Libyan Bureau" which provided military and ideological training for revolutionaries from different parts of the world. Testifying about the character of Mr. Taylor, the witness described the former Liberian president as a very secretive person and an "intellectual bourgeois capitalist" a description which drew a smile from the very attentive Mr. Taylor.

The witness said that like Mr. Taylor, he is a Pan-Africanist who was trained in Libya alongside other revolutionaries from Sierra Leone, Liberia, Nigeria, South Africa, Namibia, Zaire (now Democratic Republic of Congo) and many other countries with an

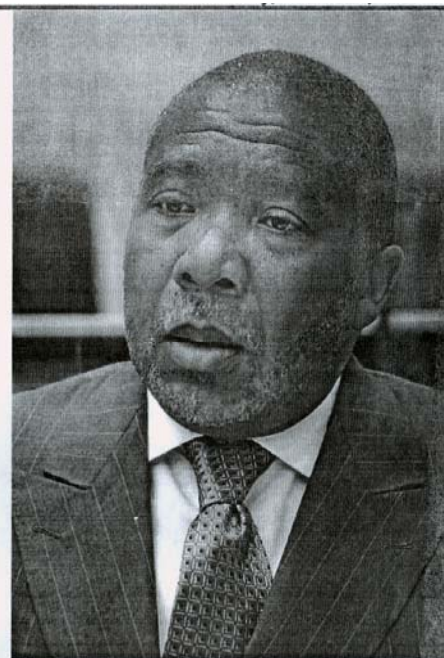
aim of liberating Africans from "neo-colonialism."

Reading from the Mataba manifesto, the witness told the court that the document called on all revolutionaries around the world to come together and fight against "state sponsored terrorism."

Mr. Taylor is accused of providing support to the Revolutionary United Front (RUF), a Sierra Leonean rebel group which prosecutors say committed heinous crimes in Sierra Leone such as rape, murder and "terrorizing the civilian population." Some prosecution witnesses also testified before Special Court for Sierra Leone judges that with Mr. Taylor's involvement, terrorist operatives from the fundamentalist group Al Qaeda visited Liberia and RUF controlled territories in Sierra Leone. Defense counsel for Mr. Taylor, Courtenay Griffiths, today asked the witness the Mataba's position on terrorism.

"The Mataba, according to our aim and objectives, is not a terrorist organization. The Mataba is a combination of all revolutionary forces to devise strategies to face imperialism and its allies wherever they are," the witness said.

Prosecutors have alleged that Mr. Taylor met with RUF leader Foday Sankoh at the Mataba in Libya in the mid to late 1980s and that the two men formed a common plan to destabilize the West



African sub-region through assistance to each other in their respective wars in Liberia and Sierra Leone. Mr. Taylor has denied these assertions, insisting that he never met Mr. Sankoh in Libya. He has denied providing support to RUF rebels in Sierra Leone.

There was no hearings on Friday and Monday as the court room will be used for other trials conducted by the International Criminal Court (ICC).

Witness DCT-125's testimony will continue on Tuesday.

Culled from www.charlestaylortrial.com

Concord Times
Monday, 8 March 2010

Witness defends Taylor on Freetown invasion

Defence witness Yanks Smythe has ended his testimonies at the Special Court for Sierra Leone declaring that neither Charles Taylor nor any member of his security participated in the invasion of Freetown on January 6, 1999. Before the end of his re-direct examination, the witness said former Liberia special security service director, Benjamin Yeaten's signature was forged on a prosecution document shown to him in court. The defence second witness took the stand with certain pro-

tective measures.

According to Smythe, his former boss played no role in the invasion of Freetown, denying prosecution allegation that Taylor contributed arms and fighting forces during the invasion of the Sierra Leonean capital.

The witness further denied that no member of Charles Taylor's security apparatus assisted the invading forces, but defence lawyer Morris Anyah pressed the witness about the prosecution allegation.

Smythe also described as

incorrect a prosecution document bearing the name of former special security service director, Benjamin Yeaten. The document titled 'Operation Orders' prepared by one prosecution witness, Abu Keita who allegedly served in Taylor's government, spelled Benjamin differently.

Defence lawyer Anyah asked the witness about the authenticity of the spelling of Benjamin Yeaten's name and the accuracy of his signature in the prosecution document.

Awoko

Monday, 8 March 2010

Fambul Tok to hold more reconciliation meetings

Fambul Tok, a face to face community owned and leading Reconciliation Programme has planned a series of activities in Kailahun, Moyamba, Kono and Koinadugu Districts to commemorate its second anniversary. Fambul tok conducts their reconciliation programmes through confession, forgiveness and reconciliation using traditional processes. In March, they will hold reconciliation ceremonies in Njaluahun Chiefdom, Kargbo section and Kissi Tongi Chiefdom in the Kailahun District. In Moyamba, it will be done in the Kaiyamba Chiefdom in the Kpange section and Angiboya Section respectively.

Other reconciliation activities will be conducted in the Nimiyama and Gbense chiefdom whilst in Koinadugu, it will be held in Sengbe chiefdom. They will also use football as a way of promoting reconciliation.

A new initiative programme will also be held which will be aimed at creating a wider forum where women in the various communities can periodically meet and freely discuss issues affecting them.

Fambul Tok International encapsulates the unique tradition of addressing conflict within the safety of a family setting.

Independent Observer
Monday, 8 March 2010

UNITED NATIONS  NATIONS UNIES

MESSAGE OF GRATITUDE

On behalf of the United Nations Secretary - General and the United Nations family in Sierra Leone, I wish to express our sincere and profound gratitude to the President of the Republic of Sierra Leone, the Foreign Minister, members of the Government, leaders of political parties, civil society organizations, non-governmental organizations, the Inter-religious Council, the artists, the private sector and the people of Sierra Leone as a whole for the spontaneous and compassionate response following the devastating earthquake in Haiti on 12 January 2010.

The timely and sincere support provided by the People of Sierra Leone to the people of Haiti and the solidarity shown towards the United Nations in the aftermaths of the devastating earthquake demonstrate the good will and compassion of the Government and people of Sierra Leone in responding to a disaster of enormous magnitude that claimed the lives of hundreds of thousands people and caused untold suffering and destruction. Such good will of the people of Sierra Leone has also been evident in the country's participation in other United Nations peace missions, including Darfur over the past years.

The assistance and numerous fund raising activities by the Government, the artist of Sierra Leone, by civil society and other charities will go a long way in building international solidarity with the people of Haiti and the United Nations.

Once again, thank you for all your support.

