Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office as at:
Friday, 13 February 2009

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

- Small Arms Threaten National Security / *Concord Times*  
  Page 3
- Handbook on Gender Laws, Child Rights Act Launched / *Concord Times*  
  Page 4
- Liberian President Goes Before Truth Commission / *Awoko*  
  Page 5

### International News

- UNMIL Public Information Office Complete Media Summaries / *UNMIL*  
  Pages 6-8
- Sirleaf 'Sorry' She Backed Taylor / *BBC Online*  
  Page 9
- Liberian President Says She Was Misled in Supporting Taylor's Rebel Movement / *VOA*  
  Page 10
- US Signals Support for ICC Prosecution of Sudan's Bashir / *VOA*  
  Page 11
- You're Under Arrest, Mr. President / *International Herald Tribune*  
  Pages 12-13
- Teaching the Lessons of Rwanda's Genocide / *VOA*  
  Pages 14-15
- Hague Beckons for Kenya / *The Zimbabwean*  
  Pages 16-18
- Annan Hints at ICC Kenyan Trial / *BBC Online*  
  Pages 19-20
- ICC Has Tried Many Africans / *Daily Nation*  
  Page 21
Small arms threaten national security

By Abdul Karim Koroma

Deputy director of the Sierra Leone small arms commission on Wednesday acknowledged that the proliferation of small arms and light weapons in the sub-region poses a serious threat to security in the country.

Sahr Sinnah, who was speaking during an open forum organized by the Sierra Leone action network on small arms (SLANSA) at the China House in direct response to the recent spate of armed robbery in Freetown and its environs, said the disarmament that was carried out in the country after the war was mainly for combatants.

He said plans are underway by the government to stem the increase rate of armed robbery incidences in the Western Area.

Sinnah said during the 11-year rebel war and political instability in the country, lots of arms went into the hands of the wrong people.

He disclosed that officers of the republic of Sierra Leone armed forces are now patrolling the country's border crossing points, adding that they are always in constant touch with the United Nations mission in Liberia (UNMIL).

"We are sharing notes with UNMIL and we are also liaising with the people living around the border areas to update us about the security situation in their localities," he said.

The deputy director of the small arms commission further disclosed that by next month parliament would have enacted the bill on the Sierra Leone small arms commission.

Government, he said, has signed the ECOWAS moratorium on small arms and light weapons.

Secretary general of the Sierra Leone association of journalists (SLAJ), Mustapha Sesay, said Sierra Leone has gone through terrible times, and that the public does not want a repeat of such troubling moments.

According to Sesay, the issues of small arms and armed robbery are a concern to his organizations, adding that it is not possible for every person to have fire arms in his or her possession.

He urged the security forces to monitor all those carrying arms.

"I am appealing to the police to have deployments in the hills and other strategic areas in the Western Area. The police shouldn't wait until armed robbers strike," Sesay admonished.

Earlier SLANSA's programme coordinator Florella Hazeley said the objective of the forum was to chart the way forward in order to proffer ways to address the menace.
Local News

By Ibrahim Tarawallie

The lawyers center for legal assistance (LAWCLA), in collaboration with the 50-50 group and the forum for Africa women educationalist (FAWE), have launched five simplified handbooks on the recently passed gender laws and child rights act, as well as training manuals.

LAWCLA’s director, Melron Nicol-Wilson, told his audience at Santana House in Freetown that the handbooks and training manuals would make it easier for people to understand the three gender laws and the child rights act, which were passed into law by parliament in 2007.

He said the project for the simplification of the gender laws and the child rights act, which culminated in the production of five handbooks and three training manuals, started in 2008.

Nicol-Wilson expressed optimism that the handbooks and training manuals would serve their intended purposes.

“The purpose of the manuals is to guide human rights groups on their training. LAWCLA and its partners will soon be conducting public education and training programs on the content of the gender acts and the child rights act,” he said.

Acting national coordinator of FAWE, Eileen Hanciles said they found out that most people did not understand the laws because of the language used. She said it is very important for people to know the gender laws and the child rights act, so that they can protect their rights.

Hanciles said her organization would continue to partner with LAWCLA in similar projects and called on all, especially women, to make good use of the handbooks.

President of 50-50 group, Harietta Turay said her organization stands for the promotion of women’s issues in the country.

She said the handbooks and manuals would help every Sierra Leonean to know more about the gender laws and child rights act. Minister of social welfare, gender and children’s affairs, Haja Musu Kande stressed the gender act can make headway in protecting women’s rights but that it would only be possible if implemented properly.

She said all stakeholders have a key role to play in ensuring the gender laws and the child rights act are fully implemented.

“I hope the handbooks and training manuals would help all and sundry to understand the gender laws better,” she said.

