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Cambodians Remember Khmer Rouge Victims, Demand End to Delays in Justice

The Associated Press/ International Herald Tribune
April 17, 2007

CHOEUNG EK, Cambodia: Some 300 Cambodians held a memorial service Tuesday for victims of the Khmer Rouge communist regime that ruled the country in the 1970s and demanded an end to the delay in the start of U.N.-backed genocide trials.

The commemoration — organized by the main opposition Sam Rainsy Party at the Choeung Ek "killing field" just outside the capital Phnom Penh — was led by 32 Buddhist monks, who marked the 32nd anniversary of the Khmer Rouge taking power in Cambodia.

The communist movement came to power on April 17, 1975 after defeating a U.S.-backed Cambodian government in a bloody civil war.

It implemented radical policies that resulted in the deaths of an estimated 1.7 million people from starvation, disease, overwork and execution.

The Khmer Rouge was driven from power by a Vietnamese invasion in 1979 and finally collapsed eight years ago. But none of its leaders has ever been brought to trial.

"How long do we have to wait? Where is justice? Year after year has passed, so please put them on trial since my eyes are still open and able to see," 62-year-old Chan Kim Suong said, adding that her husband and son were executed by the Khmer Rouge.

She and two other women, who addressed the crowd through a microphone about their losses, urged a U.N.-backed genocide tribunal to convene trials for former Khmer Rouge leaders.

The tribunal was created last year following a 2003 pact between Cambodia and the United Nations. But trials, which had been expected to begin sometime this year, have been delayed by disputes over procedural rules and, most recently, a demand by local lawyers for legal fees from foreign lawyers wishing to take part in the tribunal.

Attending Tuesday's event, Sam Rainsy, the opposition leader, blamed the Cambodian government for creating "one excuse after another" to delay the trials.

Looking at hundreds of skulls of Khmer Rouge victims stored in a concrete memorial at the Choeung Ek mass grave site, about 16 kilometers (10 miles) south of Phnom Penh, Sam Rainsy said: "When we look at those skulls, it seems they are staring back at us with a cry for help in finding justice for them."

"But I do not think the current leaders want to see the tribunal move ahead. They want to let remaining Khmer Rouge leaders die one by one until no one is left, so that the tribunal would finally collapse," he added.

Various human rights groups have also accused the Cambodian government of foot-dragging, which the government has repeatedly dismissed.

The tribunal's foreign judges have said they will not meet with their Cambodian counterparts on April 30 as scheduled, if the Cambodian Bar Association does not reconsider the US$4,900
PHNOM PENH, Cambodia: The first history book written by a Cambodian author about the Khmer Rouge will soon be available in the country, in a step toward educating Cambodian youths about the murderous regime, a leading genocide researcher said Sunday.

Kamboly Dy's "A History of Democratic Kampuchea" will be released on April 25, said Youk Chhang, director of the Documentation Center of Cambodia, an independent group documenting the Khmer Rouge crimes. Cambodia was named Democratic Kampuchea during the 1975-1979 Khmer Rouge rule.

"Cambodians are at last beginning to investigate and record their country's past," he said, adding that books about Cambodian history have been written almost exclusively by foreigners.

During its four-year rule, the Khmer Rouge implemented radical policies that led to the death of some 1.7 million people from starvation, disease, overwork and execution.

Cambodian schools currently teach very little about the Khmer Rouge, mainly because the subject is so sensitive among Cambodian political groups and high-profile individuals who used to be associated with the now-defunct communist movement.

No Cambodian history scholar has previously written about the Khmer Rouge period because of fears of reprisal, Youk Chhang said.

The education ministry in January approved the book's release as a "core reference" material for writing history textbooks, but not as part of the core curriculum, Youk Chhang said.

Despite the limited status imposed by the government, Youk Chhang said the book "is a major step showing that Cambodians are capable of telling their own history." The book, written mainly for high school teachers and students, will also be available to the public for free upon request, he said.

"By taking responsibility for teaching Cambodians through books such as this, the country can go forward and ensure that the seeds of genocide never again take root in our country," he said.

The Khmer Rouge was driven from power by a Vietnamese invasion in 1979 and finally collapsed eight years ago. None of its leaders, however, has ever been brought to trial. Cambodia and the United Nations have jointly created a tribunal aimed at prosecuting surviving Khmer Rouge leaders for genocide and crimes against humanity. The trials, expected to convene this year, have been delayed by disputes over local bar association fees foreign lawyers have been ordered to pay.

Learning Lessons from the Past
Voice of America
By Ann Ward
April 25, 2007

The atrocities committed by the Khmer Rouge in Cambodia during the late 1970s represent one of the worst human tragedies of the 20th century. Through execution, starvation and forced labor, this genocide left nearly two million Cambodians dead. Today, the Documentation Center of Cambodia, or DC-Cam, is working to document the many crimes and atrocities committed during the Khmer Rouge's reign. Recently, two young staff members of the Center were in Washington, D.C. for internships at the United States Holocaust Memorial Museum to learn how to better document Cambodia's tragic past. For producer Ana Ward, VOA's Jim Bertel has their story.
Ser Sayana and Dy Khamboly are both in their twenties, too young to remember the horrors and suffering under the Khmer Rouge. The two writers work for the Documentation Center of Cambodia, a non-profit organization that collects documents and testimonies related to Khmer Rouge's atrocities. Dy is the author of a high school textbook on the Khmer Rouge.

"The Documentation Center of Cambodia aims to achieve two objectives: justice and we would like to preserve the memory of the Khmer Rouge (atrocities) for younger generations," says Dy. "So, this way we preserve the memory of the Khmer Rouge, the history of the Khmer Rouge so that people will learn and remember and not repeat that mistake again in the future."

According to a study done by the Documentation Center, 65 percent of the population that survived that period still has traumatic memories related to the genocide nearly three decades after the fall of the Khmer Rouge.

Dy says his country's road to recovery has been very slow. "After the Khmer Rouge regime, Cambodia almost came down to nothing (as) a country. It was in complete poverty and almost all the infrastructure was (destroyed) by the regime. So after the first national elections in 1993 up to now, Cambodia (has become) a democratic country, we have more freedom than before. We still have some problems, but I personally think it's getting better now in Cambodia."

During the researchers' time at the Holocaust Museum, they learned about conservation, preserving artifacts and keeping an archive. The two hope this will enable them to start a genocide museum in Cambodia. Ser believes the museum will help her country recover from its past.

"Through my experience at the center I think that a lot of people have not really healed. It may not show on their (faces), but inside there's still a lot more that needs to be healed," she says.

At the Holocaust Museum Ser and Dy studied displays on Nazi-occupied Europe and contemporary genocides, like the crisis in Darfur.

Bridget Zilkicis is a Project Director with the Holocaust Museum and mentored the two young writers. "The Cambodian project is at a different stage of course than the Holocaust Museum. They're just getting started, but a lot of the issues that they have, are similar to the ones we struggle with on a day-to-day basis and how do you tell these horrible stories in a way that engages people rather then turns them away? In the end we have the same goal essentially, it is to take a traumatic history and make it part of a process of learning not to do that again."

To that end, Ser and Dy plan to introduce the study of comparative genocide to college students in Cambodia, comparing their country's own horrors with the genocides in Rwanda, Darfur and the Holocaust. They believe this will help young people to learn from the past and see that these atrocities never happen again.

Cambodia Cuts Fees Threatening Khmer Rouge Trial
Reuters
By Ek Madra
April 28, 2007

PHNOM PENH (Reuters) - The Cambodian Bar Association slashed its levy on foreign lawyers on Saturday, removing the last barrier to the long-delayed trial of Pol Pot's top surviving henchmen for the "Killing Fields" atrocities.

The United Nations had balked at the $4,900 fee the CBA wanted to charge foreign defence lawyers, triggering a row that threatened to scuttle the mainly donor-funded, U.N.-backed joint court before it got underway.

"We decided to lower the legal fees to $500 because we want to see foreign lawyers take part in the Khmer Rouge trials to seek justice for the victims," CBA spokesman Nou Tharith said.

After nearly a decade of tortuous negotiations, Cambodia and the United Nations agreed...
outline of the joint court and donors coughed up $53 million to pay for it.

But the U.N. said earlier this month the lawyers' fees were "not in line with accepted practice at the international level" as it would deter lawyers who might want to offer their services free of charge to defendants.

International judges and lawyers, who had pulled out of a full session of the court planned for the end of April, were not available for comment.

The CBA has argued that domestic law prohibits foreigners from representing clients in local courts unless they are Bar Association members.

"We are very happy to hear about the decision made by the bar association," said Reach Sambath, a spokesman for the joint court, adding judges could now push ahead with a final agreement on the internal court rules.

Phnom Penh and the U.N. agreed to the trials in 2003 and the judges were sworn in last year, but wrangling over the nuts and bolts of the court has delayed any charges being filed.

The trial is expected to last three years and getting it underway as soon as possible is key, given the age and health of many of the remaining Khmer Rouge top command.

The main defendants are likely to be "Brother Number Two" Nuon Chea, former foreign minister Ieng Sary, former president Khieu Samphan, and Duch, head of the capital's Tuol Sleng interrogation and torture centre.

"Brother Number One" Pol Pot, presumed architect of the ultra-Maoist regime, died in 1998.

His one-legged military chief Ta Mok -- dubbed "The Butcher" for his alleged role in mass internal purges -- died last year.

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problems," he said.

One man was killed in the town of Mann and another suspected of being a rebel had his arm amputated by government soldiers as he tried to flee, Laoutaye said, speaking from refuge in Cameroon after himself being beaten by soldiers.

In the village of Ndanga, soldiers burned down more than 100 homes after six men arrested there managed to escape, he said.

Central African Republic, a landlocked former French colony, ranks near the bottom of almost all development rankings. Its ill-resourced government has control of little beyond the capital Bangui and banditry is rife.

The U.N. children's agency UNICEF said this month the country faced a growing humanitarian disaster, with the lives of a million people -- a quarter of the population -- disrupted by civil and regional warfare involving various rebel groups.

"ANOTHER RWANDA"

The government signed a peace accord with rebels in the northeast, which borders troubled Chad and Sudan's Darfur region, just over a week ago, establishing a ceasefire.

But swathes of the country remain unstable, creating what aid workers have termed a "forgotten" humanitarian crisis.

"Our population is hostage to rebels, hostage to bandits, and an enemy of the army meant to protect it. And in the face of all that, neither the president, who is also minister of defence, nor the U.N., nor the Central African human rights league, is reacting," said Marie Agbe, a local Kodi deputy.

"We do not want another Rwanda here. We do not want a genocide in Central African Republic," she said by phone.

President Francois Bozize, who seized power in a 2003 coup and then won an election in 2005, has been to trying to make peace deals with several rebel groups across the country.

Under a bilateral defence accord, former colonial power France sent special forces backed by helicopters and fighter jets to the northeast late last year to help government troops.

The United Nations appealed in January for richer countries to provide $11.7 million to fund basic health, schooling and water programmes in the country, but only $2.5 million had been pledged by the start of this month.

UNICEF says studies indicate some 15 percent of the adult female population across the north have been raped, contributing to a surge in HIV/AIDS, while some 450 children die each week in the region from malnutrition and preventable disease.

**Military Clash with Rebels in Central African Republic**

*Agence France Presse*

April 27, 2007

BANGUI (AFP) - At least one government soldier was killed in fighting with rebels in the Central African Republic, only days after the signing of a peace deal with a major insurgent group, a military source said Friday.

The source said the soldier died when rebels of the People's Army for the Restoration of the Republic and Democracy (APRD) attacked a military convoy at Bang, 500 kilometres (300 miles) northwest of the capital, on April 17.

The attacks sparked clashes in a number of places, causing residents to flee across the nearby border into Cameroon and Chad, other sources said.
Local member of parliament Luc-Apollinaire Dondon Konamabaye of the opposition Centreafrcian People's Liberation Movement, said houses had been burned and villages razed.

The APRD, formed in 2005, is one of a number of groups opposed to President Francois Bozize which have been fighting the government across the north of the country.

The fighting over the last two years has led to numerous deaths and the displacement of more than 280,000 people, according to the United Nations.

The country's army has also been accused of violent acts against civilians in the north. On April 13 the authorities signed an accord with the Union of Democratic Forces for Unity rebels that called for an "immediate end to hostilities" and granted amnesty for rebel fighters.

The government has been assisted by a multinational force from other states in the region as well as the French air force in its attempts to repel rebel groups and reduce bandit attacks in the north.

There have also been fears that conflict in neighbouring Sudan's Darfur region could spill over into the CAR. The United Nations children's agency, UNICEF, has warned of a "humanitarian disaster" in the CAR, amid fears that the country is being increasingly affected by the conflict in Sudan.

Bozize came to power following a 2003 coup.

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He said the LRA had asked former Mozambique president Joaquim Chissano, the UN envoy in the peace efforts, to speak to the Security Council on its behalf.

"We want the government of Uganda through Chissano to go to the Security Council and say surely we have now reached a point of no return," Obita told a news conference.
"We're saying at the very minimum, suspend the warrants for 12 months so that we can complete the process and have the comprehensive peace agreement signed," he added.
The LRA still hopes the charges against its leaders will be rescinded completely, but the ICC has repeatedly refused to withdraw the indictments in what is seen as a test case for the Hague-based court.

The LRA is known for massacring civilians, slicing the noses and lips off their victims and kidnapping thousands of children.

The traditional 'Mato Oput' justice it advocates involves a ritual in which a murderer faces relatives of the victim and admits his crime before both drink a bitter brew made from a tree root mixed with sheep's blood.

ICC to charge former DRC warlord with recruitment of child soldiers
People’s Daily Online
April 17, 2007

The International Criminal Court (ICC) will charge Thomas Lubanga, Democratic Republic of Congo (DRC)'s former warlord with forcefully recruiting children into his Congolese Patriotic Front (FPC) militia, according to judiciary sources.

It was confirmed by Paul Madidi, coordinator of ICC activities in the DRC.

Lubanga who is being held at Hague, has been investigated for numerous crimes including war crimes against humanity, but the ICC prosecutor in Bunia, a major town in Ituri, eastern DRC has been unable to gather enough evidence to sustain further charges against the former warlord.

Speaking on Sunday, Lubanga's lawyers who sought to clarify the status of the charges against their client said that the recruitment of child soldiers had also been undertaken by other Ituri warlords, calling on the ICC to instigate proceedings against these warlords.

DR Congo: Army Should Stop Use of Child Soldiers
Human Rights Watch
April 18, 2007

The Congolese government should immediately stop former rebel warlords now commissioned as national army officers from recruiting and using child soldiers in army brigades deployed in North Kivu province, Human Rights Watch said today. Human Rights Watch also called upon the Rwandan government to prevent these officials and their agents from continuing to recruit children in Rwanda to serve in the Congolese army's North Kivu brigades.

"The head of the Congolese military in January ordered the North Kivu brigades to stop recruiting and using children soldiers," said Alison Des Forges, senior advisor to Human Rights Watch's Africa division. "Former rebel warlords now serving as army officers have failed to follow this order, and children are still on the front lines shooting and being shot at."

Despite the order by chief of staff of the armed forces, Maj. Gen. Kisempia Sungilanga Lombe, 300 to 500 children, some as young as 13, currently serve in newly formed army brigades, according to international and local child protection workers. The brigades are deploying these children in military operations against local armed groups, including the Mai Mai and the Forces for the Democratic Liberation of Rwanda (FDLR, or Forces democratiques de liberation du Rwanda), which are fighting the Rwandan government. Many of the children are Congolese Tutsi who were originally under the command of former rebel leader Gen. Laurent Nkunda.

Under a deal meant to end combat between the national army and Nkunda's forces, rebel
combatants were to be integrated into the national army by a process called "mixage." Beginning in January, army brigade commanders were supposed to identify and hand children over to agencies responsible for their rehabilitation, but several have refused to do so. The commanders say they must maintain sufficient soldiers to protect Tutsi living in North Kivu and enable the return of thousands of Congolese Tutsi refugees living in camps in Rwanda.

In one case at the North Kivu military camp at Kitchanga on March 22, brigade commander Col. Sultani Makenga tried to forcibly remove eight children from the vehicle of child protection workers. He personally dragged six from the vehicle under protest and beat two of the children who refused. Makenga also called the child protection workers "dogs," and threatened to beat them as well. Three of the children later found refuge with the United Nations peacekeepers, but three are still missing.

According to child protection workers, children are still being recruited for the North Kivu brigades within the Congo and also from across the border in Rwanda. In one case, the Association of Young Congolese Refugees (Association des jeunes refugies congolais), active in the Congolese refugee camps in Rwanda since 2005, recruited two boys, aged 14 and 16, from one of the camps, along with nine other children and 17 adults. On January 18, the two boys were taken from Rwanda to serve in one of the Congolese army's North Kivu brigades, but were able to escape during the burial of two adult recruits who died on the journey.

Other armed groups active in North Kivu are known to be using child soldiers. One of the local armed groups known as Mai Mai engaged in a skirmish with Congolese army brigades in February. On February 19, six boys aged 14 to 17 fled this Mai Mai group and made their way to United Nations peacekeepers based in Kiwandja.

At a news conference on April 11, the UN Mission in DR Congo (MONUC, or Mission de l'ONU en RD Congo) said that only 37 of 267 children whom they had identified in the North Kivu brigades had been demobilized. MONUC urged the brigade commanders to respect national and international law and to follow the orders of Maj. Gen. Kisempia Sungilanga Lombe, who ordered the children to be released.

Since November 2001, DR Congo has been a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which sets 18 as the minimum age for participation in armed conflict. The country is also party to the Rome Statute of the International Criminal Court, which defines as war crimes both the recruitment of children under the age of 15 into military forces and the use of children to participate actively in hostilities.