Michael von der Schulenburg
Executive Representative of the
Secretary- General

Charlestaylortrial.org

Saturday, 6 March 2010

Witness Says Charles Taylor Did Not Help Sierra Leonean Rebels To Attack Freetown In 1999, Prosecutors Say His Evidence Is Inconsistent

By Alpha Sesay

Charles Taylor did not provide support to Sierra Leonean rebel forces in their attack on the West African country's capital Freetown in 1999, said the former president's first defense witness who concluded his testimony this week. Prosecutors, on the other hand, accused the witness of giving testimony which was inconsistent with his own written statement and with Mr. Taylor's evidence as well.

Mr. Yanks Smythe, a Gambian national who was a member of Mr. Taylor's National Patriotic Front of Liberia (NPFL) rebel group and who, upon attaining Liberian citizenship was appointed by Mr. Taylor as Liberia's top diplomat to Libya and Tunisia, told the court that neither Mr. Taylor nor his security forces supported or participated in the Sierra Leonean rebel attack on the country's capital Freetown in 1999.

Mr. Yanks' testimony – consistent on this point with Mr. Taylor's own testimony — stands in contrast to that of several prosecution witnesses, who had testified that the former Liberian president provided the support needed for the rebels to attack Freetown. Prosecution witnesses had also testified that both Mr. Taylor and his Special Security Services (SSS) director, Benjamin Yeaten, were in radio contact with one of the top Sierra Leonean rebels, Sam Bockarie, during the attack. In his re-examination on Wednesday, Mr. Smythe dismissed the allegations as lies, adding that no member of Mr. Taylor's security apparatus travelled to Sierra Leone for the operation.

“To your knowledge, were any employees or members of the SSS during that period of time engaged in any fighting in Sierra Leone?” Mr. Taylor's defense counsel, Mr. Morris Anyah, asked the witness in re-examination, as he sought to clarify allegations that Mr. Taylor sent fighters to help the rebel forces in the 1999 invasion of Freetown.

“No, to my knowledge, none of the SSS were involved in any fighting in Sierra Leone,” the witness responded.

Seeking to clarify the issues further, Mr. Anyah asked the witness whether “to your knowledge, were any members of the SSS, in particular Benjamin Yeaten, engaged in any radio communications with persons in Sierra Leone during that period of time?”

Again, Mr. Smythe responded that “to my knowledge, no.”

Earlier on Monday, the witness dismissed prosecution assertions that his testimony is contradicting that of the former Liberian president, telling the court that neither he, nor Mr. Taylor, is lying to the judges.

During Monday's cross-examination, prosecution counsel Nicholas Koumjian, questioned the witness about Mr. Taylor's presence in the former NPFL headquarter town of Gbarnga. According to Mr. Koumjian, the witness seemed to be contradicting what the former president said in his own testimony. Mr. Koumjian suggested to the witness that in October 1996, Mr. Taylor moved to Gbarnga and instructed Revolutionary United Front (RUF) leader Foday Sankoh via a radio message to go and acquire arms for the RUF. After agreeing with Mr. Koumjian that Mr. Taylor did indeed go to Gbarnga in October 1996, the prosecutor read a portion of Mr. Taylor's previous testimony in which the former president had denied ever going to Gbarnga during that period. Upon hearing what Mr. Taylor said about the same incident in his testimony, Mr. Smythe sought to clarify his response, saying that he was in agreement with Mr. Taylor's account.

“You just told us Charles Taylor moved to Gbarnga after the 31st of October 1996, was that correct?” Mr. Koumjian asked the witness.

The witness responded that “when there was an attack on his life, he left Monrovia during that period and he went to Gbarnga but he never stayed there, he came back to Monrovia, this is what I am saying.”

“Sir, who is lying when we talk about Charles Taylor being in Gbarnga in 1996, you or Charles Taylor,” Mr. Koumjian again asked the witness.

“Nobody is lying here,” the witness responded.

Also in his cross-examination on Monday, Mr. Koumjian attempted to point out that Mr. Smythe’s evidence about Mr. Taylor’s personal security personnel having heavy weapons also contradicted that of the former president’s. Prosecutors reminded the court that on September 30, 2009, Mr. Taylor said that he did not even have arms and ammunition to give his personal security personnel and so could not have had same to supply RUF rebels in Sierra Leone. Mr. Taylor had testified that the United Nations took away all his arms and ammunition during the disarmament process in Liberia. Mr. Koumjian on Monday asked the witness to describe the kinds of weapons that Mr. Taylor’s personal security carried.

“That weapon is ah, I think its GMG,” the witness said, adding that GMG means “General Machine Gun.”

Asked whether it was an “anti-aircraft type of weapon,” the witness responded that “I don’t know what you are talking about, I know it’s GMG , General Machine Gun.”

“And it was actually somehow fixed to the back of like a Pick Up truck, correct?” Mr. Koumjian enquired further.

“It’s in a Pick Up truck,” the witness responded.

Mr. Taylor during his testimony told the court that he never had an anti-aircraft weapon during the entire period of the Liberian conflict.

On Tuesday, as prosecutors pointed out inconsistencies in his written statement to defense lawyers and his oral testimony in court, Mr. Smythe said that certain aspects of his written statement were misrepresented.

During Tuesday’s cross-examination, Mr. Koumjian tried to point to Mr. Smythe that certain things about which he has testified in court differ from what he had said to Mr. Taylor’s defense lawyers when they obtained a statement from him in June 2009. For example, Mr. Koumjian pointed out that the witness has testified in court that Mr. Taylor’s NPFL rebel group did not use child soldiers. However, his written statement made to defense lawyers in 2009 differed. In his response, Mr. Smythe said that such inconsistencies were as a result of misrepresentations made of what he had said in his written statement. The witness in his testimony had said that contrary to what prosecution witnesses said in court, there was no group for child soldiers called Small Boys Unit (SBU). He said that the term SBU was created by NPFL commanders who had rescued and were taking care of children abandoned in the frontlines. Mr. Koumjian pointed out that the witness’s written statement revealed a different story.

“Mr. Witness, you told the defense last year, didn’t you, that there was an SBU unit, that these were under-aged, and they were part of the NPFL,” Mr. Koumjian put to the witness.

“This is a complete misrepresentation of what I said, I never said that. This was not what I said,” the witness responded.

“The defense invented this, is that what you are saying?” Mr. Koumjian again put to the witness.

“I don’t know what you mean by they invented but this is not what I said. I said SBU as I stated in my testimony here, yes, this is what I know about SBU,” the witness again responded.

As Mr. Koumjian pressed further on what the words “SBUs were under-aged” meant in his written statement, the witness responded that “I’m saying this is a complete misrepresentation of what I said in my statement. This is not what I said.”

Mr. Koumjian also pointed out that while the witness' courtroom testimony said that he never fought on the frontlines for the NPFL, his written statement revealed a different story. In the witness's statement, he was quoted as having taken part in an attack during "Operation Octopus," a 1992 attack on Monrovia by NPFL rebels. The witness insisted that he had again been misrepresented by those who obtained his statement.