Haja Kande, however, expressed disappointment that her ministry was not contacted before the handbooks were produced.
Liberian president goes before truth commission

President Ellen Johnson Sirleaf

Liberian President Ellen Johnson Sirleaf yesterday appeared before the Truth and Reconciliation Commission set up to probe war crimes and rights violations during Liberia's 14-year civil wars.

Although Sirleaf spoke before the TRC in closed session, the commission made a recording of her testimony available to radio stations.

In the excerpts heard on the radio, Sirleaf denied accusations that she was once a member of former president Charles Taylor's rebel National Patriotic Front of Liberia (NPFL).

"I was never a member of the NPFL. Absolutely not," the president told the TRC.

Several witnesses appearing before the TRC since January 2008 have accused Sirleaf of having taken active part in the war, specifically of having been part of Taylor's rebel movement.

Some 250,000 people died in back-to-back civil wars that shook the West African country between 1989 and 2003. Taylor is currently on trial before the Special Court for Sierra Leone for his allegedly arming, training and controlling Sierra Leone's notorious Revolutionary United Front (RUF) rebels in exchange for diamonds used to fund warfare.
CIC Entreats More Women to Join New Liberian Army

- In her message at the celebration of this year’s Armed Forces Day, the Commander-In-Chief (CIC) of the Armed Forces of Liberia (AFL) and President of Liberia Ellen Johnson Sirleaf entreated young women of Liberia to join the new army in order to get the needed 20 percent of women in the AFL. President Sirleaf said the present percentage of women in the over 2000 AFL soldiers is below the 20 percent needed in the army, stressing that the 20 percent will provide equal roles in all aspects of the country’s endeavor.

Government Launches New Security Strategy to Combat Armed Robbery
(The News, Heritage, The Informer, National Chronicle)

- The Liberian Government on Tuesday launched a National Security Strategy to combat the spate of armed robbery across the country.
- President Ellen Johnson Sirleaf launched the strategy, vowing to pursue armed robbers wherever they are to end their criminal activities.
- The development followed security concerns by community members amidst a reported upsurge in armed robbery in Monrovia and its surrounding communities coupled with public perception encouraging state security and UNPOL to increased their night patrols and develop a security strategy to deal with the upsurge of armed crimes.
- Incidents of armed crimes remained at high levels in the last two weeks with reports of attacks predominately in communities in the Paynesville suburb - Congo Town, Duport Road, ELWA, and Thinker’s Village. Cases of armed robberies were also reported in a number of communities in Sinkor including Old Road, 17th and 18th Streets.

Liberian President Testifies before Country’s Truth Commission

- President Ellen Johnson-Sirleaf today appeared before the Truth and Reconciliation Commission.
- The appearance of President Sirleaf before the truth commission has been the focus of public debate.
- While others claimed she is one of the key players in the country’s political past and should appear, others maintained her appearance has constitutional implications.
- As the debate raged on, President Sirleaf surprisingly appeared at the TRC’s office Thursday’s morning and not at the Centennial Pavilion where the commission has been holding its public hearings.

Runoff Imminent in River Gee Senatorial by-election – Wesseh Takes on Williams

- Preliminary results of the River Gee County’s Senatorial by-election indicate that a second round is imminent.
Officials of the National Elections Commission in Fish Town, the administration seat of the county, have received results from the fifty-six polling centres with none of the seven candidates receiving an absolute majority.

It is likely that the second round would be between Ambassador Conmany Wesseh of the ruling Unity Party and Nathaniel Williams of the Liberia Destiny Party.

According to the results, former Senator Williams obtained two thousand seventy-six votes while Ambassador Wesseh got one thousand nine hundred eighty-seven.

Turnout was low as only more than six thousand votes cast were recorded out of the county’s over twenty-two thousand registered voters.

The by-election is to replace Senator Isaac Johnson who died late last year.

(Local Media Reports Outbreak of Bloody Diarrhea after Pests’ invasion in Central Liberia)

There are reports of an outbreak of bloody diarrhoea in one of the areas badly hit by the caterpillars’ invasion in Bong County.

The District Representative of Zota said the bloody diarrhea outbreak was confirmed by the health officer in the area.

Representative Edwin Juah observed the outbreak is a result of the pollution of waters in the area caused by the invading caterpillars.

The Bong County lawmaker said during a tour of affected towns of the district, he observed his people were facing a serious humanitarian crisis.

Meanwhile, the Ministers of Agriculture, Internal Affairs, Health and Public Works have been cited to appear before members of the House of Representatives on Thursday to clarify the assistance provided the people of Zota.

The decision to cite the ministers followed a letter from Representative Juah.

Representative Juah wants the ministers clarify the status of the rehabilitation of hand pumps for safe drinking water for the people.