In September, DR Congo was the first country to be considered by the UN Security Council's new monitoring and reporting mechanism on children in armed conflict, which envisages strong measures against those responsible for child recruitment. The Security Council's Working Group on Children and Armed Conflict called on the government to take appropriate legal action against members of the Congolese army accused of grave crimes against children and reiterated the responsibility of MONUC to aid the government in apprehending and bringing to justice those responsible for recruiting and using child soldiers.

Despite this new system, UN peacekeeping officials in Congo have privately raised concern at their inability to oblige army brigade commanders to release the children. Human Rights Watch called on UN officials to refer brigade commanders responsible for continuing child recruitment in North Kivu to the UN sanctions committee on Congo for possible sanctions, including travel bans, asset freezes or other measures.

"Congolese army officers who are recruiting, training and using child soldiers are violating international law and they know it," said Des Forges. "The chief of the armed forces took the first step by ordering an end to this crime, but the military must ensure that officers follow these orders or face serious consequences if they refuse."

'Parties Agree on Need for Dialogue and Reconciliation - Migiro
UN News Service (New York)
April 24, 2007
The United Nations Deputy Secretary-General said today in the Democratic Republic of the Congo (DRC) that all parties there agree on the need for dialogue and reconciliation in order to achieve lasting peace in the country, where recent clashes have forced thousands to flee in the northeast.

"I carry with me a strong feeling of triumph, having seen the efforts of the National Assembly and its president in promoting reconciliation and dialogue in a bid for unity and to strengthen democracy in the DRC," said Asha Rose Migiro following a series of high-level meetings in the country.

Ms. Migiro, who also met with the Minister of Foreign Affairs and International Cooperation, said all those she had talked to were "proud that the DRC elections were held in a free and fair manner."

She said that the recent March violence in Kinshasa, although regrettable, is "something that can still be an incentive for the country to consolidate the peace dividends and to put in place mechanisms and institutions that will ensure that human rights thrive, and that democracy continues."

This, Ms. Migiro said, "will enable the Congolese people to sit down and to pick up the challenges, and put in place programmes to ensure that they overcome the immense social and economic problems that the country is facing."

She added that all parties she had spoken to "agree that there cannot be any alternative to dialogue and reconciliation."

The UN can give a guarantee of its "engaged presence in the DRC, and a readiness to continue to work with the Congolese people and their Government," she added.

Another guarantee, she said, was that the Congolese themselves have demonstrated that "they want the path of democracy and peace," by voting peacefully in last years elections.

The UN World Food Programme (WFP) and the UN High Commissioner for Refugees (UNHCR) today reported that they are rushing aid to mitigate the suffering of tens of thousands of people forced to flee their homes after an outbreak of fighting in north-eastern DRC. In North Kivu province alone, close to 65,000 people have been displaced in recent weeks due to intensified fighting between militias and government forces.
General Ban Ki-moon that it would do so, expressing "sincere hope" that "implementation of the heavy support package would proceed expeditiously."

Sudanese Foreign Minister Lam Akol said his country has fulfilled the commitments it made to the United Nations during talks in Addis Ababa, the Ethiopian capital, in November.

"I can now say that Sudan has given its complete agreement to all that was discussed in Addis Ababa, and as such, the path is open to the next steps, so that we can say that we have overcome the issue of peacekeepers in Darfur," he said in Khartoum.

But in Washington, the State Department rejected Mr. Akol's claim that all issues have been resolved, saying Sudan has selected the parts of the U.N. plan it likes with conditions and ignored the parts it does not like.

"While it is a partial step forward, it certainly does not meet all the requirements," said department spokesman Sean McCormack. "There are still elements and other caveats that remain in place."

Some of the outstanding issues include the command-and-control structure of the hybrid United Nations-African Union (AU) force and the participation of non-African troops in the operation, on which Khartoum wants to put strict limits.

Deputy Secretary of State John D. Negroponte, who visited Sudan yesterday, said the U.N. Security Council members agreed that most troops in the force, as well as its commander, will be African.

He insisted, however, that the force must have "a single unified chain of command that conforms to U.N. standards and practices."

For four months, Sudan has resisted the implementation of the U.N. plan, which envisions more than 20,000 peacekeepers in Darfur by its third and final stage. It wants to limit the U.N. role to support and logistics for the AU force because of fears that the U.N. troops would arrest Sudanese officials suspected of war crimes.

There are 7,000 AU troops in Darfur, where experts say more than 200,000 people have been killed and 2.5 million displaced, but they have not been able to stop the fighting. The four-year-old conflict began when rebels from ethnic African tribes rose up against the central government.

Khartoum used Arab militias known as Janjaweed to suppress the rebels. The government denies charges that the militias indiscriminately killed tens of thousands.

"The government of Sudan must disarm the Janjaweed, the Arab militias that we all know could not exist without the Sudanese government's active support," Mr. Negroponte said yesterday.

"The denial of visas, the harassment of aid workers [in Darfur] and other measures have created the impression that the government of Sudan is engaged in a deliberate campaign of intimidation," he said.

* This article is based in part on wire service reports.

**China, Russia, South Africa oppose UN sanctions on Sudan**

AFP, reprinted at Yahoo! News

April 18, 2007

UNITED NATIONS (AFP) - China, Russia and South Africa on Wednesday voiced opposition to US and British plans to push for UN sanctions against Sudan at a time when Khartoum is cooperating with the United Nations on Darfur.

In Washington, US President George W. Bush bluntly warned that Sudanese President Omar
al-Bashir had one "last chance" to help end violence in Darfur or face tougher US sanctions and other punishments.

Britain and the United States said they would begin talks in the Security Council Thursday on a new Sudan sanctions draft.

But Russia and China, two veto-wielding council members, along with South Africa made it clear that they oppose such a draft at this time.

"We don't think it's the right time. It would be very strange," Russia's UN Ambassador Vitaly Churkin said.

"Why do we have to be so negative?" he said "After a long while, we have this kind of positive development in the dialogue between the UN and Khartoum and all of a sudden to come back with some sanctions would not be good."

China's deputy UN Ambassador Liu Zhenmin concurred.

"It is better not to move in that direction (sanctions) ... Many parties are engaging the Sudanese government. Agreement has been reached for the heavy package support (deployment of UN 3,000 peacekeepers)," he said. "We have been informed that the deployment could be completed by the end of the year."

Monday Sudan agreed following months of delays to let 3,000 UN personnel plus helicopters into Darfur to support under-equipped African Union forces trying to stabilize the region.

The UN peacekeepers are to provide logistical, communications, intelligence and air support to 7,000 under-equipped AU troops that have failed to stem four years of bloody ethnic strife in the western Sudanese region.

"It is very surprising that they would be bringing up sanctions when Sudan has just made great improvements on the request of the UN for the heavy package (the deployment of 3,000 UN peacekeepers), has accepted (UN chief) Ban Ki-moon's offer to assist," South Africa's UN envoy Dumisani Kumalo told reporters.

"Bringing up sanctions now is very counterproductive. What's the point?" he added.

At the request of Ban, Britain and the United States had held off on introducing a sanctions draft as the United States, China, Saudi Arabia and South Africa pressed coordinated diplomatic efforts to persuade Khartoum to allow joint AU-UN peacekeeping in Darfur.

Sanctions under consideration include expanding a list of Sudanese officials found responsible for atrocities in Darfur that would be subjected to an assets freeze and a travel ban, extending the existing UN arms embargo in Darfur to the whole of Sudan or imposing a no-fly zone over Darfur.

In 2005, the Security Council approved a resolution that allowed for the seizure of assets and a travel ban against individuals who commit atrocities, impede the peace process in Darfur or "constitute a threat to stability" in the region.

It also extended an existing arms embargo against non-state parties in Darfur to the Sudanese government and specifically prohibited Khartoum from offensive military flights into the region, where an estimated 200,000 people have been killed and at least two million more displaced since 2003.

Meanwhile, The New York Times Wednesday cited a confidential UN report that said Sudan put UN markings on airplanes to fly weapons and bomb villages in strife-torn Darfur in violation of UN Security Council resolutions.

Reacting to the New York Times story, UN spokeswoman Michele Montas said Ban "views with deep concern the evidence presented to members of the Security Council regarding the flying of arms and heavy weapons into Darfur in violation" of a Security Council resolution.
Britain and America threatened to impose new sanctions on Khartoum yesterday after a United Nations report accused Sudan of disguising its military planes and helicopters as UN aircraft and using them to attack villages in Darfur.

The confidential report says that military aircraft were painted white—a colour usually reserved for the UN—and used to ferry arms to the Janjawid militia, for reconnaissance flights and bombing missions.

The 44-page document, prepared by a panel of experts and circulated to UN Security Council members this week, accuses the authorities in Khartoum of flagrant breaches of international law and calls for tougher sanctions.

Last night Tony Blair warned the Sudanese authorities that American and British officials at the UN Security Council would begin consultations on a new resolution against Sudan if it did not stop its violations in the war-torn province. "What is happening is unacceptable. It is appalling," he said. "The international community will not allow the scandal that is Darfur to continue."

President Bush said that President Omar al-Bashir had one last chance to comply with existing UN demands that he halt the violence in Darfur, disarm the Janjaweed militia and facilitate the deployment of UN and African Union peacekeepers. "The time for promises is over, President Bashir must act," he said. "If President Bashir does not meet his obligations, the United States will act."

Sanctions could include an arms embargo, monitoring of aircraft on the ground and measures aimed at individuals.

The concerted diplomatic offensive was prompted in part by the leak of the UN report, which covers the period from last August to last month, when it claims both the Sudanese authorities and Darfur rebel groups had ignored ceasefires and UN resolutions.

By far the most serious charges are made against Khartoum, which is alleged to have launched a series of bloody offensives against civilians in Darfur, where 200,000 people have been killed since 2003. The Government is also accused of shipping arms and fighters into the province, which is subject to an international arms ban. It has also failed to enforce a travel ban or freeze the assets of suspected war criminals.

The report's most astonishing revelation was the use by the Sudanese Armed Forces of white-painted military aircraft in Darfur. On March 7 a photograph was taken of an Antonov AN26 aircraft on the military apron of al-Fasher airport, the Darfuri regional capital. Guarded by soldiers and with bombs piled alongside, the plane was painted white and has the initials "UN" stencilled on its upper left wing.

Another Sudanese military aircraft was disguised in the same manner. The report said that white Antonovs were used to bombard Darfur villages on at least three occasions in January.

A similar ploy was employed to conceal the identity of three Mi171 military helicopters, which were also painted white. The report said that from a distance the aircraft could be mistaken for similar helicopters operated by the UN and peacekeepers. The UN Security Council has imposed an arms blockade on Darfur and any shipments of weapons by the Sudanese authorities must first be reported. But on February 24 a military transport aircraft crash-landed on a flight from Khartoum to el Geneina.

Photographs revealed soldiers unloading howitzers and scores of ammunition boxes on the runway. The report also provides detailed descriptions of four separate offensives undertaken by the Sudanese military or local militias against villages in southern, northern and western
Darfur between August and December last year.

On one occasion in December, it says, men wearing khaki, green and camouflage uniforms attacked a village at night in a convoy of more than 60 Land Cruisers mounted with rocket-propelled grenades and Kalashnikovs. "They set fire to the houses and killed two people, one of whom was a 105-year-old person who was burned alive. They abducted eight girls, five of whom managed to escape, however, three were raped and sent back home naked.

"The witnesses mentioned that the girls were sent to al-Fasher for medical treatment, and that reports were filed with the authorities to no avail," the report said.

UN human rights expert group on Darfur to hold meeting with Sudan
UN News Service
April 27, 2007

The Group of Experts on Darfur established by the United Nations Human Rights Council last month announced plans today to meet with senior Sudanese Government officials next month to discuss how to introduce practical measures to improve the human rights situation in the war-torn region.

Wrapping up its first consultative meeting in Geneva, the seven-member group of independent experts said they would meet the Sudanese representatives in the Swiss city from 23 to 25 May.

"The meeting will identify practical steps to be taken as a matter of priority to implement the relevant resolutions of the UN human rights mechanisms with regards to Darfur," according to a statement issued by the Office of the High Commissioner for Human Rights (OHCHR).

"In addition, the meeting will assess the needs of the Sudan in order to ensure effective implementation of those steps."

The Group of Experts on Darfur was created on 30 March in a Council resolution adopted by consensus, and it is expected to report to the next session in June on the results of its meeting later next month.

That meeting has been scheduled amid mounting international concern at the human rights situation inside Darfur, where more than 200,000 people have been killed and at least 2 million others forced to flee their homes since 2003 because of fighting between Government forces, allied Janjaweed militias and rebel groups. Numerous towns and villages have been torched and there have reports of deliberate targeting of civilians.

Sima Samar, the Special Rapporteur on the situation of human rights in Sudan, presides over the experts’ group. The other members are: the Secretary-General’s Special Representative for children and armed conflict, Radhika Coomaraswamy; the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, the Secretary-General’s Special Representative on the situation of human rights defenders, Hina Jilani; the Secretary-General’s Representative on human rights of internally displaced persons (IDPs), Walter Kälin; the Special Rapporteur on the question of torture, Manfred Nowak; and the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk.

US sanctions to pressure Sudan are ineffective - analysts
Associated Press, reprinted at the Sudan Tribune online
April 27, 2007

April 26, 2007 (CAIRO) — U.S. President George W. Bush is threatening to punish Sudan by cutting off its vital oil industry from the U.S. financial system, unless Khartoum takes steps to calm troubled Darfur.

But such sanctions are unlikely to hurt Sudan at all, oil analysts say: China, its biggest customer, already has adapted to similar U.S. pressure on Iran by buying oil in another powerful, rising currency - euros - and can do the same on Sudan.
The issue highlights the difficulty the U.S. faces in finding effective ways to sanction Sudan in order to ease the humanitarian suffering in Darfur, at a time when oil prices are high and the U.S. dollar is weak.

Both Bush and the U.S. envoy to Sudan, Andrew Natsios, have threatened in recent days to bar an additional 29 Sudanese companies, many of them involved in the oil trade, from the U.S. banking system if Khartoum does not agree to implement fully the U.N.’s peacekeeping plan for Darfur.

They also warned that the U.S. government would more aggressively block dollar transactions by Sudanese oil companies that are already on the U.S. sanctions list.

Washington hopes that preventing Sudan from selling oil for dollars - the currency used by global oil markets for pricing - would prove an economic burden, forcing Sudanese President Omar al-Bashir to succumb to international pressure.

More than 200,000 people have been killed in Darfur and 2.5 million driven from their homes since fighting began between ethnically African rebels and the Arab-dominated central government in 2003. Al-Bashir has blocked the implementation of a plan he agreed to in November to introduce a 20,000-strong "hybrid" U.N.-African Union peacekeeping force into Darfur.

But Iran has had little difficulty switching its oil sales from dollars to euros when needed under international sanctions pressure - and Sudan could do the same, many financial experts say.

China already has made the switch to buying oil in euros in some of its deals with Iran, said Victor Shum, a Singapore-based oil trading analyst at U.S. consultant Purvin & Gertz Inc.

"The Chinese today do buy some of their Iranian oil in euros instead of U.S. dollars," he said. Chinese officials have not commented publicly on the issue.

China buys two-thirds of Sudan’s oil exports, and oil sales account for 70% of the African country’s export revenue.

The reason Sudan and Iran can adapt?

Oil is priced in dollars on the world’s exchanges, but buyers and sellers can easily use international exchange rates to convert any oil contract into euros, said Mikkal Herberg, a former oil executive now with the U.S.-based National Bureau for Asian Research.

Such a move could even be beneficial given the declining value of the U.S. dollar.

"I don’t see that it causes them any trouble," he said of both Iran and Sudan.

"Crude is denominated in dollars, but someone could choose to pay them in euros at a dollar equivalent. ... With the direction of dollars and euros, that’s not such a bad choice."

The euro has appreciated more than 50% against the dollar in the past five years.

U.S. officials, however, have been strong in their assertions that they can impact Sudan with such moves.

Bush said last week that the U.S. would give the United Nations more time to strike a deal with Khartoum on peacekeepers, but said U.S. sanctions would quickly follow if al-Bashir failed to implement the full U.N. plan.

"We believe it will have an effect on the economy, a substantial effect," Natsios told Congress this month. "And the reason we know is because it’s having an effect on the Iranian ... economy."
Natsios asserted that even though the U.S. does not buy oil from Sudan, such sanctions could have an impact because "the current practice is all international oil transactions, regardless of which country or which company, are in dollars."

But Alex Vines, head of the Africa program at Chatham House, a think tank in London, called such statements "wishful thinking."

"In this environment of high commodity prices, Sudan will be fairly resilient in finding alternatives," Vines said.

Sudan has another advantage - experience in adapting to sanctions, notes John Prendergast of the International Crisis Group. Nearly 10 years ago, the U.S. cut off 130 Sudanese companies from the U.S. system over a different dispute.

"The Sudanese oil industry has thus grown up around the sanctions, and learned how to conduct transactions that easily avoid the sanctions framework," Prendergast said.

Eric Reeves, a Sudan expert at Smith College in the U.S., contended the only way Washington would have real impact is to go to China and say Darfur is "a tier one issue in our bilateral relationship." Reeves is dismissive of what the Bush administration has termed a Plan B of coercive measures like the moves against Sudan’s oil companies.

"The Bush administration, and most particularly Natsios, oversold Plan B," Reeves said.