The witness also in his testimony in court had said that the first time he met Mr. Taylor was in 1987 at the Mataba guesthouse in Libya where Mr. Taylor reportedly lived alongside dissident leaders from Gambia and Sierra Leone. Mr. Koumjian pointed out that the witness's written statement revealed that he had met Mr. Taylor at the Libyan revolutionary training camp Tajura, not Mataba.

Reading from the witness's written statement, Mr. Koumjian quoted that "the first time witness met CT [Charles Taylor] was in 1987 in Tajura, not at Mataba meetings."

Mr. Smythe insisted that that was a complete misrepresentation of what he said. "I never saw Mr. Taylor in Tajura," he said.

While Mr. Smythe in his testimony tried to rebut prosecution evidence against Mr. Taylor, prosecutors during cross-examination also tried to discredit the witness's testimony. Like defense lawyers did with prosecution witnesses under cross-examination, prosecutors also tried to highlight inconsistencies in Mr. Smythe's oral testimony in court and his written statement made to defense lawyers. It will be left with the judges to determine the credibility of the witness and whether his testimony can be relied upon.

As Mr. Smythe ended his testimony on Wednesday, Mr. Taylor's next defense witness took the stand. The witness, DCT 125, is testifying as a protected witness because, like some prosecution witnesses, security reasons demand that his identity not be revealed to the public. Aspects of DCT 125's testimony are heard in private/closed session to the exclusion of the general public. For those parts of his testimony which are heard in open session, the witness is testifying using voice and facial distortion, meaning that members of the public cannot identify his voice and face.

On Thursday, the witness told the court that Mr. Taylor only wanted power to empower the Liberian people to develop their country.

"Charles Taylor wanted power, control his people and to empower them with the authority to develop their country in Liberia," the witness said today as he testified about the former president's motivation to wage a rebel war in the West African country of Liberia.

The witness described himself as a founding member of the Mataba: that is, the "Libyan Bureau" which provided military and ideological training for revolutionaries from different parts of the world. Testifying about the character of Mr. Taylor, the witness described the former Liberian president as a very secretive person and an "intellectual bourgeois capitalist" — a description which drew a smile from the very attentive Mr. Taylor.

Reading from the Mataba manifesto, the witness told the court that the document called on all revolutionaries around the world to come together and fight against "state sponsored terrorism."

Mr. Taylor is accused of providing support to the RUF, a Sierra Leonean rebel group which prosecutors say committed heinous crimes in Sierra Leone such as rape, murder and "terrorizing the civilian population." Some prosecution witnesses also testified before Special Court for Sierra Leone judges that with Mr. Taylor's involvement, terrorist operatives from the fundamentalist group Al Qaeda visited Liberia and RUF controlled territories in Sierra Leone. Defense counsel for Mr. Taylor, Courtenay Griffiths, today asked the witness the Mataba's position on terrorism.

"The Mataba, according to our aim and objectives, is not a terrorist organization. The Mataba is a combination of all revolutionary forces to devise strategies to face imperialism and its allies wherever they are," the witness said.

DCT 125's testimony continues on Tuesday.

**UNMIL Public Information Office Media Summary
5 March 2010**

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

International Clips on Liberia

Charles Taylor Wanted Power to Empower the Liberian People to Develop Their Country, Witness Says

Mar 05, 2010 (CharlesTaylorTrial.org/All Africa Global Media via COMTEX) -- Charles Taylor wanted power to empower the Liberian people to develop their country, a defense witness told Special Court for Sierra Leone judges today. "Charles Taylor wanted power, control his people and to empower them with the authority to develop their country in Liberia," the witness said today as he testified about the former president's motivation to wage a rebel war in the West African country of Liberia. The witness, only identified by pseudonym number DCT-125 started his testimony yesterday. The witness is testifying as a protected witness whose identity cannot be disclosed to the general public. When he started giving his evidence yesterday, the witness' testimony was heard mostly in private session to the exclusion of the general public. In his testimony today, the witness testified in open session but with voice and image distortion, meaning, no one can identify his face and voice.

**International Clips on West Africa
Guinea**

**Guinea Ensure Redress for Stadium Massacre Victims
With Elections Promised, Transitional Government Needs to Make Progress on Rule of Law**

March 5, 2010

(Dakar) Reuters- Guinea's new transitional government should take concrete steps to ensure redress for victims of the September 2009 massacre of more than 150 opposition supporters in a stadium in the capital, Conakry, Human Rights Watch said today in a letter to the new government. The government should also locate the bodies of those still missing and suspend officials implicated in the massacre and its aftermath, Human Rights Watch said. Human Rights Watch called on the interim president, Brigadier General Sékouba Konaté, and transitional prime minister, Jean-Marie Doré, to take concerted action in accordance with international standards to prevent, investigate, and prosecute human rights violations committed by Guinea's security forces.

Ivory Coast

Meal cuts in Cote d'Ivoire 'may fuel unrest'

By REUTERS Posted Friday, March 5 2010

The amount of food given to 430,000 schoolchildren in Cote d'Ivoire has been cut in half due to lack of funding, and the World Food Programme (WFP) said on Friday it could fuel unrest in the world's

top cocoa grower. "Unless we secure \$6 million in funding soon, we will have to completely cut rations in April," WFP spokeswoman Emilia Casella told a briefing. The funds would cover the programme until June. "There is concern for social cohesion and stability. When people are hungry it can affect the stability of an area," she added. Nearly 50 per cent of children in parts of north and west Cote d'Ivoire suffer from chronic malnutrition, the United Nations agency said. Long-delayed elections in the West African nation sparked violent protests last month after President Laurent Gbagbo disbanded the government and electoral commission. The opposition announced on February 26 it was joining the new government and called off the protests in the country, where crisis has persisted since a 2002-03 civil war split it in two.

Ivory Coast crisis cools—for now

03/05/2010

ABIDJAN, Ivory Coast (AP)—With the formation of a new government, Ivory Coast has defused a political crisis that triggered deadly riots—but has also allowed the embattled president to postpone long-promised elections by at least two months. Three weeks ago, President Laurent Gbagbo dissolved the government in a country that was once a model of political stability and an economic powerhouse. Violent opposition protests followed. At least five people died before the opposition agreed to join a new government. But the composition of the new government, which was announced Thursday, is little different from the old one. It is composed of 16 ministers from the president's camp, 13 of whom served in the last government. The opposition replaced all but three of its 11 ministers but still retains an opposition member as head of a nearly identical electoral commission. "One wonders why he dissolved the government," said Alassane Ouattara, who will be one of Gbagbo's main opponents in a presidential election. "The framework of the government is 90 percent of what it was before." There is one notable difference: The presidential elections which were slated for the beginning of March now won't be held before May, at the earliest.