The Bong County Lawmaker informed the House that the progress report provided the body by Minister Chris Toe is far from the truth.

According to him, it was totally wrong for Minister Toe to state that hand pumps have been rehabilitated in Zota following the caterpillars’ invasion.

(LEITI Submits Report on Income of Liberia’s Extractive Industries)

The Liberia Extractive Industries Transparency Initiative has submitted its first report on government’s income from the extractive industries.

LEITI reported that government has received about thirty million US dollars from companies operating in the extractive industries.

The amount was received under several categories from July 1, 2007 to June 30, 2008 from thirty mining, logging and oil companies.

The head of the LEITI Secretariat, Cllr. Negbalee Warner noted some discrepancies in reconciliation of payments and said investigation is ongoing.

In some instances, the companies reported more payment than government received but the report said they were immaterial to the amount received.

Cllr. Warner assured all would be done to ensure that the report is published to enable the public question government on the usage of the funds.

The group cited the lack of a comprehensive list of companies in the sector and difficulties in receiving receipts data from government as challenges.

Meanwhile, President Ellen Johnson-Sirleaf has signed a Forest Management Contract between Government and Alpha Logging & Wood Processing Company.

As part of the contract, the company will harvest commercial timber for over one hundred thousand hectares in Gbarpolu and Lofa Counties.

The company will invest US seventeen point eight million US dollars in machinery, road network and community development activities.

It will also provide half a million dollars benefits yearly to statutory communities.

Signing the document on Tuesday, the President said it will create more jobs and income for the Country’s Poverty Reduction Strategy.
• An initial direct employment is estimated two hundred fifty persons and is expected to increase to about five hundred when wood processing factories are established.

Liberia discussing with US Authorities on Status of Citizens Facing Deportation

• Government says it is discussing with US Government officials to address the threat of deportation hanging over Liberians residing in the United States.
• An Executive Mansion release says the discussions are being held with members of the Legislature and the Obama administration.
• The discussions seek to consider an extension in the status of Liberians illegally residing in the US and are being supported by thirty lawmakers.
• The thirty US congressional members signed a letter for the extension of the Temporary Protective Status for Liberians or Deferred Enforced Departure.
• The request which has a bipartisan support was contained in a letter dated December 19, 2008.
• The letter expressed deep concern that Liberia’s recovery could be damaged severely and thousands of families separated if the TPS were terminated.
• Many Liberians have lived under the TPA for at least fifteen years and have started families and raised American-born children.

(True FM, Radio Veritas, Sky FM, and ELBC)

Truth FM (news monitored at 2:pm)

President Sirleaf Signs Forest Management Contract

• President Ellen Johnson Sirleaf has signed a Forest Management Contract between the Liberian Government and Alpha Logging & Wood Processing Company.
• Speaking Tuesday when she signed the document, the Liberian President expressed satisfaction over the signing of the agreement which she noted, will create more employment opportunities for Liberians upon implementation and generate income for the country's Lift Liberia Initiative.
• Under the terms of the contract, Alpha Logging & Wood Processing Company will harvest commercial timber for 119-thousand, 240 hectares covering Gbarpolu and Lofa Counties.
• More than US $17.8-million is expected to be invested on machinery, road network and community development activities under the contract, while statutory community benefits will average half-a-million dollars per annum.
• An initial direct employment is estimated at 250 persons and the number is expected to increase to about 500 persons or more when wood processing factories are established, while about US $1.49 million is expected to be accrued in taxes and fees during the initial year of operations. The amount is expected to increase on an average of US $2.7-million per annum for the next five years.
Sirleaf 'sorry' she backed Taylor

Liberian President Ellen Johnson-Sirleaf has apologised at a truth and reconciliation commission over her backing for ex-rebel Charles Taylor.

She said she had initially supported the rebel chief's war effort and even raised funds for him, but denied ever having been a member of his group.

She said she had been fooled about the real intentions of Mr Taylor.

He led rebels who toppled President Samuel Doe in a 14-year civil war that left the West African nation shattered.

Mrs Johnson-Sirleaf was imprisoned in the 1980s for criticising the military regime of President Doe and then backed Charles Taylor's rebellion before falling out with him and being charged with treason after he became president.

She took an oath on Thursday in the capital Monrovia from truth commission chairman Jerome Verdier and then sat before the flag of Liberia.

The 70-year-old Liberian leader faced the seven-member commission as she narrated her own involvement in the Liberian crisis that began on the eve of Christmas in 1989.

"If there is anything that I need to apologise for to this nation is to apologise for being fooled by Mr Taylor in giving any kind of support to him," she said.

"I feel it in my conscience. I feel it every day," she said, regretting her support to Mr Taylor.