Uganda (ICC)

Official Website of the International Criminal Court
ICC Public Documents - Situation in Uganda

It has been a busy few months at the International Criminal Court (ICC). Judges announced in late January that the first-ever ICC case - against Congolese militia leader Thomas Lubanga Dyilo - could proceed to trial. One month later, prosecutors asked judges to issue summonses for two Sudanese accused of war crimes and crimes against humanity in Darfur.

On the ICC's case in Uganda, however, things are rather quieter. Nearly two years after the court first issued arrest warrants for Joseph Kony and other senior members of the Lord's Resistance Army (LRA) - Vincent Otti, Okot Odhiambo and Dominic Ongwen - all four remain at large.

They're accused of crimes against humanity, including enslavement, rape and murder as well as war crimes, such as intentionally directing attacks against civilians and enlisting child soldiers.

The ICC insists it has maintained a deliberately low public profile in Uganda so as not to be seen as interfering in the ongoing peace process, but the lack of arrests after so many months is a topic of debate in the international community.

"It's puzzling," admits Mark Ellis, executive director of the International Bar Association.
Talks are tentatively scheduled to resume in mid-April in the southern Sudanese capital of Juba. The on-off process of ending the 21-year-old conflict that has killed tens of thousands of civilians and displaced millions more began last July. With the help of southern Sudanese vice-president Riek Machar, a deal was signed in August but that expired in February amid conflict over the venue for the talks and the mediator.

Some of the rebels - including Kony, Otti and Odhiambo - crossed into the Democratic Republic of the Congo (DRC) some time ago. Others - possibly Ongwen - are in Sudan and recent reports have suggested that other LRA units could be moving towards the Central African Republic.

Without its own police force, the ICC must rely on others to make the arrests. Marieke Wierda, head of the prosecution program at the International Centre for Transitional Justice, says some of the court's recent efforts have been directed towards building a coalition to help it enforce the warrants.

"We can presume that there's been a lot of diplomatic activity with countries that can help them," said Wierda.

The court has a long-standing agreement with Sudan to assist with arrest efforts, though relations between the two have been strained since the recent announcement of possible ICC prosecutions there. Sudan refuses to hand over its citizens, says it wants to conduct its own war crimes trials, and has suggested it will stop cooperating with the ICC.

In DRC, at the request of the Office of the Prosecutor (OTP) the government has requested the aid of the UN mission MONUC in helping track down the LRA. In an update to the court last December, the OTP said it continues to receive reports of "good faith" efforts by MONUC to make the arrests but that recent elections there had been a higher priority.

This lack of obvious progress is frustrating for some.

Christopher Hall, senior legal adviser in Amnesty International's international justice project, wonders why it is taking so long to arrest Kony and the others. He questions the wisdom of relying on MONUC troops and says all UN peacekeeping operations should be equipped with special law enforcement units to carry out such activities.

"There are experienced people who've done this," said Hall. "It's a question of political will and allocating a few dollars more for a proper team. I have no idea why they aren't doing it."

For its part, the ICC insists it remains committed to the arrests.

It says bringing the four LRA commanders - whom it blames for the worst atrocities in Uganda - to The Hague to face trial would help with a sustainable peace process and offer justice to the victims.

"The victims of crimes in northern Uganda have a right to peace, security and justice," said ICC chief prosecutor Luis Moreno-Ocampo.

"Sustainable peace requires accountability - it cannot be achieved at the price of impunity. This was the legal framework adopted by 120 states in 1998 when they created the ICC under Rome Statute. Regarding the situation of northern Uganda, the OTP believes that peace and justice must continue to work together within this legal framework.

"Arrest warrants have been issued against four LRA commanders who have committed atrocities and are still keeping abducted children under their command. As the obligations to give effect to the arrest warrants are outstanding and there continue to be reports that the LRA are currently regrouping and rearming, efforts to secure those arrests should be pursued."

Some commentators point out that the concept of moving any of the LRA leaders far away from Uganda, to a foreign prison where living conditions are better than for many at home, may be strange to many in northern Uganda.
And there are other options. Nick Grono, vice president for advocacy and operations at the International Crisis Group, says that if a peace deal is reached the UN Security Council could put prosecutions on hold for 12 months to see if the peace will hold.

"But that's a temporary measure and they shouldn't consider that until there is a peace deal in place," he said.

There is also a provision in the Rome Statute that created the ICC for prosecutors themselves to put on hold or even suspend a case if they are satisfied that certain conditions have been met and that a genuine and effective process is in place to deal with alleged offenders.

That would likely involve a trial in a Ugandan court for the LRA leadership, something that Ellis doubts would be acceptable to the international community. Citing Serbia and Croatia, he says national trials can work, but in the case of Uganda he questions whether the country is capable, or even willing, to hold war crimes trials at home.

"I support national justice systems undertaking trials. It was one of the goals of the ICC when it was created," he said. "In reality, as we've seen in Iraq, there are difficulties in having local and national courts undertake these trials. In a place like Uganda, it's too early."

Wierda says that there should at least be attempts to explore whether Kony would accept a national trial, where he would be able to argue his innocence. Others, however, say Kony is unlikely to agree to any deal that would see him in either a Ugandan or Hague courtroom.

Some who oppose the ICC and the concept of retributive justice say the Acholi ceremony of "mato oput" would be a more appropriate way of dealing with returning LRA fighters. During the ceremony, those who've committed crimes are welcomed back into their communities in an age-old purification and reconciliation ritual.

Grono, however, points out that Kony has said previously he has committed no crimes against the Acholi people. That's a problem as a precondition for traditional justice ceremonies like the mato oput is for the accused to admit guilt and seek forgiveness.

Also, the mato oput has never been used for crimes of the gravity of which Kony and the other LRA commanders are accused.

One thing that appears not to be on the table is an amnesty for the LRA four. An amnesty deal signed in 2000 did apply to the LRA leadership but was subsequently amended to say the four were excluded. Last year, however, Uganda's president, Yoweri Museveni, caused a storm of controversy when he appeared to offer an amnesty to the rebel leaders in exchange for peace.

Human rights activists were outraged, insisting that an amnesty for atrocities is no basis for a peace deal.

However, it seems Uganda has since had a change of heart and in recent months various government officials have assured the ICC of their commitment to the court and the prosecutions.

"The government assures the ICC and state parties that we are seeking a permanent solution to the violence that serves the need for peace and justice, compatible with our obligations under the Rome Statute," wrote Ugandan ambassador Mirham Blaak in an October letter to the ICC's registrar.

"Rest assured that Uganda will not condone impunity."

Lisa Clifford is an IWPR reporter in The Hague.

This article originally appeared in Africa Reports, produced by the Institute for War and Peace Reporting (IWPR).

Ugandan rebels urge suspension of arrest warrants
NAIROBI (Reuters) - Ugandan rebels demanded on Thursday a 12-month suspension of International Criminal Court arrest warrants against its top leaders, which are seen as the main hurdle to a deal ending one of Africa's most brutal wars.

The Lord's Resistance Army (LRA) has insisted ICC indictments for war crimes against its leader, Josephy Kony, and three others be scrapped in favour of traditional justice. But Kampala, which asked the global human rights court to investigate the LRA, has repeatedly said a peace deal should be signed before it considers asking the ICC to drop the case.

Despite the stand-off, both sides agreed on Saturday to a new two-month truce and a resumption of talks to end the two-decade conflict that has killed tens of thousands of people and forced nearly two million more into squalid camps.

LRA representative James Obita said the LRA hoped a request for the suspension of the arrest warrants would be made after a range of issues, including reconciliation and the fate of displaced Ugandans, were resolved.

He said the LRA had asked former Mozambique president Joaquim Chissano, the U.N. envoy in the peace efforts, to speak to the Security Council on its behalf.

"We want the government of Uganda through ... Chissano to go now to the Security Council and say surely we have now reached a point of no return," Obita told a news conference.

"We're saying at the very minimum -- suspend the warrants for 12 months so that we can complete the process and have the comprehensive peace agreement signed," he added. The LRA still hopes the charges against its leaders will be rescinded completely, but the ICC has repeatedly refused to withdraw the indictments in what is seen as a test case for the Hague-based court.

The LRA is one of the most feared guerrilla groups in Africa, with a reputation for massacring civilians, slicing the noses and lips off their victims and kidnapping thousands of children to serve as fighters, porters and sex slaves.

The traditional "Mato Oput" justice it advocates involves a ritual in which a murderer faces relatives of the victim and admits his crime before both drink a bitter brew made from a tree root mixed with sheep's blood.

Established in 2002, the ICC started its first investigations in 2004 into crimes in Democratic Republic of Congo and Uganda. But it has yet to prosecute any suspects.

Uganda: concerned by mounting violence against civilians, UN official urges protection
UN News Service
April 19, 2007

In a report released today, the United Nations High Commissioner for Human Rights Louise Arbour urged the Government of Uganda to curb violence and human rights abuses voiced concern over escalating violence against civilians in Karamoja in the north-east of the country, where almost 70 people have been killed since last November.

Between 16 November 2006 and 31 March 2007, “the indiscriminate and excessive use of force” by Government forces, known as UPDF, has lead to the deaths of at least 69 civilians, including women and children, as well as 10 cases of torture, inhuman and degrading treatment or punishment, the High Commissioner’s office (OHCHR) said in a statement released in Geneva. Additionally, 400 cattle and many traditional homesteads, or manyattas, have been destroyed in Karamoja.

The High Commissioner also expressed serious concern over a “climate of fear and insecurity” in the area where armed Karimojong have reportedly killed seven UPDF soldiers, eight civilians
Ms. Arbour, who issued a report last November calling on Uganda to end a forced disarmament exercise, deplored the failure of the Government to implement her previous recommendations. Allegations of human rights violations and criminal acts have persisted since the strategy was launched last May.

“I call on the Government of Uganda to respect its obligations to protect the human rights of all individuals under its jurisdiction at all times,” Ms. Arbour said, appealing for an end to the indiscriminate and excessive use of force against men, women and children.

The High Commissioner added that the country must also “take all necessary measures, including reviewing the ongoing disarmament process, to prevent any further human rights violations in Karamoja,” as well as implementing sustainable development initiatives to bring stability to the region.

She also stressed that instead of pursuing a solely military response, the Government should create civilian mechanisms for the legal arrest, detention, prosecution and punishment of armed Karimojong who commit crimes.

Uganda peace talks with LRA rebels set to resume

Reuters Foundation
By Tim Cocks
April 24, 2007

KAMPALA, April 24 (Reuters) - Peace talks aiming to end one of Africa's most brutal conflicts are due to restart on Thursday, three months after Ugandan rebel negotiators walked out.

After two decades of fighting that killed tens of thousands and spawned nearly two million refugees, many Ugandans are desperate for the Lord's Resistance Army (LRA) rebels and government to agree a lasting peace.

"They have to push talks to a conclusion this time," said Walter Ochora, district commissioner of Gulu, northern Uganda, at the epicentre of the conflict. "People (displaced by war) must have the chance to go back to their homes."

Many of northern Uganda's refugees live in squalid conditions lacking medicine and clean water. Most depend on food aid from the U.N. because of the risk of attack by marauding rebels -- notorious for slicing body parts off victims and kidnapping children -- if they venture outside their camps to grow food.

"CHANCE FOR PEACE"
A truce signed between the two sides last August at talks in the south Sudanese capital, Juba, has largely held up.

"We have seen a visible impact since August on those in camps from the allaying of (security) fears," said Chulho Hyun, spokesman for the U.N. Children's Fund (UNICEF) in Uganda.

But in January, the rebels walked out of talks, citing security fears after Sudanese President Omar al-Bashir vowed to "get rid of the LRA from Sudan". They backed down in March after the new U.N. envoy for Uganda's conflict, former Mozambique President Joaquim Chissano, met LRA leader Joseph Kony near his eastern Congolese jungle hideout.

Chissano promised Kony he would expand the mediating team beyond the untrusted south Sudan to include delegates from other African countries.

"Our concerns were addressed. The process will be carried out in a more conducive manner," LRA spokesman Godfrey Ayoo said. "We really think this is a good chance for peace."

This next phase of talks seeks lasting political solutions to the humanitarian catastrophe the war created, including helping refugees go home.
Both sides expect it to be signed quickly, before they tackle the thornier question of accountability for war crimes.

Kony and four other commanders are wanted in the International Criminal Court over allegations of killing civilians, rape and child abduction.

The rebels say they will never come out of the bush to sign a deal unless the Hague-based court drops the case.

World court must punish Uganda rebels-rights group

Reuters
By Tim Cocks
April 25, 2007

KAMPALA, April 25 (Reuters) - War criminals from Uganda's 20-year civil conflict must be punished if peace is to last, a leading human rights watchdog said on Wednesday on the eve of a resumption of talks with rebels.

The government and Lord's Resistance Army (LRA) are due to resume negotiations on Thursday in a push to end one of Africa's most brutal wars, which has killed tens of thousands of people and uprooted 1.7 million more to squalid camps.

Fugitive guerrilla leader Joseph Kony and four other commanders are wanted for war crimes by the International Criminal Court (ICC) in The Hague.

Kony has said he will never sign a peace deal until the ICC charges are dropped -- the biggest sticking point in the talks.

"Prosecutions ... are crucial to achieving a sustainable peace in northern Uganda," Human Rights Watch said in a statement. "The LRA leadership has been responsible for shocking crimes against civilians."

It said besides being a legal obligation, the arrest and trial of LRA leaders by the world court would encourage peace and respect for human rights around the world.

"Such prosecutions send the message ... to would-be perpetrators that no one is above the law," the statement said.

Despite the stand-off over the ICC indictments, both sides agreed this month to extend an truce signed in August until June while they resume talks in Juba, southern Sudan.

Campaigners in Uganda see the ICC indictments as an obstacle to a final peace deal, and want them scrapped.

"The ICC is ... the make or break issue," Norbert Mao, a northern politician and peace campaigner, told Reuters. "They are being disruptive to the peace process."

Traditional leaders from Kony's own Acholi tribe -- who have borne the brunt of attacks by rebels notorious for mutilating victims and abducting children to use as soldiers -- want Kony and his henchmen to undergo a reconciliation ritual instead.

"Mato Oput" justice involves a murderer facing relatives of the victim and admitting his crime before both drink a bitter brew made from a tree root mixed with sheep's blood.

Others feel that would be letting Kony off too lightly.

"Prosecutions ... need to involve fair trials and penalties that reflect the gravity of the crimes committed. Anything less would be justice denied," Human Rights Watch said.

Uganda: Resumption of Juba Peace Talks Welcome

Human Rights Watch
April 25, 2007
Credible Prosecutions for Most Serious Crimes Key to Durable Peace

(New York, April 25, 2007) – As the Ugandan government and the Lord’s Resistance Army (LRA) take the welcome step of resuming peace talks tomorrow, the negotiations must seek an outcome that also ensures fair and credible prosecutions for the most serious crimes in northern Uganda, Human Rights Watch said today. Such prosecutions, along with broader accountability measures for lesser abuses, are crucial to achieving a sustainable peace in northern Uganda.

The talks, which began last July but broke down in December, are scheduled to resume in Juba, the regional capital of southern Sudan. During the 21-year conflict, civilians have suffered heinous crimes and mass displacement.

“Over the past two decades, the LRA leadership has been responsible for shocking crimes against civilians, while the Ugandan military forces have also been implicated in serious human rights abuses,” said Richard Dicker, director of Human Rights Watch’s International Justice Program. “Ensuring justice for the most serious crimes is critical to achieve the durable peace sought by the people of northern Uganda.”

International law requires prosecutions for serious crimes such as crimes against humanity and war crimes. But prosecution for the most serious crimes is more than a legal obligation. Such prosecutions send the message, especially to would-be perpetrators, that no one is above the law. This helps to consolidate respect for the rule of law, which in turn helps cement peace and stability, Human Rights Watch said.

In 2005, the International Criminal Court (ICC) issued warrants for five senior LRA leaders for war crimes and crimes against humanity. These arrest warrants are an important step toward ensuring justice is done, Human Rights Watch said. The LRA leaders have sought to avoid trial at the ICC and present the warrants as an impediment to achieving peace.

“Impunity would only help fuel future abuses in Uganda,” said Dicker. “By painting the ICC as an obstacle to peace, the LRA leaders have been trying to turn reality upside down.”

Every effort must also be made to investigate and prosecute alleged human rights violations committed by the Ugandan military. In addition, broader accountability for less serious offenses through trials, a truth-telling process and, where appropriate, traditional mechanisms is an important component of sustainable peace.

Some involved with the peace talks are working to identify alternatives to ICC trials as a way to help facilitate the signing of a peace agreement. Such proposals may involve a combination of national judicial proceedings and traditional justice measures.

The ICC treaty allows for ICC cases to be tried in Uganda, but only if certain criteria are met. A state must be genuinely able and willing to conduct the investigation or prosecution, which requires that proceedings are independent and impartial. In addition, proceedings cannot be conducted in a way that is inconsistent with an intent to bring a person to justice.

“The ICC’s charges against LRA leaders are of the utmost gravity,” said Dicker. “National prosecutions would need to involve both fair trials and penalties that reflect the gravity of the crimes committed. Anything less would be justice denied.”

Whether the necessary criteria are met to allow ICC cases to be tried domestically is a determination that must ultimately be made by the ICC judges.

While the Security Council could defer the ICC’s investigation or prosecution in northern Uganda for 12 months under article 16 of the ICC statute, this would be inappropriate, Human Rights Watch said. In the absence of credible alternatives at the national level, a deferral would shield LRA leadership from prosecution, perhaps indefinitely if renewed. It could also open the door to dangerous interference by the Security Council in the judicial operations of the ICC.