Local Media – Newspaper

LNP Clarifies Capitol Bye-Pass Mob Violence, Contradicts Justice Ministry

(Heritage, The Informer, The Inquirer and Liberia Journal)

- The Liberia National Police (LNP) has clarified that the Police Support Unit (PSU) officer who allegedly shot and killed 52-year old Preston Davies was not in pursuit of any criminal gang.
- The Police latest clarification contradicts Justice Minister's earlier pronouncement that Chief Inspector Amos Tutu acted in self-defense after he was allegedly attacked while carrying out an arrest of a criminal gang.
- The PSU officer was allegedly sprayed with gasoline and burnt to death by an angry mob in reprisal style late Saturday in Monrovia.
- Inspector General Marc Amblard said though the PSU officer was not on an official duty his alleged action does not in anyway warrant mob action.
- Mr. Amblard however said the police have arrested several suspects including the provider of the alleged gasoline and warned of more arrest in connection to the Capitol Bye-pass mob violence.
- He said investigation is underway to establish circumstances surrounding the interaction between the PSU officer and Preston Davies that led to their deaths.

Police Gives Update on Lofa Violence

(The News, Heritage, Liberia Journal, Public Agenda and Front Page)

- Authorities of the Liberia National Police (LNP) Thursday disclosed that four people were killed and twenty-five others wounded during the recent violence in Voinjama, Lofa County.
- The Police clarification comes amidst conflicting reports on the number of persons killed in the violence.
- The LNP has however confirmed that calm has finally returned to Voinjama with the arrest of at least twenty-nine suspects in connection to the violent situation.
- Police chief Marc Amblard said ten single-barrel guns and twenty-nine rounds along with several cutlasses were confiscated and are being processed into evidence.

- He said the violence situation led to the burning of twenty-three houses, three churches and two mosques as well as the looting and subsequent burning of several business centres.
- The Police Inspector General said the presence of the Emergency Response Unit will be maintained in the troubled region until several ongoing interventions are concluded.

Several Arrested For Vandalizing Sierra Leonean Refugees Homes

(The Inquirer)

- Latest reports from Grand Cape Mount County say several persons have been arrested for allegedly vandalizing and looting some new housing units that are being constructed for use of Sierra Leonean refugees who have chosen to live in Liberia under a reintegration plan reached with the UN Refugee Agency (UNHRC) and Government.
- Reports say the suspects were apprehended while looting some of the doors, windows, ceilings and other facilities on the new housing units is to be used as a residential centre for the refugees under the reintegration plan.

Labour Ministry Maintains New Aliens Work Permit Registration Fees

(The Inquirer and the Analyst)

- The Ministry of Labour says it has not violated any provision of the Liberian constitution concerning increment of work permit as was claimed by the National Legislature Joint on Labour.
- Labour Minister Tiawon Gongloe maintained that the price of alien work permit remains unchanged.
- Minister Gongloe indicated that if the House Joint Committee on labour matters has any qualm with the increment of work permit fees, they should seek advice from the Temple of Justice, the country's highest court for interpretation.
- The minister said he acted in accordance to laws of the entity says the payment of work permit remains US\$1000.00, instead of US\$450.00.
- Recently, the National Legislature Joint Committee on Labour, Ways, Means and Finance and Judiciary said the Ministry of Labour has no authority to increase work permit fees beyond the one set by the legislature.

High-Power ArcelorMittal Delegation Visits Liberia

(Daily Observer)

- A high-power delegation of the Group Management Board (GMB) has been visiting Liberia to acquaint itself with the status of the Liberia Iron Ore Project and to also review steps taken to restart the project.
- The board members were led by the Chief Financial Officer, Mr. Aditya Mittal.
- The GMB is the highest decision making body in ArcelorMittal.
- Prior to the Liberian visit, the Mittal delegation made a stop over in the Republic of Guinea, to visit the BHP Billiton Iron Ore assets so as to gain a better impression of the potential that could arise from a Joint Venture with that company.
- It may be recalled that the two companies recently announced they were holding talks which could lead to a possible joint venture.

Security Council To Meet On Liberian Next Week

(The Inquirer)

- The United Nations Security Council will next Wednesday hold a special consultation on the security situation in Liberia following a report submitted to the body by Secretary General, Ban Ki-Moon.
- The Special Representative of the Secretary-General to Liberia, Ellen Margrethe Loj said the consultation will focus on discussing the progress report of the mission as was contained in Mr. Ban's report to the body.

- Ms. Loj said the report will look at the Mission's work in Liberia since September last year when the Mission's mandate to remain in Liberia was renewed by the council and extended by an additional year.

“No Plan To Attack Muslims”... Christian Community Writes Interfaith

(The News)

- The Christian Community in Lofa County says it is in support of peace and would do nothing to undermine the co-existence between Christians and Muslims in the county.
- The Christian Community said there were no plans to attack Muslims but warned Mandingoes who are predominately Muslims against provocation saying they are in the habit of stirring up things.
- The assertion by the group was contained in a statement presented to the Interfaith Mediation Committee which recently visited Voinjama, Lofa County to assess the level of destruction from the violence.

UNMIL/ ERU Deploy In Zorzor... As Ethnic/ Religious Tension Mounts

(New Democrat)

- [SIC]Following last weekend's violence in Voinjama, Lofa UNMIL troops and officers of the Emergency Response Unit (ERU) have reportedly been deployed in Zorzor, another town in the county as ethnic and religious tension mounts.
- The paper quoting a top police commander said the troops entered Zorzor on Wednesday.
- Meanwhile, Justice and Security chief meeting in Voinjama have reportedly been hearing various political and other demands from the two main rivals in the conflict-ethnic Lormas and Mandingos which observers say were unrealistic and could derail the peace initiative.

Star Radio *(News monitored today at 09:00 am)*

Deputy House Speaker Wants National Reconciliation Confab Convened

- Deputy House Speaker Tokpah Mulbah has warned that Liberia will not make progress unless a national reconciliation conference is convened.
- According to him a national reconciliation conference is the best method to resolve whatever bitterness Liberians may have including tribal conflict.

Labour Ministry's Action On Alien Work Permit Is Legal, Says Nimba Lawmaker

- A Nimba County lawmaker says the action by the Labor Ministry to regulate and determine work permit fees for aliens is consistent with laws.
- Representative Worlea-Saywah Dunah said the policy by the Ministry falls in line with Section 1507 of the Labor Law and said it was unfortunate that the House Plenary could oppose the plan.
- Representative Dunah believes denying the Ministry such responsibility creates the impression that the interest of the expatriate community was being prioritized.