The Liberian leader said she had paid him a visit in May 1990 at his base in the north-eastern Liberian town of Gborplay, on the border with Ivory Coast.

"I will admit to you that I was one of those who did agree that the rebellion was necessary," she told the commission. "But I was never a member of the NPFL (National Patriotic Front of Liberia)."

In a separate case, Mr Taylor became the first African ex-head of state to face an international war crimes court last year.

He is accused of responsibility for the actions of Revolutionary United Front rebels during the 1991-2001 civil war in Sierra Leone, which included unlawful killings, sexual slavery, use of child soldiers and looting.
Liberian President Says She Was Misled in Supporting Taylor's Rebel Movement
By James Butty
Washington, DC

Liberian President Ellen Johnson Sirleaf's long-awaited testimony before the country's Truth and Reconciliation Commission (TRC) finally took place Thursday. The President had been accused by others testifying before the commission of soliciting financial support for former President Charles Taylor's National Patriotic Front of Liberia (NPFL) rebels to overthrow President Samuel K. Doe.

Massa Washington, a member of the TRC, told VOA President Sirleaf admitted being a sympathizer of the cause to overthrow Samuel Doe but that she was never a member of the rebel group.

"The president did state that there was no time that she was ever in military uniform. But she did admit that yes she visited Mr. Taylor in the early days in Nimba County. She also clarified that she has never being a member of NPFL but had been a sympathizer. She wasn't with them when they formed the NPFL; she was never part of any of their meeting. She's not an executive of the NPFL, never was. However she sympathized like a lot of people were doing at that time, and in so doing she tried to solicit moral assistance for the cause of the NPFL but not necessarily as an NPFL founder or executive," she said.

President Sirleaf's appearance before the commission had been on and off. At one point and after expressing her desire to appear, the president said she did not want to create a spectacle and would prefer narrating her role in the war in a book.

Massa Washington said the Truth Commission is pleased now that the president has finally testified.

"We are actually glad she testified. You know the president is the number 1 citizen of the land, and the TRC process is a key component of the Accra Comprehensive Peace Agreement that brought in this new government. But it enhances the rule of law. We wanted to make sure that at this particular point in time that no one was above the law," Washington said.

She denied the Commission kept President Sirleaf's appearance in secrecy by allowing only a hand-picked group of journalists to witness the President's testimony, and also for not broadcasting the testimony live as the commission had been doing with most of its hearings.

"The testimony was not carried live. It was part of a special arrangement to accommodate the office of the president. Under the constitution, we are obliged to show respect for the presidency. So the president wasn't comfortable appearing at the commission at the Centennial Pavilion. She did not want the bigger crowd. As you know sometime the crowd there can be a bit rowdy, and for security reasons she felt comfortable coming to the offices of the TRC, so the commission decided to work along with her. There was an array of journalists from all sectors of media. And so the media coverage was not really restricted per se. The space couldn't accommodate every journalist in the land. There were recordings. As we speak now those recordings are being played on the radio for the benefit of the general public," Washington said.
A senior State Department official says the United States wants to see those responsible for Darfur atrocities held accountable and will not stand in the way of the possible prosecution of Sudanese President Omar al-Bashir by the International Criminal Court.

The United States is not a party to the Rome Statute that set up the ICC, owing to concerns of the former Bush administration that the court is unaccountable to anyone and might prosecute U.S. troops or diplomats.

But even during the Bush administration, the United States provided the court with largely unpublicized support in documenting Darfur atrocities, and officials here are making clear that the U.S. government has no intention of impeding ICC prosecution of the Sudanese leader for allegedly orchestrating Darfur genocide.

A senior State Department official who spoke to reporters said the United States wants to see Mr. Bashir held accountable and will not stand in the way of the prosecution as it goes forward. He said U.S. officials expect the ICC arrest warrant to be issued by the end of the month and that the United States, aware of efforts to stall the action, will not support any delay.

Earlier at a press briefing, State Department Acting Spokesman Robert Wood said that while the Obama administration is reviewing U.S. policy toward the ICC, it wants to see those responsible for atrocities anywhere in the world face justice.

"The fact that there have been these atrocities committed in Darfur has been a great concern of the United States over the years. And where we can be supportive [of the ICC] we have tried to be. At this point, we are not party to the Rome Statute. But there is a review underway with regard to the ICC, and I do not have anything further on that until we have completed that review," he said.

Former President Bill Clinton signed the Rome Statute in 2000, but did not submit it to the Senate for ratification pending a U.S. assessment of the functioning of the court.

His successor, President George W. Bush, in an unusual move, withdrew the U.S. signature out of concern the ICC's mandate and jurisdiction were too broad and undefined.

The Bush administration later softened its position on the court and began providing it low-key support on Darfur, after former Secretary of State Colin Powell capped an extensive U.S. examination in 2004 by deeming government-inspired atrocities in Darfur to be genocide.