Human Rights Watch called attention to the continued risks posed by the conflict to the civilian
populations of northern Uganda and southern Sudan. The announcements on April 15 to renew the cessation of hostilities agreement and also to enhance the cessation of hostilities monitoring team were positive developments, Human Rights Watch said. Human Rights Watch called on the parties and mediators to ensure that the cessation of hostilities monitoring team immediately investigates credible allegations of attacks on civilians and that humanitarian assistance reached affected communities.

**Background**

The conflict in northern Uganda to depose President Yoweri Museveni began immediately after he took power by force in 1986. In December 2003, Museveni invited the ICC to investigate the LRA. In July 2005, the court issued warrants for the arrest of the top five LRA leaders – Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya and Dominic Ongwen – for crimes against humanity, including widespread or systematic murder, sexual enslavement and rape, and war crimes such as intentionally attacking civilians and abducting and enlisting children under the age of 15. Lukwiya was killed in August during a fight between the LRA and Ugandan military forces.

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**International Criminal Tribunal for the Former Yugoslavia (ICTY)**

**Kosovo independent by summer**

**Beta**

**April 16, 2007**

ZAGREB -- Ahtisaari’s deputy Albert Rohan says Kosovo will be granted supervised independence, while Russia will not use its veto at the UN.

Rohan told Zagreb daily Jutarnji List he did not wish to speculate on whether Serbian and Russian efforts to delay the United Nations Security Council decision on Kosovo’s future status would lead to incidents escalating into violence, creating “negative press” for the province’s Albanians.

However, Rohan told the newspaper he agreed the situation in Kosovo, although currently stable, was so volatile any incident could spark off more serious violence.

“The sooner we have a decision, the better. We oppose unreasonable delays,” Rohan said.

Rohan explained he expected negotiations over a new Kosovo resolution to take place during May, while the resolution itself would be adopted at the end of that month.

“In any case, Kosovo should be independent before the summer,” he added.

Rohan told the daily Ahtisaari’s proposal “had no alternative”, as well as that after eight years of uncertainty Kosovo’s status needed to be resolved.

“Milošević is the one who lost Kosovo, everybody knows this. The fault is not with the current Serbian leadership and this fact needs to be faced at last,” Rohan said.

Rohan also said he did not believe Russia would reach for its veto in a council session discussing a new Kosovo resolution.

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[Official Website of the ICTY]
“Permanent Security Council member states have been responsible in the past, rarely using their veto powers,” Rohan explained.

Serb paramilitaries found guilty in war crimes trial
ISN
By: Anes Alic in Sarajevo and Igor Jovanovic
April 17, 2007

After a 15-month trial, the commander and three members of the Serbian paramilitary unit "Scorpions" were sentenced on 10 April by Serbia's war crimes court to a total of 58 years in jail for murdering six Bosnian Muslims from Srebrenica in July 1995.

The conclusion of the trial, based on a videotape made by the attackers that caused outrage when it was broadcast in 2005, follows a February ruling by the International Court of Justice (ICJ) that cleared Serbia of direct responsibility for the Srebrenica genocide.

With the ICJ ruling in mind, the Serbian war crimes court in its verdict said the six murders represented an isolated incident, distancing it from the massacre of some 8,000 Bosniak men and boys in Srebrenica.

Two of the charged - Slobodan Medic, the former commander of the Scorpions unit, and Branislav Medic - were each sentenced to 20 years in prison for the murders. Another Scorpions member, Pera Petrasevic, was sentenced to 13 years - a shorter sentence because of his confession, cooperation with prosecution and demonstration of remorse. The fourth defendant, Aleksandar Medic, was given five years, while the fifth, Aleksandar Vukov, the unit's deputy commander, was acquitted.

Judge Gordana Bozilovic-Petrovic said in the verdict that "Slobodan Medic ordered the three defendants and two others to execute the prisoners, take them away from the site and make it seem as if they had been killed in conflict."

"By committing such acts against defenseless civilians, by showing off their power and not showing remorse, the defendants did not give the court the choice to pass lower sentences," she said.

The six Bosnians - Safet Fejzic, Azmir Alispahic, Sidik Salkic, Smajil Ibrahimovic, Dino Salihovic and Juso Delic - all from Srebrenica, were captured by Bosnian Serb forces on hills surrounding the eastern town, and believed to have been executed between 16 and 17 July near the town of Trnovo, some 30 minutes drive from Sarajevo, where the Scorpions were based.

For the same crime, Serbian authorities are still searching for unit member Milorad Momic, while another member, Slobodan Davidovic, was sentenced to 15 years in prison by a Croatian court in 2005.

Damning video rentals

The video footage was first played at the UN's Hague-based International Criminal Tribunal for the former Yugoslavia (ICTY) in June 2005 at the unfinished trial of late Yugoslav leader Slobodan Milosevic.

According to local media reports, Slobodan Medic ordered the some 20 existing copies of the tape, in the possession of Scorpions members, to be destroyed. All but one apparently were. However, a dissident member of the Scorpions, who left Bosnia the day before the executions, retrieved the lone tape from a video rental store in the town of Sid in northern Serbia, the Scorpions' home base and gave it to Natasa Kandic, the director of the Belgrade-based Humanitarian Law Centre. The dissident then fled Serbia. One copy of the tape had also been placed in the Serbian police archive.

The videotape, recorded by the executioners themselves, shows a group of Bosnian men from Srebrenica being held by an armed unit, then driven by truck and marched to a site where they
are summarily shot.

The executioners, wearing camouflage uniforms and berets bearing Serbian flags, are shown dragging the emaciated men, whose hands are tied behind their backs, from trucks before lining them up for execution. The victims appear to have been severely beaten. The graphic footage showed the men from Srebrenica standing in a line, while Serbian soldiers made each one step forward and executed them one by one at point-blank range. There was no sign of resistance as the men silently accepted their fate, watching the man in front them be shot and his body pushed off to the side to make room for the next victim. Finally, the footage shows two of the victims being forced to carry off the dead bodies, before they line up for their own execution.

The bodies of the six men on the videotape were exhumed in 1999. Two of them were 17 years old when murdered. Another was 16.

The Scorpions were also active in the war in Croatia, where they guarded oil fields, and in the 1999 Kosovo war. In March 2004, a court in Belgrade sentenced a former Scorpion member, Sasa Cvjetan, to 20 years in prison for murdering 14 ethnic Albanian civilians and wounding five others in Kosovo in 1999.

Maintaining a safe distance from Srebrenica

The court said it was unclear how the Scorpions came in possession of the captives from Srebrenica. Therefore, the court ruled, there was no evidence that six were taken from Srebrenica and that the crime committed by the Scorpions was not actually connected to the Srebrenica massacre.

However, according to the prosecution, the distancing of this case from the crime in Srebrenica was a cause for concern, especially since all six victims had Srebrenica IDs and their families verified their origin.

The Humanitarian Law Fund also voiced disagreement with a section of the verdict. In a 12 April press release, the NGO said the Belgrade District Court's War Crimes Council in reaching the verdict had been guided by political rather than legal reasons.

"In the verdict for the murder of six Bosniak civilians, the court correctly assessed the evidence of Slobodan Medic, Branislav Medic and Pera Petrasevic's guilt, but when deciding on the role of defendants Aleksandar Medic and Aleksandar Vukov, the court abandoned the determined facts and opted for political balancing," the Humanitarian Law Fund said.

"The court reached such a verdict in an attempt to adjust to the Serbian authorities' stand on responsibility for the genocide in Srebrenica, in light of the ICJ ruling, which cleared Serbia of responsibility for the genocide, and in order to demonstrate understanding for the patriotic views of certain Scorpions members," the press release said.

It adds that the court failed to take into account the fact from the specified indictment that the six victims were taken to Trnovo from Srebrenica, although their families testified in court that their disappearance took place after the arrival of Serb forces in the town.

The fund also criticized the court's conclusion that the Scorpions were a paramilitary unit, and reiterated that the prosecution had claimed that the Scorpions had acted within the regular units of the armies of the Serbs from Bosnia and Croatia.

There is also other evidence to make the Srebrenica connection. According to the testimony of former Scorpion Goran Stoparic, two other paramilitary groups - the "Caymans" and the "Blues" - arrived in Bosnia in July 1995. On 10 July, a day before the Bosnian Serbs took control of Srebrenica, Stoparic said those units were placed under the command of the Bosnian Serb Special Police forces. However, he said that after taking over Srebrenica, the Caymans and the Blues were pulled back to Serbia, while the Scorpions, along with their prisoners shown in the videotape, returned to their base in the Bosnian town of Trnovo.
According to Kandic, the ruling was likely disappointing to the victims' families.

"Considering the gravity of the crime, the ruling did not deliver justice [â€¦] for victims who were killed only because they were Bosnians from Srebrenica," Kandic told reporters at the court.

Relatives of the victims, who arrived from Bosnia for the trial under heavy police escort, said they were outraged at the court's sentencing. Nura Alispahic, mother of murdered 16-year-old Azmir was among those present for the reading of the verdict.

"I saw with my own eyes when these animals killed my son [â€¦] I saw him. He was second in the row. They were pushing him," Nura told reporters after the sentencing.

Her other son, Admir, also was killed during the war. He was wounded in Srebrenica and evacuated to the city of Tuzla. But shortly after he was released from the hospital, he was killed during the shelling of the town.

Safeta Muhic, the sister of Safet Fejzic, said the verdict was a great shame for both the court and Serbia.

"We came here looking for justice in a state that had carried out aggression, and the court found that those boys were not from Srebrenica. That is a great shame both for this court and this state, and our loved ones are dead," she said.

Human rights groups and the victims' families are particularly outraged by the acquittal of Vukov and the five-year sentence handed down to Aleksandar Medic.

The video shows Aleksandar Medic asking one of the victims, Azmir Alispahic: "Have you ever f*****? Well, you never will," in a vulgar scene that was enough to convince the victim's families that the defendant was well aware of the acts his unit was about to commit.

Progress, if not total justice

The Scorpions trial was the first such trial in Serbia to deal with what happened in Srebrenica. It was also the biggest war crimes trial of Serbs by Serbs to date - something unimaginable only several years ago.

Before bringing the verdict, the accused were smiling, waving to their relatives and supporters and having friendly chats with their police guards, seeming confident that the sentencing would be light - surely lighter than it in fact turned out to be.

In Serbia, where there has been a great deal of denial about what happened at Srebrenica, the controversial video footage has had a powerful effect. Before the airing of the video, more than 50 percent of the population refused to believe that a massacre of Bosniaks ever took place in Srebrenica.

The video was probably the first hard evidence presented to the Serbian public, since the genocide was well hidden by media and the propaganda of the Milosevic regime.

Serbian media aired the video repeatedly, showing the gruesome killings and the aftermath, to a shocked public. As such, the video has worked to change popular belief in Serbia that war crimes committed by Serbian forces were done solely in the heat of battle. Still, many doubt the video's authenticity, as alleged by the Scorpions' defense lawyers, denying that their soldiers could have perpetrated such heinous crimes.

Four days after the verdict, unidentified attackers tossed an explosive device at the home of a Belgrade weekly Vreme journalist, Dejan Anastasijevic, who had criticized the Scorpions. A few years ago, the journalist had testified for the prosecution at the ICTY during the trial of Milosevic.

Still, the court could have done much more toward reconciliation, according to the head of the
Human Rights Lawyers' Committee, Biljana Kovacevic-Vuco. She told ISN Security Watch that the Scorpions trial, and particularly the verdict, would not "leave a deeper mark on the Serbian public" or do much to further the potential reconciliation between the peoples of the former Yugoslavia.

"The verdict tried to point out that these were isolated incidents, the work of a paramilitary group. I find the verdict bad, because the crime against Bosniaks was not described as part of the genocide in Srebrenica. I do not see the public being horrified by those crimes, and I think the trial failed to yield that effect," she said.

Serbian War Crimes Prosecution spokesman Bruno Vekaric was more optimistic, telling ISN Security Watch that facing the past and the crimes "is a long process that cannot be finished quickly."

"Many state and non-state institutions should work on that, the judiciary alone cannot persist in it," he said.

According to Vekaric, all the defendants deserved maximum sentences and the prosecution would voice its disagreement with the lighter sentences for certain indictees in an appeal to the Serbian Supreme Court.

**Russian deputy FM on Tribunal’s fate**

B92  
April 18, 2007

MOSCOW -- Russia will demand that the Hague Tribunal closes in 2010, Russian deputy foreign minister says.

A letter Vladimir Titov sent to the Foreign Affairs Committee chairman Konstantin Kosachov states that Russia will demand an end to the Tribunal’s activities, irrelevant of whether all the indicted persons are extradited and tried by that time, the Russian media reported.

The letter said that according to a UN Security Council resolution, the Tribunal was scheduled to close by 2010.

However, Titov wrote, the staff in The Hague is already making announcements they will not be able to finish their work by that deadline, explaining this with insufficient cooperation from involved countries and with the fact Ratko Mladić and Radovan Karadžić remain at large.

“If Mladić and Karadžić, and four others, are not arrested by the end of the mandate, this in itself will not be sufficient for us to support the Tribunal’s continued work,” Titov said in the letter.

Titov also said the Russian Ministry of Foreign Affairs was using all available means to draw the attention of the international public to the Tribunal’s operations.

“We are critical of the Tribunal’s anti-Serb mood, lengthy trials, excessive expenditure and frequent tragic incidents involving the defendants,” Titov stated, adding Russia was the only country that showed interest in these issues.

**Gotovina Calls For Appellate Hearing**

Sense Tribunal  
April 20, 2007

Ante Gotovina’s defense team wants an opportunity to present oral arguments on his appeal against the decision dismissing his motion on the jurisdiction of the Tribunal in the Operation Storm case at a hearing. The trial has now been officially postponed.

The Pre-trial Chamber in the case against three Croatian generals charged with the crimes against Serb civilians committed in the course of Operation Storm and in its aftermath issued a written decision confirming that the trial has been postponed. A new start date for the trial depends on the decision of the Appeals Chamber on the appeals
filed by the defense counsel of Ivan Cermak and Mladen Markac. They appealed against the Trial Chamber’s decision ruling that their continued representation of their clients in this case was inappropriate.

In the meantime, Ante Gotovina’s defense team filed a motion calling for an oral hearing in which the parties would present their arguments on Gotovina’s appeal against the Trial Chamber’s decision to dismiss his motion on the jurisdiction of the Tribunal.

Witness "Minding his own Business"
Sense Tribunal
April 20, 2007

When an attempt was made to use his soldiers in the execution of about 1,000 Muslims captives in Orahovac in July 1995, witness Lazar Ristic didn’t do anything. He was “shocked by the way in which it was done”, but considered “it” – the execution – to be “out of his remit” and he “minded his own business”

Had their commander been told that they were needed as a “reinforcement” to assist in the execution of Muslim prisoners, the ten or so soldiers of the 4th Battalion in the VRS Zvornik brigade would probably not have been sent to the school in Orahovac. On 14 July 1995 about 1,000 Muslims were held captive there.

Continuing his evidence, Lazar Ristic, the then commander of the 4th Battalion, explained that he would probably have done things differently had he known what his soldiers were needed for. Ristic said that in the cross-examined by the defense counsel of Vinko Pandurevic, former Zvornik brigade commander and one of the seven accused on trial for the for crimes in Srebrenica and Zepa.

According to the indictment, about a thousand Muslims captives were executed near the school in Orahovac. Ristic testified that the soldiers he had sent there had told him that “they were forced to shoot” them. He withdrew them immediately and sent them home.

Ristic said that he was shocked “by the way in which it had been done”, but added that it was “beyond his remit”. He did not part in it: he just “minded his own business”. He argued that Vinko Pandurevic never ordered him to “do something unlawful” or told him how to treat the prisoners of war. It was not necessary, as his battalion was engaged in the defense lines in its area of responsibility.

The defense counsel showed Ristic a number of documents related to the cease fire agreement and decision to open the corridor to allow the column trying to break through from Srebrenica through the woods to pass. Pandurevic signed the agreement with the commander of the BH Army forces in the area on 15 July 1995 when Pandurevic returned to Zvornik.

According to the prosecution, the decision to open the corridor was the result of Pandurevic’s assessment that the column, consisting of civilians and armed BH Army members, represented a threat to Zvornik.

The defense attempted to prove that Pandurevic had not been forced to do so and that he had made the decision for other reasons. In answer to Pandurevic’s defense counsel, Ristic, whose HQ in Zvornik was “attacked and set on fire” by the BH Army, confirmed that the VRS forces in Zvornik had been weak but nevertheless able to “destroy the column” passing through the corridor.

“The cease fire order was complied with”, Ristic said. Ristic monitored the passage of the refugees along the corridor from the site where his command post was relocated. Their number was huge, but Ristic could not specify how many refugees from Srebrenica managed to move to the BH controlled territory until the afternoon of 17 July 1995 when the corridor was closed.

Sweden refuses release Bosnia Serb convict
United Press International
April 26, 2007

STOCKHOLM, Sweden April 26 (UPI) -- Sweden rejected a request for the release of former
Bosnian Serb leader Biljana Plavsic, who is serving an 11-year prison term for war crimes.

The Swedish government said Plavsic's plea, submitted last year, was not accepted but did not offer any detail about its ruling, the Serbian news agency Beta reported Thursday. Plavsic, 76, asked for amnesty because of poor health.

An ambassador of Bosnia-Herzegovina also pleaded at the Swedish government for Plavsic's release from the central Swedish prison of Hinseberg, where he claimed living conditions were bad, Beta said.

Plavsic was transferred to the Hinseberg women's jail west of Stockholm in 2003, after the U.N. tribunal in The Hague, Netherlands, sentenced her to 11 years imprisonment.