(Also reported on Truth FM, Sky FM, and ELBC)

Circuit Court Slams Two men With Life Imprisonment

- The 9th Judicial Circuit Court in Bong County Wednesday sentenced two men to life imprisonment for killing a motorcyclist, Prince Nyan on October 23rd, 2009 on the Gbarnga-Kokoyah Road.
- The men during the trial admitted to the commissioned of the crime but accused each other of strangulating the deceased.

One Blood On National Food Security

- The head of One Blood International says national development is not possible without food security.
- Dr. Kenneth Jackson said unless Liberians get to the point of developing their own food to feed themselves, the Country would remain at the mercy of outside forces.
- According to Dr. Jackson, the external forces will continue to manipulate the Country in a negative form.

- He spoke Wednesday when he was awarded a certificate of appreciation by the Management of a local daily, the Bong Times, which underscored the group's contribution to large scale food production in Bong County.

Radio Veritas *(News monitored today at 09:45 am)*

GOL Closes Borders with Guinea

- The Liberian government has reportedly closed its borders with Guinea and told the people of Lofa that the curfew imposed will remain enforce.
- The locals were also told that by Monday of next week more Immigration officers will be deployed at the border.
- The government of Liberia says it will go after those who spread rumors about the incident in Konia that led to residents taken to the streets.
- The government says if they are caught they will be charged with sedition while those who participated in the violence and wanton destruction of properties will be charged with terrorism.

LNP Clarifies Casualties In The Lofa Violence

(Also reported on Truth FM, Sky FM, and ELBC)

Police In Procedural Error, Says JPC Executive Director

- The Catholic Justice and Peace Commission (JPC) says there is a procedural error in the police raid of street gas dealers.
- Police Wednesday began raiding street or sidewalk gas dealers in Monrovia following the gruesome death of a Police Support Unit (PSU) officer, Amos Tutu who was burnt to death by an angry crowd.
- JPC executive director Augustine Toe said the Police erred in raiding the sidewalk gas dealers without giving them a prior notice.
- Cllr. Toe argued the gas dealers have been in the gas business on sidewalks for years and that raiding them from the death by the burning of PSU officer is belated and not timely.

Liberian Women Observe International Women Day Monday

- Women in Liberia will next Monday join their colleagues around the world to celebrate International Women's Day.
- March 8 is celebrated each year as International Women's Day in many parts of the world in recognition to the great achievements of women.
- A Gender Ministry press release says the Day is also intended to reflect on strives women continue to make and the challenges they face.

Truth FM *(News monitored today at 10:00 am)*

LNP Clarifies Capitol Bye-Pass Mob Violence, Contradicts Justice Ministry

The Daily Star (Lebanon)

Monday, 8 March 2010

Lebanon Tribunal beset by problems that plague any international court



Editor's note: The following are excerpts of the Special Tribunal for Lebanon's annual report, which was released Saturday. The Daily Star will publish excerpts of the report over the next three days.

INTRODUCTION

1. This Annual Report is not meant to present a jejune account of the activities undertaken by the organs of the Tribunal in the last twelve months. In addition to illustrating the steps taken, achievements made, and setbacks encountered in the past year, it aims to discuss some general problems and challenges facing the Tribunal and to reflect on the implications of its establishment. This will be done in an effort to ensure transparency and accountability vis-à-vis the United Nations, the

Government of Lebanon, Lebanese civil society, the Member States, and the world community at large.(...)

C. The Imperative Need for State Cooperation

1. Introduction

46. The cooperation of States, which is crucial to the successful accomplishment of the mission of any international criminal tribunal or court, normally follows two models.

a. The horizontal model based on the sovereign equality of States, whereby States are not bound to cooperate unless they have agreed to do so. This model is the one that normally inspires the bilateral or multilateral treaties on judicial cooperation or extradition between States. Under this model, the State requested to perform investigative or judicial acts to assist criminal proceedings in the requesting State (e.g. interviewing or summoning witnesses, conducting searches, executing arrest warrants etc.) operates through its own prosecutorial or judicial authorities and then delivers the result of these acts to the requesting State.

b. The vertical model, whereby States are legally bound to comply with orders issued by an international tribunal or court without prior specific agreement, but rather on the basis of a binding decision of an international organ (with the consequence that any non-compliance may be sanctioned). Under the vertical model, States may not refuse to cooperate on any of the grounds usually applicable in inter-State legal assistance or extradition treaties (such as non-extradition of nationals, political offence exception, double criminality requirement or ne bis in idem condition). (...)

48. The STL system of cooperation is unique in four respects. First, it is based on both models of cooperation: while the vertical model governs the relationship between the STL and Lebanon, the horizontal model dictates its relationship with third States. Second, the relationship between the STL and Lebanon is inspired by the more hierarchically-oriented vertical model, since Article 11(5) of the Statute appears to allow the STL to take investigative acts, if appropriate without the assistance of the Lebanese prosecutorial or judicial authorities. Third, the effectiveness of the horizontal model has been reinforced by envisaging the conclusion of agreements or arrangements with third States, not only by the President acting on behalf of the whole Tribunal, but also by the Prosecutor, the Head of Defense Office and the Registrar. Fourth, innovative mechanisms designed to avoid major cooperation difficulties have been adopted in the RPE. (...)

D. Principal Problems Likely to Beset any International Criminal Court Dealing with Terrorism

58. It may now prove judicious to try to explain the fundamental reasons for the protracted investigations of the Tribunal's OTP into the terrorist crimes falling under the Tribunal's jurisdiction, and also to show how the STL must face both the problems besetting any international criminal tribunal, and those that such a tribunal must come to grips with when it deals with crimes of terrorism.

1. General Problems Plaguing any International Criminal Court or Tribunal

(i) International environment

59. Let me start by briefly discussing the problems that any international criminal tribunal must cope with.

60. For a Judge used to sitting on a domestic court, being appointed as an international criminal judge may involve a novel and, in some respects, challenging experience. At home he was part of and worked within a complex machinery, the Judiciary. A Ministry of Justice was taking care of financial resources and other administrative matters. Law enforcement agencies at the disposal of the Judiciary accomplished important coercive tasks: execution of judicial orders for the collection of evidence, for searches and seizures, and for summoning or arresting suspects or indictees. In addition, colleagues shared the same legal background, having been trained in the same country, and generally having been brought up in the same cultural milieu. Furthermore, all activities were done in the same language – a language usually shared not just by counsel, prosecutors, judges, but also by witnesses and defendants.