During the presidential campaign last year, President Obama said the United States should support ICC investigations in a way that reflects American sovereignty and promotes U.S. national security interests.

Any effort to overturn the Bush administration's withdrawal from the Rome Statute would be complicated by a 2002 act of Congress; the American Service Members Protection Act. It barred cooperation with the ICC by U.S law-enforcement agencies and required countries receiving U.S. military aid to exempt American troops operating there from ICC jurisdiction.

U.S. officials give no time-frame for when the ICC policy review might be completed.
You're under arrest, Mr. President

By Noah Weisbord Published:

The International Criminal Court recently issued an arrest warrant against Sudan's president, Omar Hassan al-Bashir, the first international arrest warrant ever issued against a sitting head of state.

Preliminary evidence linking the atrocities in Darfur to the government in Khartoum supports genocide charges against Bashir. But since the ICC has no police force, it is difficult to imagine how he will be apprehended.

For the time being, Bashir can most likely rely upon the might of the Sudanese state and its allies to shield him from prosecution. His political allies have threatened reprisals against the civilian population if the warrant is enforced.

But clues to possible scenarios for his arrest can be found by examining the successful arrests of four former heads of state. The key factor lies in the vicissitudes of political power among leaders who commit atrocities against their own people.

Former Chilean President Augusto Pinochet was recovering from back surgery in London when Scotland Yard served him with an arrest warrant alleging the torture and killing of Spanish citizens in Chile. Amnesty International and an alliance of human rights organizations, undeterred by British reluctance to detain Pinochet, worked concertedly with Spanish lawyers and judges to issue the arrest warrant before Pinochet could leave the hospital.

With this Spanish warrant, the British police detained the Chilean dictator in London, although Home Secretary Jack Straw subsequently released Pinochet on the grounds that he was medically unfit to stand trial. Pinochet was flown back to Chile where he spent the rest of his days answering accusations related to his time in power.

The arrest of former Yugoslav President Slobodan Milosevic was facilitated by an American-sponsored public relations campaign, the withholding of a hundred million dollars in aid, and his betrayal by members of the Serbian government.

Even though Milosevic was isolated politically, he didn't surrender without a fight. His arrest was the climax of a 40-hour standoff between his bodyguards and the Yugoslav police, punctuated by gunshots which the Serbian interior minister attributed to Milosevic's daughter shooting at the approaching government negotiator.

Though Milosevic warned he would not be taken alive, he finally surrendered, gambling that he would be tried on domestic charges of corruption and abuse of power rather than international charges of crimes against humanity. When he was in their hands, the Yugoslav authorities transferred Milosevic to The Hague, where he died in prison in the course of his trial.

Liberian President Charles Taylor was granted asylum in Nigeria as part of a deal ending the gruesome 14-year civil war in Sierra Leone. A joint United Nations and Sierra Leonean war-crimes tribunal then issued an indictment and requested his arrest.
American, Liberian and Sierra Leonean governments persuaded Nigeria to hand him to the Special Court for trial. Taylor fled his luxury villa in a Range Rover with diplomatic plates carrying sacks of cash. He made it to the Nigeria-Cameroon border but was identified by customs officials.

Nigerian security forces arrested Taylor and sent him to Liberia. From Liberia, he was flown to Sierra Leone for trial. Tribunal officials, uneasy about Taylor's escape attempt and his residual political influence, moved the trial to The Hague, where Taylor joined other deposed African and Balkan leaders in a Dutch prison overlooking the North Sea.

Radovan Karadzic, the former Bosnian Serb leader and psychiatrist accused of masterminding the siege of Sarajevo and the Srebrenica massacre, was arrested by Serbian security forces on a Belgrade bus last summer. Although wanted by the International Criminal Tribunal for the former Yugoslavia, Karadzic had evaded arrest for a decade. He had been living openly under the eyes of NATO and Serb authorities, disguised as an Orthodox priest and a folk healer. Only after the European Union made Karadzic's arrest a condition of Serbian membership did the Belgrade government finally detain him and ship him to The Hague.

These cases indicate that the political and geographical isolation of the accused are key to an arrest. For now, Bashir remains in power. It is possible that he could present the arrest warrant as an outside threat in order to consolidate alliances at home and abroad; in fact, he has attempted to unify the African Union leaders against what he has described as the Western imperial threat presented by the ICC.

But in light of compelling evidence that he has committed genocide, even nationalistic African leaders are beginning to distance themselves from him, and his political rivals in Sudan smell blood.

The first ICC arrest warrant against a sitting head of state is an historic moment in international affairs. To date, international lawmakers have had, at best, modest success deterring states from committing genocide.