She was jailed for crimes against humanity and persecution of Bosnia’s Muslims and Croats in the 1992-95 ethnic wars in the former Yugoslavia. The Hague war crimes tribunal pronounced a reduced sentence because Plavsic came to the trial voluntarily and expressed remorse when pleaded guilty.

She was the only top-ranking female politician charged with war crimes in the former Yugoslavia.

International Criminal Tribunal for Rwanda (ICTR)

Official Website of the ICTR

Rwanda asks UN court to overturn French arrest warrants over genocide

UN News Centre
April 8, 2007

Rwanda applied today to the International Court of Justice (ICJ) to quash arrest warrants issued by a French judge last year against senior Rwandan Government and military officials and a request to the United Nations that President Paul Kagame stand trial at the UN war crimes tribunal dealing with the 1994 genocide.

The application relates to the downing in Kigali on 6 April 1994 of an aircraft carrying the then presidents of Rwanda and Burundi, Juvénal Habyarimana and Cyprien Ntaryamira, an incident that sparked the subsequent genocide in Rwanda.

Last November a French judge issued arrest warrants against a series of Rwandan officials, including the Chief of General Staff of its Defence Forces, the Chief of Protocol to the Presidency and the Rwandan Ambassador to India.

By issuing those warrants, France is violating international law concerned with international and diplomatic immunities, as well as Rwanda’s sovereignty, and the warrants should be annulled immediately, Rwanda stated in its application.

The African nation said the judge’s report was also sent to the UN Secretary-General with the request that Mr. Kagame be brought for trial before the International Criminal Tribunal for Rwanda (ICTR).

Such an action means France “has acted in breach of the obligation of each and every State to refrain from intervention in the affairs of other States,” Rwanda argued.

The ICJ said in a press release that the application has been sent to the French Government and, in accordance with its rules, no action will be taken by the court unless France consents to
The International Criminal Tribunal for Rwanda (ICTR) has commended the step the Rwandan judiciary has taken in preparation for the transfer of cases from ICTR to the national jurisdiction. This was revealed by Jean-Pele Fomete, an ICTR Senior Legal Adviser with the tribunal who heads the taskforce on capacity building, in a meeting that brought them together with their Rwandan counterparts to assess the way forward on the transfers.

"It appears that we are at the eve of a major breakthrough which, if successful, could allow Rwanda to show the way to go to many countries in Africa and beyond in various aspects of the broader justice sector," Fomete said during the meeting that took place at Hotel Novotel yesterday.

Fomete, who was delegated by the ICTR to represent them in the meeting, added that a quick look at the available records indicates that both Rwanda and the ICTR have done a lot so far pertaining to the transfers. In an interview with Justice minister Tharcisse Karugarama, he said that this is the second meeting that brings together the tribunal and the Rwandan judiciary to assess the development of the transfers and to discuss issues like the timeline into which this exercise will be carried out.

"It is in this forum that we expect to identify problems if any, that may hamper the progress of the transfers," Karugarama said, adding, though, that the timeline has not been designed yet. The first meeting took place in November 2005. He was however optimistic that the transfers will be effected. "We recently held extensive and valuable discussions with the ICTR Chief Prosecutor (Boubakar Jallow) and it was evident from this discussion that the transfer of cases to Rwanda is a matter of shared interest."

Meanwhile, earlier this year, Jallow was quoted saying that his office was set to file the first motion of the transfer of the first cases by April, but as the month draws towards the end, the motion has not been filed according to Fomete.

**Bar sidelined**

The Kigali Bar association, however, has said that they have so far received minimal assistance in terms of capacity building to the lawyers in preparation for the transfers.

This was confirmed by the Kigali Bar Chairman Gatera Gashabana. "Initially, we were sending our lawyers to the tribunal for capacity building but the exercise was later stopped after it was established that the transfers, which were supposed to kick off earlier this year, had been postponed," Gashabana said. He added that it was very essential for the lawyers to get wind of what was taking place at the tribunal, especially getting to know about International Law.

"Lawyers must also know about the functioning of the common law system under which the transferred trials will be conducted." The Bar chair lamented the fact that most bar members are French-speaking and should undergo training in English, a fact that has not been given serious consideration.

"We also have the problem of the law establishing our society which has been a matter of contention for the past year where the ministry has failed to recognize it as an organic law and this may have serious implications," he added.

The bill has been at the lower chamber of parliament for over a year after it was contested by the learned fraternity because of some of the articles it contained. He however said that he
would present all these obstacles to the meeting with a hope of getting a solution.

The transfer of cases from the ICTR to Rwanda came after the UN, which instituted the Tanzania-based ad hoc tribunal, declared the expiration of its mandate as December 2008.

Many countries have applied to receive those cases but Rwanda has been said to be the favorites of them all after they fulfilled most of the requirements including scraping of the death penalty over the suspects to be transferred.

Established in 1995, the backlogged tribunal has so far completed 33 cases, and of these, 6 were acquittals while the rest were convictions.

**Nsengimana Pleads Not Guilty to Amended Indictment**

**ICTR Press Release**

April 27, 2007

Hormisdas Nsengimana, a priest who was formerly Rector of Christ-Roi College in Nyanza, Nyabisindu Commune in Butare Prefecture, today pleaded not guilty to three counts charging him with genocide, murder and extermination as crimes against humanity during his further appearance. Nsengimana, 53, made the appearance before trial chamber II composed of Judges William Sekule, presiding, Arlette Ramaroson and Solomy Balungi Bossa.

On 16 April 2002, during his initial appearance, the accused had entered a plea of ‘Not Guilty’ to four counts, contained in the first indictment. They included that of conspiracy to commit genocide. The Prosecution had on 2 October 2006 filed a motion seeking to amend the indictment by withdrawing the conspiracy charge. It also prayed that new charges of superior responsibility in the commission of the crimes be added in the indictment. In a ruling of 29 March 2007, the Trial Chamber granted the amendment seeking to withdraw the count of conspiracy but dismissed the motion in all other respects.

The accused is alleged to have been among the organisers of the slaughter of Tutsis in Nyanza, Butare in 1994. He is accused of playing a leading role in a group of killers called Les Dragons (The Dragons) or Escadrons de la Mort (Death Squad) which played a crucial role in the killing of Tutsis in and around the Christ-Roi College and in other parts of Butare Prefecture. He is also alleged to have worked closely with soldiers in the prefecture to commit the crimes.

Further, the accused is alleged to have been instrumental in the killing of several Tutsi priests from his college. In one incident he allegedly gave some money to a young orphan to get information about the whereabouts of three Tutsi priests who had fled the Christ-Roi College. After being informed of their whereabouts, Nsengimana and his group allegedly left the college accompanied by some soldiers, in search of the priests who were later killed.

The accused was arrested in Yaoundé, Cameroon on 21 March 2002 and transferred to the United Nations Detention Facility in Arusha on 10 April 2002. He is represented by Counsel Mr. Emmanuel Altit.
When the Iraqi High Court re-adjourned on April 16 for the trial of former Iraqi officials charged with participating in attacks against the Kurdish minority in the 1980s, the defence team was without one of its chief attorneys.

Badie Arief Izzat, head of the defence team representing those accused of gassing the Kurds in Halabja during the Anfal campaign in 1986, says he was assisted out of the country by the US military. He arrived in Damascus, Syria on April 11.

In January, Izzat, who also represents former deputy prime minister Tariq Aziz, had been held in contempt for suggesting in a television interview that the court had "participated in the murder of Saddam Hussein" because his execution order had been carried out without presidential ratification – a pre-condition required according to the Iraqi constitution.

(On December 30, President Jalal Talabani did not sign the execution order. It was instead signed by Nuri Al Maliki, the prime minister.)

In early April, Iraqi judge Mohammad Al-Uraibi ordered Izzat to be detained and jailed for seven years after the defence lawyer claimed Iran – not Iraq - used chemical weapons against the Kurds in 1986.

Izzat said he had in his possession CIA documents to prove the case.

'Clear rift'

But Izzat told Al Jazeera.net that US military personnel immediately surrounded him and prevented Iraqi security from apprehending him.

"I was taken to an American safe house in the Green Zone and guarded by US forces who refused to hand me over to the Iraqi court," he said.

Izzat believes there is now a "clear rift" between the Iraqi and US governments over his status.

On the fourth day of his house arrest, he was taken in a US armoured convoy to the airport, placed on a commercial airline, and flown out of the country.

"Despite the fact that I'm totally and absolutely against the occupation and will continue to be so, personally I'm very grateful to the American personnel who have saved my life from being killed by the Iraqis," he said, adding he was now "technically, a fugitive".

When asked why the US military saved him, Izzat explained, "To keep the defendants without a defence would be embarrassing to the Americans."

Politics?

But Sabah Al-Mukhtar, President of the Arab Lawyers Association in the United Kingdom, believes that geopolitics may have also played a role.

"I believe the Americans want to give him [Izzat] some protection because of his accusations against Iran."

When contacted by Al Jazeera.net, a spokesperson with the US military public information office in Baghdad, said: "The US military has no comment on that situation."

**Anfal tribunal gives defendants deadline to prepare their defense**

**Iraq Updates**

by Dergham Mohammad Ali

April 17, 2007

Judge Mohammed al-Khalifa al-Uraibi gave the defendants in the Anfal case a deadline of May 6, 2007 to prepare their defense.
The session was held by the Criminal Court overseeing the case of the Anfal (or Spoils of War, taken from Surat al-Anfal in the Qur'an) campaign, overseen by Judge Uraibi on Monday.

The defendants are Ali Hassan al-Majid, alias Chemical Ali, Saddam Hussein’s cousin; former defense minister Sultan Hashim; member of the former armed forces' general command Hussein Rashid al-Tikriti; and former intelligence official Farhan al-Motlak al-Juburi; former Ninawa governor Taher al-Aani; and former director of military intelligence Saber Abdul-Aziz al-Dori.

Anfal was an anti-Kurdish campaign led by the former regime between 1986 and 1989 and involved a series of military campaigns against the Kurdish peshmerga fighters as well as the mostly Kurdish civilian population of southern Kurdistan.

Independent sources estimate there were 50,000 to more than 100,000 deaths in the campaign, in which chemical weapons were used, while Kurds claim about 182,000 people were killed.

Charges against the prime defendant Saddam Hussein were dropped after his execution on December 30, 2006, four days after an appellate body upheld a death sentence by a court considering the case of al-Dujail, a small town in northern Baghdad.

The court had found Saddam and a number of his aides guilty of responsibility for the killing of 148 people following an assassination attempt on Saddam’s life in 1982, during the eight-year Iraq-Iran war.

Chemical Ali is now the prime defendant in the Anfal case after charges against former President Saddam Hussein were dropped following his execution.

The chief prosecutor in the Anfal case on April 2, 2007 urged the court to release al-Aani, extenuate a sentence for Dori and to hand down death sentences against the four others.

Rough Justice: Behind the scenes with the American advisers to the Iraq v. Saddam Hussein court
American Bar Association Journal
by John Gibeaut
April 27, 2007

For prosecutor Anne M. Tompkins, it was a dream assignment.

The assistant U.S. attorney had prosecuted Medicare cheats and drug dealers—important cases in Charlotte, N.C., but hardly the stuff of international news.

Then in 2004, she volunteered to become one of the dozens of American lawyers and other experts who would help Iraqi officials build the case against former dictator Saddam Hussein.

The charge against Saddam would be crimes against humanity. But which crimes?

There was the notorious 1988 Anfal campaign against the Kurds of northern Iraq. As many as 100,000 died, some gunned down in mass executions and others in attacks using chemical weapons—including sarin and mustard gas.

And there was Saddam’s second attempt to exterminate the Kurds in 1991 after his army was evicted from Kuwait in the first Gulf War. That’s not to mention his simultaneous operation against Shi’ites in southern Iraq. Estimates of the dead reached 100,000 for the Kurds and 130,000 for the Shi’ites.

To discuss which case should be brought first, Tompkins and her colleagues met in Baghdad in late summer 2004 with Ra’ed Juhi, the chief investigative judge for the Saddam court, which was later officially named the Iraqi High Tribunal. While criminal cases in the U.S. adversarial system begin in prosecutors’ offices, civil law countries like Iraq use judges to investigate, bring charges and also hear cases.

Juhi wanted to know about Dujail—what about trying that case first? The Americans had never
After Saddam took over as Iraq’s president in 1979, the small city of Dujail was one of the first places he demonstrated his boundless appetite for revenge. He took a relatively small event—a 1982 attempt on his life that involved about 10 people—and responded with overwhelming force against hundreds of residents.

First, the regime conducted summary trials and hanged 148 men and boys from Dujail—few if any of whom had something to do with the assassination attempt.

Then, hundreds more languished without trial for years in a desert prison camp near Iraq’s border with Saudi Arabia. Finally, on Saddam’s orders, the government razed large sections of the town and the surrounding date orchards.

Though virtually unknown outside Iraq, the Dujail episode remained etched on the national psyche two decades later as the prototype for the regime’s subsequent butchery.

The case had a lot going for it from a prosecutor’s perspective.

The crimes at Dujail were relatively simple to investigate, compared with the months of evidence-gathering that would be needed in the cases involving Saddam’s better-known carnage. The regime had kept death records—including execution orders—so the case didn’t require mass exhumations and forensic examinations of bodies. And because the case could be proved mostly by documents maintained by the regime, there was less need for live witnesses, whose memories could have faded over time.

And because the trial court was brand new, starting off with a comparatively small case would allow the judges to work out the kinks before tackling the operatic scale of Saddam’s later massacres.

“We said, ‘Hey, that makes perfect sense.’ Judge Ra’ed liked it, too,” recalls prosecutor Gregory Paw, who also worked on the investigation. Paw is now criminal justice director for the New Jersey attorney general’s office in Trenton.

“That’s why you start with a smaller case—in case you have to go back to the drawing board and redesign the tribunal,” he says.

So Tompkins and Paw set out to find Dujail on a map. They looked for hours with no success.

It turned out that the city—population 80,000—was only 30 miles north of Baghdad. But it was a tough 30 miles, with the highway and surrounding countryside crawling with insurgents. A military escort was essential, as were helmets, body armor and sidearms.

Getting to Dujail entailed more than ringing the Baghdad motor pool. “You just can’t call up and say, ‘Hi. I’m Anne. Take me to Dujail,’ ” Tompkins recalls. The military doesn’t do anything simply because a prosecutor asks nicely. Getting from point A to point B requires orders.

Then the prosecutors caught two big breaks.

As Tompkins and Paw took chow one day in a Baghdad mess hall, an FBI agent working with them happened to walk by, and he took the opportunity to tell them he had obtained some documents from Dujail. Also by happenstance, an Army colonel was seated at the same table. The officer’s ears perked up at the mention of the town’s name. Dujail? The colonel had been to Dujail. He could help the prosecutors get there.

And he knew a reserve captain named Vincent G. Heintz, who back in the States was an assistant district attorney in New York City. Heintz had been investigating gunrunning and other insurgent activities in the Dujail area.

As he conducted his investigation, the locals told Heintz the story of Saddam’s earlier revenge against the town, which involved some of the same insurgent ringleaders. Thinking like a
prosecutor, Heintz had started to compile a separate file on the 1982 episode.

The colonel dispensed with the military formalities, and soon the prosecutors and Judge Juhi were on their way to Dujail. Capt. Heintz met them at a forward operating base outside town, where he already had assembled a handful of potential witnesses for the trio to interview. Paw and Tompkins’ initial assessment of the evidence: “outstanding.”

The case that eventually would slip the hangman’s noose around Saddam’s neck had begun to take shape.

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Stumbling across the case of Dujail was the first of many surprises for the American advisers to the Iraqi High Tribunal. Unfortunately, it was their last pleasant one.

The Americans badly miscalculated the level of support the trial would receive from Western governments and international human rights groups. They didn’t count on a feisty panel of Iraqi judges who rejected U.S. advice about key aspects of trial procedure in favor of their own legal traditions. And they didn’t expect a group of high-profile defense counsel who were as intent on attacking the tribunal as attending to the law and facts of the case.

But perhaps the essential problem was that the difference in cultures was too great. The Iraqi judges harbored no small degree of suspicion for even friendly outsiders, the American legal experts included.

“They didn’t know us,” Tompkins says. “They didn’t know how long we were going to be there.

“If it were an American system, things would have run a lot differently.”

Click Here to Continue Reading

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According to the newspaper, the memo states: “A possible objection to the Bill relates to the potential cost of imprisoning Taylor in the UK.

“Some may argue that, with the UK prison system heavily loaded and given the other demands on the UK taxpayer, it is not appropriate to commit government funds to imprison foreign nationals.”

The memo also reportedly highlights the fact that Taylor may choose to stay in Britain after his release or claim asylum and that this “might represent a danger to the public or a drain on public resources”. It advises the government to argue that such commitments are not entered into lightly but by its action “the UK will be making a major contribution to the cause of international justice”.

Taylor is considered to be the single most powerful figure behind a series of civil wars in Liberia and neighbouring Sierra Leone between 1989 and 2003, which between them left about 400,000 people dead.

He has been indicted by the UN-backed Special Court for Sierra Leone on charges of crimes against humanity, war crimes and violations of international human rights.

He is accused of sponsoring and aiding rebel groups who perpetrated murder, sexual slavery, mutilation and conscription of child soldiers in Sierra Leone’s civil war in exchange for a share in the lucrative diamond trade.

Foreign Secretary Margaret Beckett said last June that London had agreed to a request by the former UN secretary general Kofi Annan that if Taylor were convicted, he would serve his sentence in Britain. – AFP

AP Interview: Prosecutor says identity of most witnesses in Charles Taylor trial will be secret
The Associated Press via International Herald Tribune
April 18, 2007

THE HAGUE, Netherlands: The identity of most witnesses who testify against Charles Taylor at his war crimes trial will be kept secret, and some will likely be given new homes, due to fears of retribution from the former Liberian president's supporters, the prosecutor leading the landmark prosecution said.