61. As was noted in the past by a witty ICTY judge, once projected onto the international arena some domestic judges feel like astronauts floating in a rarefied atmosphere, with no oxygen. There is no general judiciary proper in the international arena, but only a number of distinct judicial institutions, each living its own life. Each international tribunal normally constitutes a monad, a self-contained unit, disjointed from other courts or tribunals of a similar nature. Each tribunal must look after its own financial resources and their judicious allocation as well as set up its own structure and act in conformity with its own rules of procedure. What is even more striking, international tribunals have no enforcement agencies at their direct disposal. They have no sheriffs, no judicial police, no bailiffs capable of directly enforcing judicial orders. For these purposes, international courts must turn to State authorities and request that they take action – through their own organs – to assist the international courts' officers and investigators. (...)

62. For international criminal tribunals State co-operation is therefore crucial to the effectiveness of the judicial process. Often, it is only national authorities (or, under certain circumstances, international organizations) which can enforce decisions, orders, and requests issued by international criminal tribunals. Admittedly, generally speaking this need for State cooperation holds true for all international institutions, which always need the support of governments to be able to operate. International criminal courts, however, are much more in need of this type of support, and need it more urgently, because their action has a direct impact on the human rights of individuals residing on the territory of sovereign States and subject to their jurisdiction. Indeed, international courts have the authority to charge those individuals with international crimes, to bring them to trial and, if such individuals are convicted, to order that they serve sentences of imprisonment. It is therefore imperative that, in order to allow international tribunals to carry out functions that impact so heavily on fundamental human rights, States – which have created such tribunals in the first place – lend them their swift and effective assistance. (...)

(ii) The international investigative process

64. Conducting investigations into core international crimes and terrorism poses challenges that are different than those faced in domestic investigations. In many instances, international investigators are not on the scene until weeks, months or even years after the crimes have been committed. Time is the enemy of all investigations, since the passage of time often means that evidence is no longer available; memories have gone stale; witnesses have died or are no longer traceable. Moreover, there are often language barriers to be overcome, since quite often the investigator does not speak the same language as the victims or witnesses. Even when the investigator and witness speak a common language, cultural barriers may hinder clear communication.

65. In this regard, I need to point out that the Tribunal only started working in early March 2009. While the United Nations International Independent Investigative Commission (UNIIC or Commission) was established on 7 April

2005 pursuant to Resolution 1595 (2005), the mandate of this Commission was to assist the Lebanese authorities in their investigation and to help identify the perpetrators, sponsors, organizers, and accomplices; to this end, the Commission was, among other things, requested “to collect any additional information and evidence” pertaining to the terrorist act. This task – carried out pursuant to procedures that are not those typical of an international judicial process – was therefore different from that of the STL Prosecutor as an organ of the Tribunal and therefore subjected to the RPE adopted by the Judges. While the material gathered by Lebanese authorities and by the UNIIIC can be used as evidence before the Tribunal, “its admissibility shall be decided by the Chambers pursuant to international standards on collection of evidence. The weight to be given to any such evidence shall be determined by the Chambers” (Article 19 of the STL Statute).

66. It should be added that, whether or not the activity of an international criminal tribunal is preceded by the gathering of information and evidence by a commission of inquiry, normally collection of evidence that stands up to the strict criteria proper for international criminal trials is a complex and time-consuming process. As a rule, at least two or three years elapse between the beginning of criminal investigations proper by an international Tribunal’s Prosecution and the initiation of trial proceedings. (...)

(iii) Length of international proceedings

67. Yet another serious problem is the length of international criminal proceedings. This results from various factors and I will only touch upon some of them here.

68. First is undoubtedly the complexity of international cases. Compared to an average case in national courts, international criminal proceedings deal with more complex legal and factual issues. True, there are also very complex proceedings at the national level (e.g. mafia and other organized crime cases); however, this level of complexity is the rule in international criminal proceedings. In addition, the complexity is also influenced by the fact that international tribunals must rely on national authorities and must strive to overcome the reluctance of some States to cooperate fully.

69. Second, I would point to some aspects of the dominant adversarial system which, by requiring that all the evidence be elicited orally through examination and cross-examination, renders proceedings protracted – although the system also appears under certain circumstances better suited to protect the fundamental rights of the accused. On the contrary, in many inquisitorial systems the evidence is selected beforehand by the investigating judge as an impartial judicial authority present during the investigation and pre-trial phases of the proceedings. However, one should not generalize too much: the experience of the ECCC, based on a system closely resembling the traditional French one, shows that the inquisitorial system may also result in lengthy proceedings. In the first case before the ECCC, after a lengthy and confidential investigation procedure, the trial has also taken a long time, mainly because of the perceived need to hear most of the evidence again in the public forum of a trial. The advantage of the civil law system regarding efficiency at trial was thus lost. The system at the ECCC appears to have combined the long pre-trial phase typical of inquisitorial systems with the long trial phase often needed in adversarial proceedings.

70. Third, one should also mention language problems. At the national level, proceedings are normally conducted in only one language, whereas before international courts this occurs in at least two, and possibly in three or more languages. This has the consequence that documents, exhibits and pleadings need to be translated into all these languages. Moreover, interpretation is needed in the courtroom: even with simultaneous interpretation, the length of the proceedings is clearly affected and the need for clarifications and corrections – required due to the precision needed in criminal proceedings – further aggravates the problem.

2. Problems Specific to an International Tribunal Dealing with Terrorism

(i) Problems relating to the investigation of crimes of terrorism

71. The best way of illustrating the specific difficulties for an international criminal court to investigate crimes of terrorism resides perhaps in briefly comparing them with the difficulties faced by international courts when investigating other categories of international crimes, namely war crimes, crimes against humanity and genocide (so-called international “core crimes”). We can discern many differences between investigations concerning the three classes of crimes, on the one hand, and those concerning terrorism, on the other. Such differences relate to (i)

the target of the investigations, (ii) the context of the crime, (iii) the purpose of the crime, and (iv) the territorial dimension of the crime. The observations that follow are based on discussions held with national prosecutors and investigating judges specializing in terrorism. They are general in nature, referring to various kinds of terrorism, without any specific reference to the subject-matter jurisdiction of the STL.

72. Turning first to the target of the investigations, international core crimes are often perpetrated by military units or paramilitary groups, or by groups of individuals enjoying their support; they are often masterminded by political or military leaders. In other words, those crimes are physically committed by members of the armed forces, the police, or other State officials (including persons acting under colour of law, even in insurgent groups or other quasi-State situations), or at least with their assistance, support or acquiescence. These units or groups can be fairly easily identified, for they are part of an apparatus and normally act in broad daylight, sometimes in uniform. Even in the case of paramilitary groups, they are often organized and financed by “official” groups or institutions. Victims of their crimes (murder, rape, torture, killing of civilians, etc.) and other witnesses are normally able to provide testimonial evidence on the events surrounding the crimes, thereby assisting in the identification of the alleged culprits. In addition, there is often documentary evidence in the form of orders or directions under which these groups acted. Perpetrators, including both co-conspirators and lower level soldiers or police, will often provide evidence as to such orders as well as plans that were followed. These “insider witnesses” have good reasons for providing such evidence, as their cooperation often results in lower sentences. Moreover, after the end of the hostilities, many participants in these groups are less committed to the cause that motivated their involvement in the conflict and the crimes. In other cases, they are simply criminals who acted opportunistically in the first place and are willing to seize the opportunity to provide evidence in consideration of a more lenient sentence.