By focusing their energy on the statesman rather than confronting the entire state, they may have discovered a way to leverage their force and advance the cause of international justice. States will enforce the warrant when they realize that going after Bashir is not going after Sudan.

Noah Weisbord, a visiting assistant professor at Duke Law School, was a law clerk to ICC Prosecutor Luis Moreno Ocampo.
Teaching the Lessons of Rwanda's Genocide

By Howard Lesser
Washington, DC

In April, Rwandans will mark the 15th anniversary of a genocidal ethnic war that cost the lives of between half a million and one million people. Carl Wilkens, who ran the Adventist Development and Relief Agency in Kigali, was the only American out of 257 in the country in 1994 to stay on in Rwanda after the slaughter began. His decision to help saved the lives of hundreds of children at the Gisimba orphanage and other safe havens. He says the challenges he faced on arrival at the orphanage posed moral challenges he and others had never before had to contemplate.

"The first time I came into the parking lot, there were little graves. These little ones were dying of dysentery. They didn't have enough water to drink, much less be sanitized. So I started bringing water, bringing food. One day, as I was bringing a load of water to the orphanage, I was surrounded by about 50 militia. And this thing dragged on for almost three hours. I did not know why. They did not come in while I stayed there. But eventually, we actually through radio contact got some gendarmes to come. I temporarily left, telling them I would come back," he recounted.

Wilkens couldn't find help outside the compound, since resources were hamstrung by the stiff clampdown on Kigali streets by local militia fighters. But as Wilkens relates, an answer for sparing the children came from one of the most unlikely of sources.

"That day at the government headquarters, the 'bogus' prime minister (Jean Kambanda), whom I call Kambanda because at the beginning of the genocide, they killed the legitimate prime minister in cold blood, was there in the city. And strange as it is, one of my new friends there in the office had told me: ask the prime minister for help. And it just seemed crazy. He was one of three men organizing the genocide. But for reasons I still don't know – I kind of think he maybe wanted to use the orphans for bait – but this prime minister protected. This massacre did not happen. These orphans a couple of days later were moved to another part of the city, and their lives were spared. It defies logic," he exclaimed.

Despite the unlikely reprieve from a figure who was later sentenced to a life term for war crimes by the International Criminal Tribunal for Rwanda (ICTR), Wilkens says Jean Kambanda does not deserve a break from history for the one compassionate act toward children, when weighed against his significant genocidal offenses.

Today, after several return visits to Rwanda, Carl Wilkens and his wife Teresa formed the non-profit organization World Outside My Shoes to educate audiences around the United States about the lessons of life-or-death decision-making during a time of crisis. He tells audiences of students, army veterans, anti-genocide activists and others of his gratitude for the favorable outcome of the orphanage episode, but admits that trying to explain the moral ambiguity of the occurrence still leaves a most disturbing place in his memory.

"Students and everyone who look at this are trying to figure out who's the good guy, and who's the bad guy. And we saw so many examples during the genocide of people who were perhaps hiding someone in their home and then going out in the street and killing others. And this guy who we thought was so bad, he goes and helps us in other situations. I can't explain them, except to say that each of us has this potential. And just because we have made some terrible choices doesn't mean we're locked into that. And just because we've made some wonderful choices doesn't protect us from perhaps one day making some terrible choices," he explained.
Sharing Rwanda experiences with audiences helps them to grasp that the large moral choices one is faced with during a genocide do not yield simple answers, says Wilkens. But he adds that a spirit of service and performing deeds that contribute to one's community can shape future behavior in ways that condition people to make the right moral choices when confronted with particularly difficult crises. Carl Wilkens praises the way that growing numbers of Americans are working tirelessly to end international conflict and to raise public consciousness about governments that single out segments of their population for extinction.

"Relative to Rwanda, it's almost like night and day. During Rwanda, there seemed to be hardly any action. Today, there's many, many more. But of course, still there's so much to go, and we seem to be moving so slowly in Darfur. I have to be optimistic because I have to believe we're moving in the right direction. And I'm seeing students. I'm seeing adults. I'm seeing legislators moving that way. But we still have so very far to go," he says.
Hague beckons for Kenya

Efforts to try election violence suspects at home collapsed on Thursday afternoon after the government was dealt a decisive defeat in Parliament over the Tribunal Bill.

The Bill seeking to establish a special tribunal in the Constitution could get the support of only 101 MPs, well short of the 145 required to amend the constitution.

Ninety three MPs voted to sink the Bill, even though President Mwai Kibaki and Prime Minister Raila Odinga attended parliament to vote and rally support.

There were 195 MPs in Parliament during voting, with 93, nearly half of the House, voting against the Bill and Deputy Speaker Farah Maalim declining to vote. In total there are 222 MPs.