Among them will be former "insiders" who were once close to Taylor, said Stephen Rapp, chief prosecutor for the Special Court for Sierra Leone.

"People are fearful. Crime-base witnesses and linkage witnesses are very fearful," he said in an interview with The Associated Press on Wednesday.

As a result, up to 95 percent of prosecution witnesses will likely be granted protective measures — mostly testifying in open court but under pseudonyms, Rapp said.

After trial, some may have to move to new homes to keep them safe.

"All witnesses could be at risk after testimony, but insiders particularly can be viewed as traitors who deserve punishment for their treason," Rapp said. "We have to deal with the potential for relocation of individuals."

Taylor, 59, is scheduled to go on trial starting June 4 on 11 charges including terrorism, murder, rape, sexual slavery, mutilation and recruiting child soldiers. He has pleaded innocent to all charges and faces a maximum sentence of life imprisonment if convicted.

Taylor was flown to the Netherlands last June amid fears that staging his trial in Sierra Leone, where the Special Court usually sits, could trigger fresh unrest in the war-scarred African nation.

The case, being heard in a courtroom rented from the International Criminal Court, is expected
Due to the complexity of convicting Taylor for masterminding atrocities carried out by rebels in the chaotic and bloody conflict in Sierra Leone, the prosecution will call witnesses to try and establish a clear link between Taylor and the rebels.

"At the end of the day, we think Taylor planned and knew exactly what was going on," said Rapp.

The American lawyer previously was chief prosecutor at the U.N. war crimes tribunal for Rwanda. He also was U.S. Attorney for the northern district of Iowa from 1993-2001.

In a pretrial brief outlining their case, prosecutors say that after Taylor became Liberia's president in 1997, rebels carrying out atrocities in Sierra Leone were in almost daily contact with "White Flower," Taylor's residence in the Liberian capital, Monrovia.

In exchange for diamonds smuggled out of Sierra Leone, Taylor provided rebels with arms, ammunition, communication equipment — even alcohol, drugs and cigarettes, prosecutors allege.

Rapp said that prosecutors would rely on transcripts of witness testimony at previous trials in Sierra Leone to prove atrocities such as rapes, mutilations and hacking off limbs.

But some victims, likely fewer than 10, will be brought to The Hague to testify.

"There will be crime victims — amputees, others who were involved," Rapp said.

Sierra Leone's conflict was notorious for child soldiers hacking off the limbs of civilians.

Prosecutors say Taylor's proxies in Sierra Leone deliberately recruited children because they obeyed orders so well. They say rebels set up "Small Boy Units" and "Small Girl Units" of child fighters and Taylor allegedly used them for his personal security.

They also were used as guards in Sierra Leone's Kenema and Kono districts — where hundreds of villagers were rounded up and forced to dig at gun point in diamond mines operated by the rebels, prosecutors say.

As well as child soldiers and mutilations, the conflict in Sierra Leone also was characterized by widespread rape and sexual enslavement.

In Kono district, hundreds of women and girls were raped and beaten. Some were taken to camps, one known as "Superman Camp" where they were "distributed among the forces and used as sexual slaves and forced labor," prosecutors allege.

Defense attorneys are due to file their pretrial brief, outlining their defense, later this month.

Special Court for Sierra Leone Outreach Mission to Liberia
Awareness Times (Freetown)
April 24, 2007

A high-level mission from the Special Court will visit the Liberian capital Monrovia on April 25-26. The mission will be led by Acting Registrar Herman von Hebel and will include Prosecutor Stephen Rapp, Principal Defender Vincent O. Nmehielle, and other Special Court officials.

The mission, which is being arranged with the assistance of the United Nations Mission in Liberia (UNMIL) pursuant to Security Council Res. 1750, will include high-level meetings with Liberian and United Nations officials, a town hall meeting, visits to William V.S. Tubman High School and the University of Liberia, and a meeting with members of Liberian Civil Society.

The acting Registrar, the Prosecutor, and the Principal Defender will provide updates on the work of the Court and the trial of former Liberian President Charles Taylor at The Hague. They
will also answer questions and make clarifications of easily avoidable misunderstandings.

The mission is in line with the Security Council’s call (Res. 1688) for the Special Court “to make the trial proceedings accessible to the people of the subregion”. It is the first visit by Special Court officials to Liberia since 2004, and the first since Mr. Taylor was turned over to the custody of the Special Court.

A press conference by the Acting Registrar is scheduled for 25 April at 3:30pm at the UNMIL Media Centre. The Prosecutor and the Principal Defender will be also present to respond to questions from journalists.

The Special Court is an independent tribunal established jointly by the United Nations and the Government of Sierra Leone. It is mandated to bring to justice those who bear the greatest responsibility for atrocities committed in Sierra Leone after 30 November 1996. To date, the Prosecutor has indicted eleven persons on various charges of war crimes, crimes against humanity, and other serious violations of international humanitarian law.

139 Witnesses to Testify Against Taylor
AllAfrica.com - The Inquirer (Monrovia)
by Melissa Chea-Annan & Morrison O.g. Sayon
April 26, 2007

The UN Backed Special War Crime Court in Sierra Leone has identified 139 witnesses to testify against the former Liberian leader, Charles Ghankay Taylor.

The trial against Mr. Taylor is expected to start on June 4, 2007 in The Hague, at the International Criminal Court, and the proceedings will take place under the exclusive jurisdiction of the Special Court.

Addressing a news conference on Wednesday in Monrovia, the Prosecutor of the Special Court, Stephen Rapp said the 139 witnesses who are expected to testify against Mr. Taylor include Liberians, Sierra Leoneans, and people from other regions around the world.

The Special Court Prosecutor reiterated that they are prosecuting the former Liberian leader for alleged crimes he committed in Sierra Leone, and not for crimes he committed in Liberia. He said the Court does not anticipate prosecuting other Liberians before the Special Court.

He described Mr. Taylor's trial as a concrete example and a symbol of a turning point for the regions, and that his trial is indeed a crucial component. Mr. Rapp also said that their primary concern is to see a fair trial carried out at the highest standards of international justice.

Speaking also at the press conference, the Acting Registrar, Herman Von Hebel said the special Court would ensure access to the proceedings of the trial against Mr. Charles Taylor through various of instruments. He said the proceedings will be broadcast to the premises of the Special Court in Freetown, and that members of the civil society from both Sierra and Liberia will regularly travel to The Hague and be present at the proceedings.

Speaking further, the Acting Registrar indicated that, under the auspices of the BBC World Service Trust, journalists from Sierra Leone and Liberia would, on a rotational basis, be present at the proceedings in The Hague and will be able to produce T.V. and Radio programmes and write articles about the proceedings.

For his part, the Defendant Counsel, Vincent Nmehille disclosed that they are fully prepared for the trial in that all of the necessary logistics needed for the trial are now intact, and that they would do everything possible to give the former Liberian leader a fair trial.

It was also disclosed during the briefing that Mr. Taylor, if found guilty, would be sentenced to jail in the United Kingdom.

Meanwhile, the Principal Defender of the United Nations-backed Special Court in Sierra Leone has broken silence on the transfer of former Liberian President, Darkpannah Dr. Charles
Responding to questions from Lawmakers in Monrovia, Vincent O. Nmehielle, a Nigerian Lawyer who is the Principal Defender of the Court in Sierra Leone revealed that he was not satisfied with the manner in which Mr. Taylor was transferred from his cell in Freetown to the Hague. Mr. Nmehielle however, noted that the transfer of Mr. Taylor is an international issue and as such, nothing could have been done to change the situation.

When asked as to whether he, as Principal Defender of the court in charge of the case at the time was informed about the transfer of the former Liberian leader, Mr. Nmehielle said, "Mr. Taylor was informed about his transfer but he was not informed about the time he would have left."

"For me, I was not informed about the transfer but I knew that he would have been transferred and so, I told him to get prepared at all times by packing his bag and whatever he had, but I was neither informed about the transfer nor did I know the main date and this is where I was not satisfied.

"That night, at about twelve midnight, I was asked by authorities of the court to give Mr. Taylor's number but I did not know what was going on so I inquired why Taylor's number was needed at that time of the night. But the whole situation is an international issue and so that's how it works," Mr. Nmehielle explained.

A five-man delegation of the Special Court in Sierra Leone is in the country to create awareness on the pending trial of Mr. Taylor who is facing war crime charges in The Hague. The delegation is meeting government officials, members of the Civil Society and the Legislature to acquaint them with development of the trial.

The trial of the former Liberian President is set for June 4, 2007 in The Hague. Mr. Taylor is facing 11-count charges.

He was sent back to Liberia by the Nigerian government following reports of his disappearance from his exiled-home in Callaba, Nigeria. Mr. Taylor was immediately taken to Sierra Leone upon his arrival at the Roberts International Airport and was later transferred to The Hague due to what some West African leaders considered as security threat if the trial were conducted in Sierra Leone.

Additionally, the delegation of the Special Court for Sierra Leone, headed by its Prosecutor, Stephen Rapp, met with President Ellen Johnson Sirleaf yesterday. Members of the delegation informed the President that they were in the country to meet with Liberians to explain the workings of the Special Court ahead of the trial in The Hague of former President Charles Taylor.

An Executive Mansion release said, the court's Chief Prosecutor, Rapp, said it was important that Liberians and Sierra Leoneans be informed about the proceedings, to ensure that accurate information gets out. The Special court for Sierra Leone prosecutor said the court was determined to ensure that the trial is transparent, fair expeditious and accessible to everyone. A successful trial, Mr. Rapp said, will have benefits for the sub-region, Africa and the rest of the world.

The Principal Defender, Vincent Nmehielle, underscored the need to ensure that the trial meets international standards wherein the fundamental rights of the accused are guaranteed. He said his office has appointed a defense team, which would administer and coordinate the process to ensure that Mr. Taylor's legal interests are protected.

Responding, President Johnson Sirleaf welcomed the Special court's mission to Liberia. She said Liberians are determined to put behind them the era of the bitter past. The President also welcomed the court's decision to provide legal defense that would provide the means for Mr. Taylor to have an effective defense.

The Liberian leader expressed the hope that the trial of the accused would be free, fair and
humane and will end within a reasonable period of time, to allow Liberians move forward to the future and pursue their development goals.

Yesterday's meeting with the President was attended by Foreign Minister, Ambassador George Wallace; the Acting Registrar of the Court, as well as other officials of the court.

Members of the Sierra Leone Special Court are expected to meet with the civil society and Liberian Law-makers.

Elections No Guarantee
AllAfrica.com - The Analyst (Monrovia)
April 27, 2007

The Truth and Reconciliation Commission (TRC) came under fire from the office of the Secretary General of the United Nations and the European Union assessment team.

Both accused the TRC of mismanagement and the lack of basic administrative structure and relevant programming to endear the commission to donors. But the Commission dismissed the allegations as absurd and products of wishful thinking and seems not deterred to press ahead.

TRC Chairman Cllr. Jerome Verdier is now out and about defending the cause of the TRC and what its absence would mean to the Liberian peace process.
Stringer Aagon Gweh Linford filed this report from Norway.

The Truth and Reconciliation Commission, Cllr. Jerome Verdier, says his commission lacks basic funding to implement its task.

At a well attended forum in the Swedish capital, Stockholm recently, he explained the task of the commission, and noted that the commission lacks funds and logistics to reach out to the people of Liberia.

This, he said, impaired the work of the TRC to the despair of millions of war-weary Liberians many of who look up to the commission for transitional justice.

Cllr. Verdier told the forum organizers and participants that the holding of free and fair elections does not guarantee peace in Liberia.

What will help cement the peace process, according to him, is the organized exposure of the truth of the crisis and the subsequent reconciliation of the differences of the belligerent forces and victims of war excesses.

Cllr. Verdier regretted that the TRC remains the only outstanding element from the Accra Agreement that is yet to be accomplished since the elections in Liberia.

He noted that the TRC is charged with handling what he calls the software part of the peace and reconciliation process in postwar Liberia to manage the fears of the victims of the war.

Cllr. Verdier also refuted claims by some critics that his commission has not accomplished anything since it was established a little over two years.

He said the commission has collected over five thousand statements from victims of the war for scrutiny and onward submission to the government.

According to him, the TRC has also recruited and trained young people from around the country to carry out major functions of the commission.

He pointed out the recruitment and training process done carefully to ensure and reflect fairness and neutrality on the part of the commission in the discharge of its duty.

He averred that though his commission receives money from the government, it will not allow the government to influence its decisions and functions. He praised Liberians in the Diaspora
Mr. Viktor Bengtsson, the forum chief organizer, also re-echoed the need for sustainable assistance from the international community to the development of Liberia as the country recovers from years of war.

He explained that the need for financial and other forms of assistance to Liberia cannot be over-emphasized giving the task of reconstruction and rehabilitation the country is faced with. Mr. Bengtsson, a Swedish, promised his country's continuous assistance to Liberia its effort to recover from war.

Meanwhile, a member of the Swedish Parliament for the Green Party on Foreign Affairs, Bodil Ceballos, has promised to work closely with development programs for Liberia.

She praised the forum organizers for creating the awareness on the work of the TRC through the forum. She stressed the need to strengthen the bi-lateral co-operation between Sweden and Liberia and hope it will take a new turn in the coming years.

Also speaking at the forum was the former General Manager of the LAMCO, Mr. Olle Wijkstrom who recounted the strong economic ties that existed between Sweden and Liberia for many years.

Mr. Wijkstrom described the people of Liberia as true friends who should not be forgotten in the time of crisis. He called on all friends of the Liberia and the international community to galvanize support for the recovery of Liberia from war.

In a separate statement, the president of the European Federation of Liberian Association (EFLA), Mr. Elvis Morris said TRC will continue to enjoy the confidence and support of Liberians in the Diaspora.

He said Diaspora Liberians are closely monitoring activities back in Liberia and will contribute in very meaningful ways to make Liberia a safe place to live.

Mr. Morris commended the TRC for the work done so far and is hoping that the government of Liberia and the international community will provide the needed funding to enhance the work of the TRC.

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Background Information

Canadian national Omar Khadr is accused of offences committed in the armed conflict in Afghanistan when he was 15 years old. Instead of taking his age into account when US authorities took him into custody in 2002, as they were obliged to do under international law, they subjected him to years of indefinite detention without charge in Guantánamo.

Omar Khadr, who has alleged that he has been ill-treated in Bagram and Guantánamo, was one of 10 detainees to be charged for trial by the earlier military commissions struck down as unlawful by the US Supreme Court in 2006. Omar Khadr has now been charged for trial under the Military Commissions Act, under procedures that fail to comply with international law and standards.

For further information, please see: USA: Justice delayed and justice denied? Trials under the Military Commissions Act (For information on Omar Khadr and the issue of children, see pages 25-26).

Rice rebuffs US Congress subpoena
BBC News
April 26, 2007

The US Secretary of State Condoleezza Rice has said she is unwilling to answer a US House of Representatives subpoena about Iraq’s pre-war weapons.

A House committee wants to question Ms Rice about a White House assertion that Iraq was trying to buy uranium from Niger to build nuclear weapons.

The White House claim, now discredited, formed part of the US justification for invading Iraq in 2003.

Ms Rice said supplying written answers was the best way to pursue the issue.

She said that as President George W Bush’s national security adviser at the time, she was shielded by the constitutional principle of executive privilege.

"There is a separation of powers, and advisers to the president are, under that constitutional principle, not generally required to go and testify in Congress," she told reporters in Oslo, Norway, during a meeting of Nato foreign ministers.

'Brick wall'

She said her staff had already written three letters in the last month to Democratic Congressman Henry Waxman, chair of the House Oversight Committee about the matter.

"If there are further questions that Congressman Waxman has, then I am more that happy to answer them again in a letter, because I think that that is the best way to continue this dialogue," Ms Rice said.

On Wednesday night, Mr Waxman said Ms Rice had left his committee with "no choice but to proceed with the subpoena".

"We have hit a brick wall with the secretary of state," he said as the Democratic-led committee voted 21-10 to issue a subpoena to compel Ms Rice to testify.

"She will not propose a date to testify, she will not agree to testify, and she insists that our committee be satisfied with partial information that was previously submitted to other committees."

CIA leak

He said Ms Rice's position as top security adviser to the president before the invasion of Iraq...
gave her unique insight as to why the White House had put forth its claim that Saddam Hussein's Iraq was buying uranium from Niger.

The CIA sent former diplomat Joseph Wilson to Niger to investigate the claim, which he said was unfounded.

His wife, Valerie Plame, was later identified as a CIA employee.

The Department of Justice launched an investigation into who had leaked her CIA connection.

Lewis "Scooter" Libby, a top aide to Vice-President Dick Cheney, was convicted of perjury and obstruction of justice in the aftermath of the leak.

**Senators skirmish over Gitmo detainees**

*The Associated Press*

by Barry Schweid

April 26, 2007

WASHINGTON - A Senate skirmish over detainees at Guantanamo Bay ended in a draw Thursday, with Democrats urging action on the prisoners' behalf but running into stiff opposition from Republicans. "What is the hurry?" Sen. John Warner, R-Va., asked at a Senate Armed Services Committee hearing.

The indefinite detention of nearly 400 prisoners without charges is "unconstitutional. It's un-American," said the Senate Judiciary Committee chairman, Sen. Patrick Leahy, D-Vt., one of half a dozen witnesses.

The debate came amid complaints in the legal community over a new effort by the Justice Department to restrict defense lawyers' access to prisoners at the U.S. facility in Cuba.