73. In contrast, the authors of terrorist crimes generally make up small and secretive cells, which sometimes act in a clandestine fashion. Hence, it is extremely difficult to identify the perpetrators of a specific crime. Even when, by chance, the crime site was under video-camera surveillance, and therefore the images of the attackers can be obtained, this may prove of little help, because those perpetrators may have killed themselves in perpetrating the attack. The network behind a specific terrorist attack, therefore, can be very difficult to identify.

74. It is also worth noting that in war crimes cases, the basic structure of regular forces or paramilitary groups is often well known to experts in military and political affairs. In contrast, in terrorism cases, while the cell structure noted above is frequently employed, the way in which different organizations operate and work varies considerably. Hence, without access to one or more insider witnesses, or highly specialized expert witnesses, the investigative process may well be much more difficult than in a war crimes case.

75. Moreover, individuals engaging in terrorist activities and their supporters are generally bound by strong ideological or religious beliefs which, even if they can be identified and arrested, makes it extremely difficult to obtain information, much less admissible evidence, from them. In addition, members of terrorist groups are often loath to disclose information on the terrorist network lest they be immediately killed or subjected to other serious retaliatory measures by other members of the group. Thus, in the case of crimes of terrorism, access to potential “insider witnesses” is much more limited than in war crimes cases. Without such insiders, it is much more difficult for an investigator to piece together the evidence but also, more importantly, to identify potential suspects or perpetrators. In the war crimes context, particularly in leadership cases, “insider witnesses” have proven critical in providing a roadmap as to how the crimes were committed and who committed them. While the evidence of “insiders” is equally important in terrorist cases, they may be more difficult to cultivate due in part to the ideological commitment of the perpetrators and their network of supporters. One of the features of terrorist groups is that it is known that they are likely to kill prospective witnesses and defectors. This naturally leads potential “insiders” to be reluctant to cooperate.

76. However, an important point should be stressed. Terrorist cases are often built on circumstantial evidence, which is often more powerful than direct evidence. The individual rings of metal used in producing chain mail armor are not, in and of themselves, strong. But when hundreds of such rings are linked together, the armor can be impenetrable. Circumstantial cases are the same. By linking the various evidentiary threads together, the Prosecution can put forward a case that is much stronger than one based solely on direct evidence, such as eyewitness accounts.

77. Let me now turn to the context of the international core crimes, on the one hand, and terrorism, on the other.

78. Core crimes are normally perpetrated in situations of armed conflict, periods of dramatic social unrest, or when the authorities of a State have collapsed. While this exacerbates certain problems associated with the gathering of evidence (due to a breakdown in the legal and social order), the role of the international tribunal is at least clear: to act because the State is unable (or unwilling) to take the matter into its own hands. In contrast, crimes of terrorism often occur in States with functioning social systems and institutional infrastructure. This may create difficulties in coordinating the existing functioning institutions of the State, on the one hand, with the international tribunal called to adjudicate the matter, on the other.

79. The context of terrorism cases as opposed to “core crimes” cases, furthermore, creates serious security problems for investigators and other authorities dealing with the preparation and trial of the case. Due to the nature of terrorism crimes ... and of the persons generally associated with terrorist groups, investigative steps must be pursued in an extremely delicate environment amidst real dangers for staff and their contacts.

80. Let me now underscore the difference between the purpose of the various classes of international crimes and terrorism. War crimes are acts which flout international legal standards imposing restraints on combatants in how they conduct warfare and against whom they may lawfully do so. Crimes against humanity (such as extermination, torture, rape, persecution and deportation), if committed in time of war, are often perpetrated with the same goal of attacking persons not taking an active part in the hostilities, plus (both in time of war and peace) the intent to humiliate, demean or provoke suffering in certain groups of persons (ethnic or religious groups, women, etc.). Genocide is grounded in the intent to destroy a whole national, ethnic, racial or religious group, or at least a part thereof.

81. In contrast, terrorism generally aims to disrupt State structures (or those of an international organization) or to force State (or international) authorities to undertake certain conduct. The killing of individuals is sometimes simply a means of coercing a State (or an international organization) to take some sort of action or to refrain from acting under specific circumstances. In substance, terrorism amounts to an attack against State (or international) authorities, by means of violence against life or property, whereas in the case of international core crimes the target of the attack is one or more individuals or groups.

82. There are also important differences in terms of the territorial dimension of the core international crimes and terrorism. In the case of war crimes, crimes against humanity and genocide, as a rule the offence is perpetrated in the territory of one State: for example, murder, rape or deportation of civilians of the States of the former Yugoslavia, genocide in Rwanda, crimes against humanity in Sierra Leone, and so on. Even when crimes are committed within the context of an international armed conflict between two or more States, normally the locus of the offence is well defined. At most, there may be a dislocation between the defendants – who participated in a joint criminal enterprise to commit the crimes or who issued orders to engage in atrocities in an enemy State – and the actual perpetrators who physically carried out the massacres there.

83. In contrast, crimes of terrorism very often involve transnational elements. A person may join a terrorist cell in one country, travel to another country to be trained in terrorist techniques, and then return to his country of residence to recruit other persons. Subsequently, he may then travel to yet a different country, where the attack is then carried out.

84. In this context, the investigation of such crimes is more difficult and can be impeded because the criminals, and therefore the crimes, cross multiple international boundaries. The consequence is that, besides the complexities explored above, the information (and the witnesses themselves) are located in a variety of different Countries and are thus more difficult to trace. Moreover, key acts that are critical to understanding, investigating or proving the relevant crimes take place in Countries that may be unwilling to cooperate with an investigation or simply unable to provide assistance due to lack of infrastructure or territorial control. While war crimes investigations face some of the same issues, the difficulty in obtaining information on such a global scale is of a magnitude not generally seen in the war crimes context.

85. It should be added that the financing of terrorism, which is a crime per se under international law and in many Countries, covers two distinct aspects: the financing of terrorist attacks and the financing of terrorist networks, including recruitment and promotion of terrorist causes. The small sums of money which may be needed to carry out terrorist attacks means that it may never be possible to dry up terrorist access to financing.