As far as the current session of Parliament is concerned, the Constitution of Kenya (Amendment) Bill 2009 is history. And according to the timetable established by the Commission of Inquiry into the Post-Election Violence chaired by appellate judge Philip Waki, the chairman of the Panel of Eminent African Personalities Kofi Annan, can hand over the list of the masterminds of the election bloodshed to an international court for investigation and trial.

The Waki commission had given the government up to March 1 to have the special tribunal up and running. After the defeat, the Bill cannot be re-introduced in this session of Parliament.

Since MPs did not take the long recess at year end and were recalled to deal with the tribunal and other urgent laws, the President may prorogue Parliament, recall it almost immediately and re-introduce the Bill in the hope that it will be passed.

Some 1,333 were killed and more than 600,000 displaced after the presidential election in 2007 degenerated into an orgy of ethnic cleansing and revenge massacres. Mobs looted and torched businesses in many parts of the country, while others blocked main roads and burnt trucks to paralyse the country.

As part of a deal mediated by Mr Annan, Kenya agreed to investigate the conduct of the election, investigate the violence and its causes and carry out wide ranging reforms. The investigation of the conduct of the election was inconclusive with regard to establishing the true outcome of the poll, but it did propose wide-ranging changes to the electoral system which are being implemented.

The establishment of a special court to try locally those suspected of having instigated the chaos has been thrown into disarray by the defeat in the House.

National Assembly Speaker Kenneth Marende declared to a silent House that the Bill moved by Justice, National Cohesion and Constitutional Affairs Minister Martha Karua had been lost at 5.40 pm attracting applause from members opposed to it. He cited parliamentary rules before declaring the Bill “negative and therefore lost.”

Lobbying

The vote comes after weeks of debate and lobbying by those supporting the Bill on one hand and those against it on the other. MPs opposed to the Bill, led by Imenti Central’s Gitobu Imanyara (CCU), said they did not have faith in Kenya’s justice system and that those involved in the violence should be tried at The Hague.

President Kibaki, Mr Odinga and Ms Karua, led those backing the Bill saying a local tribunal was the best for Kenya. The international community and civil society have also been pushing for a local tribunal saying it was the only way to ensure quick justice.

Last Thursday, a vote on the amendments was re-scheduled due to a lack of quorum. A vote cannot be held on a constitutional Bill unless 145 MPs are present. On Tuesday, the Bill was removed from the list of issues to be debated to give the government time to marshal support.
Mr Justice Waki handed a sealed list of suspects to Mr Annan, which was to be forwarded to the International Criminal Court if the Government failed to implement the probe team’s recommendations.

On Thursday, MPs opposed to the formation of a Special Tribunal made several attempts to stop voting. First, Ikolomani MP Bonny Khalwale (New Ford Kenya) argued that the presence of President Kibaki and Prime Minister Raila Odinga would interfere with the independence of the House.

Dr Khalwale also tabled a letter written by Head of Civil Service and Secretary to the Cabinet Francis Muthaura to Cabinet ministers and their assistants directing them to be in the House at 2.30 and vote in favour of the Bill.

Dr Khalwale said it was wrong for Mr Muthaura to write to the ministers since he was not a member of the House, its whip, Leader of Government Business or coordinator and supervisor of government functions.

Vice-President Kalonzo Musyoka, who is Leader of Government Business, defended Mr Muthaura’s move, saying he acted on behalf of the Office of the President. The Mwingi North MP said President Kibaki and Mr Odinga had also directed the ministers to support the Bills during a meeting on Tuesday.

Justice, National Cohesion and Constitutional Affairs Minister Martha Karua also came to the defence of Mr Muthaura saying it is the government that decides how to whip its members. The Gichugu MP was supported by Turkana Central MP Ekwe Ethuro who said the government lobbied its own side.

Attorney General Amos Wako took issue with MPs who were delaying the vote through numerous points of order saying they were the same ones who complained when ministers failed to attend Parliament.

In his ruling, Mr Marende said Mr Muthaura’s letter to ministers had nothing to do with Parliament’s independence. “It was not addressed to MPs or copied to the Speaker nor the Clerk of National Assembly,” Mr Marende said. He said it was up to the Executive to lobby its members the way it wanted.

**Block the voting**

Mr Imanyara also tried to block the voting arguing it had earlier been set for next Tuesday. Mr Musyoka and Mr Marende, however, disagreed with him saying the House Business Committee decides matters that appear on the order paper. Voting started at 4.53 and it took the MPs less than 30 minutes to kill the Bill.

If the President does not prorogue Parliament, the Bill cannot be re-introduced until after six months have passed, long after the expiry of the March 1 Waki deadline.