A Supreme Court ruling last year amounted to a repudiation of the Bush administration's plan for putting detainees on trial. After the decision, Congress acted to limit detainees' access to U.S. courts.

Citing the new law's "nightmare scenario," Leahy laid out this scenario: a hardworking and legal permanent U.S. resident innocently donates to a charity that is suspected by the government of funding an anti-U.S. group. This person, Leahy said, could be detained, even tortured and have no recourse in courts for years or even forever.

"America at its best is a beacon for human rights and human liberty, and that's how we like to see ourselves," said Sen. Carl Levin, D-Mich., chairman of the Senate Armed Services Committee. "But much of the world sees us in a very different way when we fail to live up to the standards we profess."

Warner, the committee's top Republican, urged Congress "not to get ahead of this process" and to wait for another ruling by the Supreme Court.

The justices turned aside the detainees on April 2, saying they should first take their complaints to the U.S. Court of Appeals for the District of Columbia Circuit, which was handed an extremely limited mandate on detainee issues.

Rather than enabling the prisoners to challenge their indefinite detention and treatment, the Republican-controlled Congress last year said the appeals court can decide only whether the military followed proper procedures when it categorized detainees as unlawful enemy combatants.

"This is a nation at war," said Warner. "We are doing everything to protect our citizens and our nation. And I think we have got to be exceedingly careful. ... We are getting ahead of the judicial branch."

Also speaking in opposition to quick changes, Sen. John Cornyn, R-Texas, said he was "not
aware of any recorded English common law case that grants habeas corpus relief to an alien detained as an enemy combatant."

Yet, Cornyn said, "we have gone a step further and provided an opportunity for both administrative and judicial review in a court" to people "who do not observe the law of war."

Sen. Jeff Sessions, R-Ala., said the Constitution does not confer habeas corpus rights on people seized on the battlefield.

Among the witnesses, Daniel J. Dell'Orto, deputy general counsel at the Pentagon defended the tribunal system. He said about 390 detainees had been released or transferred out of Guantanamo and about 80 were awaiting release or transfer when assurances of humane treatment are received.

"This underscores our commitment not to hold any detainee longer than necessary," Dell'Orto said.

The Justice Department this month filed court papers seeking to severely restrict defense lawyers' access to detainees at Guantanamo.

"This is just one more bad decision that follows in the stream of bad policy," said Jack Einwechter, recently one of the prosecutors in a military commission case against Osama bin Laden's former driver, Salim Ahmed Hamdan.

"There needs to be a balance between the needs of national security and the need for defense counsel to be informed," Einwechter said during an interview. "The proposed standard goes too far in restricting defense counsel access."

Retired from the military and now with a Washington law firm, Einwechter said the department's position is driven by the fact that "Congress has foreclosed any broad review of the issue of detention."

Cutting back defense lawyers' access is a "pretty outrageous move on the part of the government and is just indicative of the way they have tried at every step to frustrate the ability of lawyers to represent their clients," said Neal Sonnett, chairman of the American Bar Association task force on treatment of enemy combatants.

Justice Department spokesman Erik Ablin said the plan for attorney access goes well beyond what the Constitution and law require and is "unprecedented in the history of warfare" because it allows private civilian lawyers access to detained enemy combatants.

US: Close CIA Prisons Still in Operation
Human Rights Watch
April 27, 2007


The announcement that Abd al-Hadi al-Iraqi was transferred to the Guantanamo Bay detention facility from CIA custody raises worrying questions about how long he has been detained by the CIA, where he was held, what kind of treatment he endured, and whether other prisoners still remain in CIA detention. The CIA has previously detained numerous detainees for months and even years.

"The CIA's secret detention of Abd al-Hadi al-Iraqi is a blatant violation of international law," said Joanne Mariner, terrorism and counterterrorism director at Human Rights Watch. "This transfer shows that Congress will have to act to end the CIA's illegal detention program."

By holding people in unacknowledged, incommunicado detention, outside of the protection of the law, the Bush administration has violated the international legal prohibition on enforced disappearance. The CIA's reliance on enforced disappearance also raises serious concerns
about the likelihood of torture and other cruel, inhuman or degrading treatment. Notably, numerous detainees previously transferred from CIA custody to Guantanamo have claimed that they were subjected to torture.

Human Rights Watch also criticized the administration for transferring new detainees to the Guantanamo facility. Just one month ago, the Department of Defense announced that it had transferred to Guantanamo a Kenyan citizen, Mohammad Abdul Malik, arrested in Mombassa.

Human Rights Watch today renewed its call to have suspected criminal detainees at Guantanamo transferred to federal courts and prosecuted under US federal criminal law.

"If al-Hadi and other detainees committed the crimes they’re accused of, they should be tried for acts of terrorism in federal court, under a fair and transparent system," said Mariner.

On September 6, 2006, President George W. Bush publicly revealed the existence of the CIA’s secret detention and interrogation program. Although he stated that, as of that moment, there were no prisoners in CIA custody, he did not promise that the program was closing permanently.

It is believed that more than one al-Qaeda suspect uses the alias of Abd al-Hadi al-Iraqi (or Abdul Hadi al-Iraqi), complicating the job of verifying the date of the present detainee’s arrest. A person with that name was reportedly arrested in January 2002; another person with that name is currently on the FBI’s “Rewards for Justice” list. The person on the FBI’s list, for whom there is a $1 million reward, matches the current detainee in certain particulars (both were born in Mosul, Iraq, and both were members of the Iraqi military).

US officials have told journalists that al-Hadi was arrested in late 2006, meaning that al-Hadi has been in secret CIA custody for at least five months.

As many as 38 other detainees who were believed to have once been held in CIA custody remain unaccounted for as of April 27, 2007 (see list below). Human Rights Watch wrote a letter to President Bush in February 2007, requesting information on the fate of these detainees, but has received no response to date.

It is possible that the president’s statement that the CIA’s prisons were empty in September 2006 was true only in a technical sense, and that in fact prisoners were being held in “proxy detention” – held in another country on behalf of the United States.

“We’re skeptical that President Bush was telling the whole story when he said the CIA prisons were empty,” Mariner said. “It’s quite possible that his claim was based on legal niceties: that while detainees were in the custody of other countries, the CIA had the power to determine their fate.”

**Background and List of Detainees**

Based on detainee testimony, media articles, and other sources, Human Rights Watch compiled a list of 38 people believed to have been held in CIA prisons and whose current whereabouts are unknown. This list was first published by Human Rights Watch in its February 2007 report, “Ghost Prisoner: Two Years in Secret CIA Detention”.

The list below provides their names, nationalities, and place and date of arrest, where known:

1. Ibn al-Shaykh al-Libi (Libyan) (Pakistan, 11/01; Human Rights Watch has received unconfirmed reports that al-Libi was returned to Libya in early 2006)
2. Abd al-Hadi al-Iraqi (presumably Iraqi) (1/02)
3. Anas al-Liby (Libyan) (Khartoum, Sudan, 2/02)
4. Retha al-Tunisi (Tunisian) (Karachi, Pakistan, early- to mid-2002)
5. Sheikh Ahmed Salim (aka Swedan) (Tanzanian) (Kharadar, Pakistan, 7/02)
6. Saif al Islam el Masry (Egyptian) (Pankisi Gorge, Georgia, 9/02)
7. Amin al-Yafia (Yemeni) (Iran, 2002)
8. al-Rubaia (Iraqi) (Iran, 2002)
9. Mohammed Omar Abdel-Rahman (aka Asadallah) (Egyptian, son of the “Blind Sheik” Omar Abdel-Rahman) (Quetta, Pakistan, 2/03)
10. Yassir al-Jazeeri (Algerian) (Lahore, Pakistan,
WASHINGTON: The American Bar Association expressed unease Friday over Bush administration plans to limit lawyers' access to detainees at Guantanamo Bay.

The ABA, the largest professional organization for attorneys in the United States, was responding to a recent Justice Department court filing that alleged lawyers' visits to Guantanamo Bay and attorneys' mail to the detainees threatened to undermine security at the U.S. facility in Cuba.

Many of the detainees have been imprisoned at Guantanamo Bay for five years. The department proposes to limit to four the number of lawyer visits allowed to each detainee. Currently, there are no limits on the number of visits.

After an initial face-to-face meeting of up to eight hours, "three additional counsel visits should be fully sufficient," the department's filing states.

It will be up to the U.S. Court of Appeals for the District of Columbia Circuit to decide how much lawyer access there should be.

ABA President Karen J. Mathis said lawyer-client contact is "a deeply imbedded principle of American democracy.

"Arbitrary restrictions concerning the number of times and the ways that lawyers may confer with their clients in Guantanamo, or in any court, would threaten competent representation without at all advancing national security," Mathis said in a statement.
According to the department's court papers, the lawyer-detainee mail system "was misused" to inform detainees about terror attacks, military operations in Iraq, activities of terrorist leaders, efforts in the war on terror, the Hezbollah attack on Israel and abuse at Abu Ghraib prison.

Civilian lawyers have provided "exaggerated and inaccurate" reports of conditions of confinement, the department said.

"The alien detainees at Guantanamo cannot assert rights under the U.S. Constitution," the Justice Department court papers state. "Just as the detainees have no constitutional right to counsel, there is no right on the part of counsel to access to detained aliens on a secure military base in a foreign country."

Department spokesman Erik Ablin defended the proposed order. It "allows private civilian attorneys access to detained enemy combatants at a secure overseas military base during wartime," he said, "and even allows the attorneys access to classified national security information when needed."

UN Reports

Use of minor in Taliban execution sparks UNICEF outrage
UN News Centre
April 23, 2007

Condemning the use of a minor in an execution carried out by the Taliban in Afghanistan, the United Nations Children's Fund (UNICEF) said today that such acts – deplorably not uncommon in many countries – constitute war crimes under international law.

A video circulating currently in Pakistan shows a young boy beheading an adult, UNICEF said in a statement released in New York and Geneva.

“The act was a terrible example of how children can be used by adults to commit heinous crimes in times of conflict,” the statement noted, adding that the use of any child under the age of 15 in a conflict in any capacity represents a war crime.

“It is not uncommon to see children forced to commit atrocities against their neighbours and even their own families. These acts cut off all ties between these children and their original communities and strengthen their dependency on the armed group that has recruited them.”

UNICEF has programmes in many countries where former child soldiers are helped to reintegrate into their communities and given psychological and emotional support to overcome their distress.

Secretary-General calls for world’s assistance to bring stability to Somalia
UN News Centre
April 26, 2007

United Nations Secretary-General Ban Ki-moon today voiced his grave concern about the intensified violence in Somalia, and called on the world to step up its assistance to the war-torn East African nation.

The country has been wracked by deadly clashes in recent weeks, and according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 340,000 people – roughly one-third of the city’s population – have fled the violence in the capital Mogadishu since the start of February, while at least 1,000 have sustained injuries.
“The international community should fully cooperate and give some concerted efforts to restore peace and security in that country,” Mr. Ban told reporters in New York.

Since the Transitional Federal Government (TFG), backed by Ethiopian forces, dislodged the Union of Islamic Courts (UIC) from the capital and much of the country last December, there has been an upsurge in violence. Clan-based militias have also been involved in the clashes.

“I am also very much troubled by the fact that the Transitional Federal Government is [not] able to sustain the momentum thus created politically,” Mr. Ban noted.

He also urged for plans to convene a National Reconciliation Congress, which have been postponed until next month, to continue. Recognizing that such a Congress will have logistical and financial difficulties, he appealed to the international community for assistance.

“We have seen in the last 10 days or so some of the worst fighting in Mogadishu that the city has seen in the last 15 or 16 years,” John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, said at a press briefing in Geneva today.

He stressed that “the rules of international humanitarian law are being flouted by all sides in Mogadishu,” which has witnessed the largest displacement of people in the world this year. He added that civilians have been caught in the crossfire, there is indiscriminate shelling and missiles have been seen hitting hospitals.

Mr. Holmes argued that the dire humanitarian situation is not entirely a question of adequate resources, but rather of access and security. Aid workers endeavouring to assist those in need have been thwarted by the unstable security situation as well as by the TFG.

“Getting aid to [those who have fled Mogadishu] is proving very difficult” due to both the insecurity and the blockage of roads by the military. He also mentioned a distribution by the UN World Food Programme (WFP) “which was halted because the Government said they had not inspected the food themselves, which seems inappropriate in an emergency situation.”

Although the TFG agreed during a meeting with the UN’s Somalia Country Team this week to allow humanitarian workers access to Mogadishu’s airports, he said that OCHA is “waiting to see whether that agreement in principle is translated into practice.”

Another major public health concern is the outbreak of acute watery diarrhoea, which OCHA reports has affected 17,000 people and killed 600 in south-central Somalia, which includes Mogadishu and surrounding areas.

“A particular concern is that the rainy season is approaching, which will obviously exacerbate these health problems very considerably,” Mr. Holmes said.

Meanwhile, the UN High Commissioner for Refugees (UNHCR) and its partners on the ground have distributed urgently needed supplies to over 35,000 people who have fled the capital and are currently residing in the small town of Afgooye, 30 kilometres west of Mogadishu.

Despite the influx of aid, the town, sheltering more than 41,000 displaced, is overwhelmed by the constant stream of desperate people who are seeking help and safety.

“People living in Afgooye are scared because the fighting might spread along the road from Mogadishu,” a UNHCR staff member said of the increasingly chaotic situation in the town. “They also fear the increasing theft and burglary and the gangs that roam the town, which used to be safe.”

Many residents have already taken in family members and friends who have escaped the capital, and the town has run out of shelter space. Many families are living under plastic sheeting supplied by UNHCR to protect them from the weather, and prices have surged in local shops due to the increased demand. Local landowners are even charging rent to people seeking sanctuary under their trees.

“People in Afgooye are extremely poor, most of them live on less than a dollar a day, and now they can no longer afford the prices which rise day after day,” the UNHCR staffer said. “Some
shopowners and landowners make a lot of money by demanding unaffordable prices.”

Explosions and military activity on the road linking the town to Mogadishu have forced it to close, and the closure of a bridge on the town’s end has blocked trucks carrying UNHCR supplies.

Despite the obstacles, the agency plans to distribute a second round of relief items – including plastic sheeting, mattresses and kitchen utensils, all of which have been airlifted from Dubai – this week for an additional 13,500 people.

**Don’t lose this chance, Chissano tells LRA**

*The New Vision*

April 26, 2007

SOUTH Sudan president Salva Kiir has asked the Government and the LRA rebels to ensure that the peace talks, which resumed yesterday, culminate into a peace agreement.

“I urge you to put aside your differences for the sake of peace. The problems you are attempting to solve are not so deep rooted as we had in Sudan. We fought a bitter war in Sudan,” Kiir said at the opening of the peace talks at Juba Raha Hotel.

Uganda’s delegation is led by internal affairs minister Dr. Ruhakana Rugunda, while the LRA team is led by Martin Ojul.

“We are concerned that the battle field has shifted to South Sudan and atrocities committed, something that has discredited the government of South Sudan, especially in Eastern and Western Equatoria province,” Kiir said.

He noted that his government had weathered international criticism to bring the peace talks this far.

The UN special envoy, Joachim Chissano, urged the two delegations to seize the chance of the resumed talks and reach a peace agreement.

“Don’t let this opportunity go. I would like to remind Mr Ojul, when I first met him in Nairobi Don’t lose this opportunity. And this is valid for the Government team. Don’t lose this opportunity.”

He said he was optimistic that the handshake between LRA leader Joseph Kony and Rugunda had sealed the peace agreement and that the delegations were negotiating the details.

On the UN court indictments against the LRA commanders, Chissano explained that “ensuring no impunity in relation to international law is a matter of principle of the UN, particularly on crimes against humanity.”

He commented that the process of meting out justice for the LRA leaders must reach international standards.

The former Mozambique president advised that some of the issues at the talks could be solved within Uganda after the agreement has been signed.

The chief mediator, Riek Machar, revealed that the issue of the LRA stipend has been settled.

The LRA team had asked for “$300, but they will each be paid $70 and $50 for communication daily.

Rugunda cautioned against over-stretching the peace process.

“We are here to work on the frame work for peace and not write a new constitution or a meticulous book about the political history of Uganda.”

Ojul lamented that if the regional leaders had responded to the LRA demands, the talks would not have stalled for four months.
The talks stalled in January when the LRA demanded change of the talks mediator and venue.

Afghanistan: Civilians Bear Cost of Escalating Insurgent Attacks

Human Rights Watch
April 16, 2007

Rising Civilian Death Toll Points to Taliban, Hezb-e Islami War Crimes

(Kabul, April 16, 2007) – Civilian deaths from insurgent attacks in Afghanistan increased dramatically over the past 15 months, and many were the result of insurgents’ failure to respect the laws of war, Human Rights Watch said in a report released today.


“Suicide bombings and other insurgent attacks have risen dramatically since 2005, with almost 700 civilians dying last year at the hands of the Taliban and other such groups,” said Joanne Mariner, terrorism and counterterrorism director at Human Rights Watch. “The insurgents are increasingly committing war crimes, often by directly targeting civilians. Even when they’re aiming at military targets, insurgent attacks are often so indiscriminate that Afghan civilians end up as the main victims.”

The report documents how, in violation of the laws of war, insurgent forces have repeatedly, directly targeted civilians for attack, and how even attacks directed at Afghan and international military forces have often been launched without due regard for civilian life.

Human Rights Watch has previously reported on numerous cases in which Afghan government and international forces in Afghanistan appear to have conducted indiscriminate attacks in violation of the laws of war.