Lubanga Trial Website (The Hague)

Saturday, 6 March 2010

Congo-Kinshasa: Two Testify As Lubanga Defense Reels Off Complaints

Wairagala Wakabi

The Thomas Lubanga defense this week called two witnesses, but the highlight of the trial was the string of complaints made by the defense lawyers against the prosecution, as well as court reporters and translators.

Specifically, the defense protested that despite various interventions by judges, prosecutors were still failing to honor their disclosure obligations. Additionally, Mr. Lubanga's lawyers reported that there were serious errors in the court reporting and translations, which they said jeopardized the quality of testimonies made in court.

But it was not these issues that prompted an early adjournment to the hearings on Friday. Instead, it was the realization by prosecutors that the defense had not disclosed some crucial information about the current witness.

The witness, who gave his age as 25 years old, had told the trial that he was a former soldier in the Union of Congolese Patriots (UPC), the group which prosecutors at the International Criminal Court (ICC) claim was led by Mr. Lubanga. Prosecutors told judges that the defense had withheld this fact from them, and they therefore were not ready to cross-examine this witness about certain aspects of his testimony.

Judge Adrian Fulford allowed the prosecution's application for more time to prepare their cross-examination of the witness, but pointed out that judges were concerned that such requests could lead to unacceptable delays to the trial.

From the way testimony by this witness had progressed, it appeared that the defense had failed to inform the prosecution that he was a former UPC soldier.

Moments before this witness – the seventh called by the defense – took the witness stand, the defense had complained that the prosecution were not honoring their obligations to disclose certain information they held about both defense and prosecution witnesses.

Defense lawyer Jean-Marie Biju-Duval reported that on February 26, 2010, the defense received two documents related to three prosecution witnesses which were relevant to a defense witness who had just testified. Mr. Biju-Duval said the prosecution had been in possession of these documents since 2005. This information should therefore have been disclosed to the defense before the prosecution witnesses testified to allow the defense to question them more precisely, he said.

Mr. Biju-Duval related a second instance in which the prosecution had reportedly failed to honor their disclosure obligations. During the cross-examination of Witness 26 earlier in the week, he said, the defense got the impression that prosecutors were in possession of documents that were unknown to the defense.

The question then was whether or not the prosecution had the obligation to disclose all the information and the documents they planned to use in their cross-examination, argued Mr. Biju-Duval.

Judges gave prosecutors up to March 11, 2010 to provide a written response to the defense complaints.

Lubanga's lawyers then told judges that it appeared that the defense team for Germain Katanga, another Congolese on trial at the ICC, had been given more information relating to four witnesses common to the two trials relative to what Lubanga's team had received.

Prosecutors disputed this claim. Judge Fulford agreed with prosecutors, pointing out that, in fact, greater disclosure had been made to the Lubanga's defense compared to Katanga's.

Meanwhile, the first witnesses that testified this week said he was a member of the UPC and he identified some of the former UPC leaders in pictures showed to him by prosecutors. He said the photographs showed the UPC leaders wearing Ugandan army uniforms. The person he identified as Thomas Lubanga was not wearing military fatigues.

The UPC's fighters were at one time trained and armed by Ugandan soldiers who were in Congo between 1997 and 2003.

The witness, who testified with face and voice distortion, also identified Bosco Ntaganda and Floribert Kisembo. According to prosecutors at the ICC, Mr. Ntaganda was the deputy chief of staff of the Patriotic Forces for the Liberation of Congo (FPLC), an armed group that used child soldiers during 2002 and 2003. Although the ICC unveiled an arrest warrant for Mr. Ntaganda in April 2008, he remains at large in the DRC. Mr. Kisembo is said to have been the chief of staff of the FPLC.

The ICC prosecutors claim Lubanga was the commander-in-chief of the FPLC, and has charged him with the war crimes of enlisting, conscripting and using child soldiers in armed conflict.

The prosecution's Olivia Struyven asked the witness whether he knew when the pictures were taken, and he replied that he did not. He also said he did not know where the photographs were taken from, but added, "It seems like the office in Mandro [village] that was burned up". He did not elaborate on what the office was and who had set it on fire.

"If I suggest the picture was taken before the mutiny, before people [UPC fighters] were taken to Kyankwanzi and Jinja [military training camps in Uganda] would it change your testimony?" the prosecutor asked.

"I do not have any additional information," said the witness, who went on to give most of his testimony in closed session.

The case resumes on today.

Guardian

Monday, 8 March 2010

US genocide resolution is an ignorant stunt

Definitions of genocide are difficult but one thing is clear: the US Congress has no business ruling on the Armenian claim

Marcel Berlins

So the foreign affairs committee of the US House of Representatives has passed a resolution (by 23 votes to 22) that the Turkish killings of Armenians in 1915 amounted to genocide. What business is it of theirs? I'm not judging whether their decision was right; I don't know enough to do that. My concern is that such ham-fisted intervention, and the publicity it received, demeans a crime which should be treated as the worst in the annals of human behaviour, and turns it into a political event played out by largely ignorant legislators responding to a campaign by a well-funded political lobby.

Thankfully, their presumptuous decision will not find its way into the statute book. President Obama doesn't want it to, just as an identical decision by the House of Representatives in 2007 did not become law because President Bush didn't find it politically expedient.

The word genocide and its original definition were crafted by Raphael Lemkin, a Polish lawyer, in 1944. In 1948 the UN adopted the convention for the prevention and punishment of the crime of genocide, which defines it as "acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group". (The defendants in the main Nuremberg trials in 1946 were not charged with genocide as such but a statement outlining their alleged war crimes accuses them of "deliberate systematic genocide – viz, the extermination of racial and national groups – against the civilian populations of certain occupied territories, in order to destroy particular races and classes of people, and national, racial or religious groups, particularly Jews, Poles, Gypsies and others".)

The 1948 UN definition has come under critical scrutiny (for instance, can you intend to destroy "in part"?) with many experts offering different versions. But the gist remains the same.

Recent atrocities in Darfur have added further confusion. Last month an appeal committee of the international criminal court (ICC) in the Hague recommended the court consider indicting Sudan's president, Omar Al-Bashir, on a charge of genocide; this overturned a previous ruling by another arm of the ICC.

It seems to me, following the generally agreed ingredients of most definitions, there were two clear cases of genocide last century – the Holocaust and the Rwandan massacre. Whether or not the Ottoman empire in 1915 was guilty is more open to debate. It's not a question of the numbers who died, or in what appalling circumstances. What matters is the intention to exterminate, and a systematic attempt to do so. I am equally uncertain about Darfur and Srebrenica. There are many words for the horrifying conduct of some leaders and their troops, but genocide may not be one of them.

What I am sure of is the decision to use that solemn word should be a matter for courts, helped by witnesses and historians, and not for politicians of dubious moral authority.