This report explains that 2006 was the deadliest year for civilians in Afghanistan since 2001. Overall, at least 669 Afghan civilians were killed in at least 350 armed attacks, most of which appear to have been intentionally launched at civilians or civilian objects. An additional 52 civilians were killed in insurgent attacks in the first two months of 2007.

Increasingly, the Taliban has been targeting certain groups of civilians, including humanitarian aid workers, journalists, doctors, religious leaders, and civilian government employees, condemning them as spies or collaborators. In 2006, at least 177 civilians were killed in assassinations, and similar ambushes and attacks have continued in 2007. A recent and horrific example was the Taliban’s summary execution of Afghan journalist Ajmal Naqshbandi and his driver, Sayed Agha, in violation of the laws of war.

“The Taliban’s murders of Afghan journalist Ajmal Naqshbandi and driver Sayed Agha were war crimes,” Mariner said.

The report contains numerous accounts from Afghan civilian victims and their relatives, speaking about insurgent attacks and their consequences. For instance, 9-year-old Sherzad (not her real name), severely injured in a suicide attack in the capital, Kabul, in March 2006, told Human Rights Watch about how shrapnel tore open her stomach, spilling her intestines.

“Sometimes I dream about that day – I have nightmares,” Sherzad said. “I thought that I
would not survive. I started saying the Kalimah [the martyrs’ prayer] when I was hurt that day, because I thought I was going to die.”

The report describes how insurgents have regularly carried out bombings and suicide attacks on military targets in crowded, highly populated areas, killing combatants and civilians without distinction or causing excessive civilian harm that was disproportionate to expected military advantages. Many Afghans told Human Rights Watch they could not understand why insurgent forces would choose to carry out attacks in civilian areas.

One man, burned in a July 2006 bombing near the Ministry of Justice in Kabul, told Human Rights Watch: “I didn’t see any ISAF people [international forces] that day near the ministry, I just saw my people, Afghan people. What was the target, the people?”

The report documents how insurgent attacks are increasingly affecting the civilian population outside southern and southeastern Afghanistan, the Taliban’s traditional stronghold. In 2006, nearly a third of recorded lethal bomb attacks, many of which caused significant civilian casualties, took place in other areas, including Kabul, the northern city of Mazar-e Sharif, and the western city of Herat.

Bombings in 2006 more than doubled compared to 2005. Human Rights Watch counted almost 200 bomb attacks in 2006, killing nearly 500 civilians. Many were illegal under international humanitarian law. Insurgents intentionally targeted civilian objects that served no military purpose, including schools, buses, or bazaars; carried out numerous bombings that killed combatants and civilians without distinction or caused excessive civilian casualties in relation to expected military advantages; and used attacks that appear to have been primarily intended to cause terror among the civilian population. All these methods are illegal under the laws of war.

Suicide attacks by insurgents have been especially deadly for civilians. In 2006 there were at least 136 suicide attacks in Afghanistan, a six-fold increase over 2005. At least 112 of the attacks – a majority – were on military targets, yet most killed more civilians than combatants: approximately 20 other attacks were intentionally aimed at civilians. Suicide attacks by insurgents in 2006 killed at least 272 Afghan civilians and 37 government or international forces: suicide attacks killed eight times as many civilians as combatants.

While suicide attacks are not inherently illegal under the laws of war, those carried out in Afghanistan often were. Human Rights Watch found that suicide attackers frequently failed to pinpoint their attacks on military targets, and often set off explosives in a manner likely to cause indiscriminate or excessive civilian casualties. Moreover, suicide attackers almost always disguised themselves as civilians, violating legal prohibitions against “perfidy” that are meant to uphold the distinction between civilians and combatants during war. Perfidious attacks further endanger civilians: numerous Afghan civilians have been mistakenly shot by international and Afghan government forces who erroneously believed them to be suicide attackers.

The new report also details how attacks on Afghan teachers and schools, especially girls’ schools, doubled from their already high levels in 2005. The continuing attacks have forced hundreds of thousands of students out of classrooms. Taliban and other insurgent forces target schools on ideological grounds, claiming they are un-Islamic, or because in rural areas they often are the only symbols of government.

Human Rights Watch noted that military operations by Afghan government and international forces have also caused numerous civilian casualties. At least 230 civilians were killed during coalition or NATO operations in 2006, some of which appear to have violated the laws of war. There is no evidence that coalition forces intentionally target civilians, but in a number of cases international forces have conducted indiscriminate attacks or failed to take adequate precautions to prevent harm to civilians. Human Rights Watch has reported on several of these cases.

Human Rights Watch said today that continuing insecurity and armed conflict in Afghanistan are contributing to already low levels of government and development assistance, and to high
levels of continuing displacement. Hundreds of thousands of Afghans are displaced in southern and southeastern provinces, and millions remain as refugees in Iran and Pakistan, reluctant to return to Afghanistan, especially to rural areas, because of poor security and developmental assistance.

“Many Afghans are already struggling to survive,” Mariner said. “The increased insurgent attacks on civilians, especially government and humanitarian workers, are making matters worse.”

Human Rights Watch called on the Taliban, Hezb-e Islami, and associated groups to cease all intentional attacks on civilians and civilian targets, and avoid all attacks which do not distinguish between civilians and combatants or which cause disproportionate harm to civilians. Human Rights Watch also called on insurgents to refrain from using perfidious attacks and stop all acts intended to instill terror among the civilian population.

Human Rights Watch also called on the government of Pakistan to take more effective action against insurgent forces located over the border, which use Pakistani territory to prepare or plan attacks that violate the laws of war.

Finally, Human Rights Watch called on Afghan and international forces to develop better rules of engagement to minimize civilian casualties during hostilities, for instance by locating military installations at greater distances from civilian areas, avoiding sending convoys through crowded areas whenever feasible, and improving how forces respond to real or perceived insurgent attacks to avoid mistakenly targeting civilians.

Afghanistan: All who are not friends, are enemies: Taleban abuses against civilians
Amnesty International
April 19, 2007

1. Introduction

Afghan civilians have paid a heavy price since hostilities between the Taleban and US-led coalition forces began in October 2001 -- and they continue to do so. The international armed conflict(1) formally ended with the conferral of power to the Afghan Transitional Government in June 2002. Since then civilians have been directly targeted for attack by the Taleban and other armed groups. They have also been caught up in the crossfire in the ongoing armed conflict between the Afghan army and foreign forces on the one side, and the Taleban and other armed groups opposed to the Afghan government and presence of foreign troops on the other.(2) Both sides have committed serious human rights abuses and violations of international humanitarian law -- the 'laws of war' -- resulting in the deaths or injury of Afghan civilians.(3)

The Taleban have been responsible for hundreds of civilian deaths. According to the Afghan Independent Human Rights Commission (AIHRC),(4) around 600 civilians were killed or wounded in the first seven months of 2006. Around 70 per cent of these casualties were linked to Taleban attacks.(5) The Taleban have targeted and killed civilians whom they consider to be "spies" or "collaborators", including Afghan and foreign reconstruction and aid workers, religious leaders, government administrators, women's rights activists and teachers. The Taleban have attacked civilians and civilian objects, such as school buildings, with little or no effort to distinguish between these and military targets, such as soldiers and combat vehicles.

Hundreds of people have been killed or injured, including children, as a result of indiscriminate attacks using car bombs, suicide attacks and improvised explosive devices, such as roadside bombs, aimed at military convoy patrols and bases of the foreign forces. Targets of indiscriminate attacks have also included government administrators, police and private individuals.

Many of these killings constitute war crimes or crimes against humanity. As such, there is an obligation on both the Afghan government and the international community at large to ensure that the perpetrators of these crimes are identified and brought to justice. International humanitarian law clearly identifies certain acts as war crimes irrespective of the causes of a conflict or the grounds on which the contending parties justify their involvement.
While Amnesty International has reported elsewhere on its concerns over the past two years relating to abuses by international forces,(6) this report focuses on violations of international humanitarian law and human rights abuses by the Taleban, covering the period January 2005 to March 2007, including threats, intimidation and attack targeting civilians and indiscriminate attacks, including suicide bombings attacks on schools, abductions and unlawful killings of captives. The report urges all parties to the conflict to adhere to international humanitarian law by which they are bound and to operate within a human rights framework, and makes detailed recommendations to the Taleban and other armed groups.

Amnesty International is independent of any government, political persuasion or religious creed. It neither supported nor opposed the war in Afghanistan in October 2001, and takes no position on the legitimacy of armed struggle against foreign or Afghan armed forces. As in other international or non-international armed conflicts, Amnesty International's focus has been to report on and campaign against abuses of human rights and violations of international humanitarian law by all those involved in the hostilities.

Click Here to Read the Full Report

Somalia: Protection of Civilians Must Be Priority
Amnesty International
April 24, 2007

(NEW YORK) -- Amnesty International today called on the U.N. Security Council to protect civilians in Somalia from escalating violence and deteriorating security that threatens humanitarian assistance.

The human rights organization said, as security in the capital city of Mogadishu deteriorates and conditions worsen, the civilian population is facing severe human rights abuses.

"In order to resolve this devastating conflict and stabilize Somalia, we must first and foremost protect the lives of Somali citizens," said Lynn Fredriksson, Advocacy Director for Africa for AIUSA. "We are deeply concerned about this most recent upsurge in violence in and around Mogadishu and its deadly impact on civilians. While we are grateful for U.S. and other international statements expressing support for peacekeepers, inclusive political dialogue and reconstruction efforts, real progress in Somalia requires coordinated, comprehensive action to protect civilians now."

The conflict between Somalia's Transitional Federal Government (TFG) and its opponents has caused more than 1,000 deaths since late February; 250 have died in the past week, most of them civilians killed by TFG and allied Ethiopian troops. An estimated 800 people have been injured in the last week and more than 300,000 have fled the conflict - a third of the population of Mogadishu.

Amnesty International has called on the TFG and the Ethiopian government, which provides its military support, to protect the civilian population under their commitment to international law.

Amnesty International also called on the TFG to immediately lift restrictions on and ensure the safety of humanitarian operations, and facilitate the movement of humanitarian supplies and personnel.

Amnesty International also renewed its call for the Kenyan government to re-open its border to asylum seekers from Somalia, particularly those in need of urgent medical care. Kenya should also allow humanitarian assistance across the border to displaced persons in Somalia, the human rights group said.

The U.N. Security Council is discussing the situation in Somalia today. The African Union peacekeeping force, AMISOM, was endorsed by the Security Council in February for a six-month operation leading to a possible UN peacekeeping operation. But AMISOM is still in the first stage of deployment, with only 1,200 Ugandan troops out of a projected multi-national force requirement of 8,000, and few resources yet provided for its overall mission.
The new cycle of violence arose mainly from the resumption of a TFG/Ethiopian security operation after in early April. TFG and Ethiopian forces are fiercely opposed by remnants of the Council of Somali Islamic Courts (COSIC) and other fighters opposing to the presence of Ethiopian troops on Somali soil.

Ethiopian troops have been accused of indiscriminate shelling in civilian population areas, leading to hundreds of civilian deaths and mass displacement in Mogadishu. There have also been Attacks against Ethiopian troops from areas populated by civilians, thereby threatening the population.

Vulnerable civilians such as women, children, and the elderly have suffered heavily in this conflict. As the fighting in the capital spreads to Kismayu and other areas, many previously safe areas have now become dangerous. Kenya closed its border with Somalia in January, in breach of its international refugee protection obligations. In addition to looting and rape by criminal gangs, the displaced face dwindling supplies of food, and a lack of shelter, sanitation, health care and clean water. Humanitarian agencies have virtually no access to the majority of the displaced - who are primarily women, children and the elderly.

On April 23, U.N. Secretary General Ban Ki-moon called on parties to this conflict to immediately cease all hostilities and resume political dialogue.

Iraq: Release Data on Civilian Deaths
Human Rights Watch
April 25, 2007

*Government Downplays Human Cost of War*

(New York, April 25, 2007) – The Iraqi government should return to past practice and immediately make public official figures on civilian casualties, Human Rights Watch said today.

In the past, the Iraqi government has released official data on civilian injuries and deaths – an important barometer of the war’s human cost. But in an apparent reversal of policy, the government has refused to provide the United Nations with current data, which the UN requested for its new human rights report, released on April 25, 2007.

“Iraqi citizens face extreme violence every day and they deserve a full and accurate picture of what is taking place,” said Sarah Leah Whitson, Middle East director at Human Rights Watch. “The Iraqi government should make public its figures on civilian deaths even if the picture is bleak. Withholding the facts will not make the situation any safer.”

UN officials said the Iraqi government gave no official reason for withholding the data. But unofficially, the government expressed concern that the numbers would be “used to portray the situation as very grim,” said Ivana Vuko, a UN human rights officer in Iraq. High casualty figures would “further undermine their efforts to establish some kind of security and stability in the country,” she said at a news conference in Baghdad.

A new Baghdad security plan came into effect on February 14, 2007, which increased Iraqi and US troop levels in the capital.

Previous UN human rights reports have included official Iraqi figures on civilian casualties. The last report, issued in January 2007, said that 34,452 civilians were killed and more than 36,000 wounded in 2006.

“Unlike previous reports, the new UNAMI Quarterly Human Rights report does not contain official statistics of violent deaths regularly gathered by the Ministry of Health and the Medico-Legal Institute in Baghdad,” a UN statement said, referring to the United Nations Assistance Mission for Iraq (UNAMI). “This is because the Iraqi Government decided not to make such data available to UNAMI.”
According to UNAMI spokesman Said Arikat, Iraqi government officials criticized the UN's January 2007 human rights report, claiming the number of reported civilian casualties was too high.

The UN report released today covers the first three months of 2007. It documents serious human rights abuses by insurgents and various armed groups, including the targeting of civilians, law enforcement personnel, and government officials. The report cites some improvements by the Iraqi government but it criticizes the authorities for the ongoing use of torture and possible collusion between armed militias and Iraqi security forces.

Human Rights Watch has repeatedly condemned torture by Iraqi security forces, documented most comprehensively in a January 2005 report, "The New Iraq? Torture and Ill-treatment of Detainees in Iraqi Custody."

The UN report said civilian casualties between January 1, 2007 and March 31 remained high, especially in and around Baghdad. It attributed the high level of violence to "large scale indiscriminate killings and targeted assassinations perpetrated by insurgency groups, militias and other armed groups.” The violence killed large numbers of civilians, including women and children, in both Shi’a and Sunni neighborhoods, the report said.

Iraqi government officials claimed an initial decrease in killings in the second half of February 2007 after the new Baghdad Security Plan was implemented. But the number of reported casualties rose again in March, the report said.

The Iraqi government called the new UN report “inaccurate” and “unbalanced.” In a statement, it said the report places the credibility of the UN in doubt and “aggravates the humanitarian crisis in Iraq.”

On February 14, 2007, US troops increased their presence in and around Baghdad as part of the new security plan for which the United States has committed an extra 30,000 troops. Iraqi forces have detained more than 3,000 people since the Baghdad security plan came into effect, the report said.

The UN report criticized the Iraqi authorities for failing to guarantee the detainees due process rights. It condemned the use of torture and other inhumane treatment in detention centers under the authority of the Ministry of Interior and the Ministry of Defense. In total, Iraqi and US security forces are holding roughly 37,000 people, many of whom have not been charged or sent to trial.

“The Iraqi government faces a daunting task to establish law and order,” Whitson said. “But it can’t pretend security is getting better by suppressing its own statistics.”

**Child Soldiers: Treat them as Victims, Not Just Victimizers**

**Human Rights First**

**April 25, 2007**

*HRF Tells Senators Current Policy on "Material Support" for Terrorism is "Insanity*

From the testimony of Anwen Hughes, Senior Counsel in the Refugee Protection program of Human Rights First, at a hearing on child soldiers before the U.S. Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law. Washington, D.C., April 24, 2007.

"...We are currently experiencing a crisis in the U.S. asylum and refugee resettlement system, in which refugees who were victims of serious human rights abuses are being excluded from protection under immigration provisions intended to bar those who victimized them. Child soldiers in need of refugee protection represent a subset of those affected by this insanity...

"The provisions have yielded absurd enough results when applied to adults who took up arms of their own free will, or provided some level of support to groups that included an armed wing....
"But the absurdity has been compounded by the fact that the relevant federal agencies refuse to recognize any legal exceptions or defenses to these bars. Under the interpretations now prevailing at the Departments of Homeland Security, Justice, and State, the terrorism-related bars to asylum and refugee protection know no exceptions. No form of assistance is too immaterial or too small to trigger exclusion from international refugee protection—pocket change, a chicken, even emergency medical care, the government has argued that all of these constitute "material support" to terrorism....

"For child soldiers, this means that neither their youth, nor the involuntariness of their conscription, nor the fact that they acted under circumstances that any reasonable person would consider to be duress, nor any of the other circumstances that might exculpate them, will protect them against the reflexive and categorical application of these bars to protection....

"The failure to recognize defenses to grounds of exclusion from refugee protection is particularly tragic in the case of child soldiers, because it is causing our own legal system to replicate the stigmatization too many of these young people already face in their own communities....Children who are demobilized or escape from service in armed groups and try to return home often face hostility from their communities of origin, which impute to the children the worst acts of the groups of which they were part, and fail to treat them as the children they are or were. This is an understandable reaction in villages traumatized by war. But it should not be the refugee policy of the U.S. government....

"While most reasonable people would assume that providing food, shelter, counseling, and education to demobilized child soldiers could not possibly be considered "material support to terrorists," the Department of Homeland Security is currently seeking to deport two asylum seekers whose "material support to terrorism" consisted in providing medical care--and under duress--to injured members of terrorist organizations that had abducted them.

"Progress on this issue is urgently needed in order to ensure that our refugee laws do not continue to exclude and stigmatize those they were intended to protect...."