During the vote, MPs, some who are close allies of key Cabinet ministers who are believed to have been named in the Waki, voted against the Bill, which was pronounced lost to shouts of The Hague! The Hague! from the opposition benches as President Kibaki, Mr Odinga and Mr Musyoka watched quietly.

Assistant ministers Danson Mungatana, Calist Mwatela and Wilfred Machage defied the government and voted with the opposition. Speaking later, Ms Karua said the Government would go back to the drawing board to ensure that justice is done. She said the fate of six Cabinet ministers and five MPs suspected to be in the Waki list would be decided by Mr Annan on the basis of the recommendations of the Waki report.

“The fate of the planners and financiers of the violence is now in the hands of Mr Annan and the recommendations of the Waki report. We as a government have to come out and tell our people that The Hague is a last resort, not an option.”

The justice minister also appeared to question the political will of President Kibaki and Mr Odinga to implement the radical reforms in the National Accord, including trial of the suspects by a local tribunal. Ms Karua said the Government has to find ways of trying the rapists and murderers given that the key architects may go to The Hague.

Mr Annan will now consult the President and the PM to agree on the way forward on the fate of the suspects. The former UN secretary general may make preparations to hand over the case to the International Criminal Court. Alternatively, Mr Annan can borrow from he example of Sierra Leone and engage the UN headquarters in negotiations to establish a Special Court in Kenya to try the suspects.
After President Kibaki and Mr Odinga signed the agreement to establish a local tribunal on December 17, Parliament was required to enact the law for the Special Tribunal and entrench it in the Constitution by January 30. The tribunal was supposed to start operating by March 1.

Thursday’s vote was preceded by lobbying which intensified on Wednesday night. The triumphant MPs strategised in groups in Parliament Buildings and their offices.

Some MPs said they were alarmed that an amendment was already listed to delete Article 14, effectively granting immunity to some office holders. Led by MPs Gitobu Imanyara and Bonny Khalwale, they caucused on Wednesday night and sent text messages to their colleagues urging them to block the Bill.
Annan hints at ICC Kenyan trial

Chief Kenya mediator Kofi Annan has suggested that he might send a list of suspected election violence ringleaders to the International Criminal Court.

He said he would obey the "spirit, letter and intent" of a commission of inquiry into the violence.

The commission delivered a sealed list of suspects to Mr Annan and said it should be sent to the ICC if a local tribunal was not set up by 1 March.

Parliament on Thursday rejected a bill to establish the special court.

Some 1,500 people were killed after political and ethnic rivalries caused clashes around the country following the disputed December 2007 elections.

Many MPs said they did not have faith in Kenya's justice system and that those involved in the violence should be tried at The Hague.

Mr Annan, who brokered a power-sharing deal to end the violence, said he was disappointed in the parliamentary vote.

"I believe it is also a blow to efforts aimed at ending the culture of impunity in Kenya," said the former UN secretary general.

Under parliamentary rules, the bill cannot be re-introduced to parliament until six months have elapsed.

Cross-party opposition

The BBC's Anne Mawathe in Nairobi says the government could possibly ask for more time to establish the local tribunal.

After Thursday's vote, Minister for Nairobi Metropolitan Development Mutula Kilonzo, who was part of the mediation team that crafted the power-sharing agreement, said the president and prime minister had let down the country and should resign.

President Mwai Kibaki and Prime Minister Raila Odinga attended the session of parliament to lead the vote in favour of the bill.

The bill required the support of 145 MPs to be passed, but only 101 MPs voted in favour.

The opposition to the bill came from MPs who support both Mr Kibaki and Mr Odinga.

But Justice Minister Martha Karua said the rejection of the bill was a "collective failure".
"We have abdicated responsibility as a National Assembly. When we say The Hague, we are saying only those who bear greatest responsibility are going to be tried. We are saying the rest should go scot-free," she said.

Widespread clashes broke out after Mr Odinga said the results of the December 2007 election had been rigged in favour of the president.

After weeks of talks led by Mr Annan, in February 2008 the rivals agreed to share power to bring an end to the violence.

In December 2008, the Electoral Commission of Kenya, which presided over the controversial poll, was disbanded by parliament following recommendations by another inquiry into the voting process.
Daily Nation (Kenya)
Thursday, 12 February 2009

**ICC has tried many Africans**

By NATION Reporters

A number of Africans have been charged at the International Criminal Court for crimes against humanity. Former Liberian president Charles Taylor was captured in Nigeria on March 29, 2006 and sent to The Hague for trial.

Among the 11 counts he faces are murder, sexual and physical violence. His trial began on June 4, 2007. Thomas Lubanga, a former leader of the Union of Congolese Patriots, a militia group in DR Congo, was the first person to be arrested under a warrant by the ICC on March 17, 2006.

**Mass murders**

His trial, for war crimes began on January 26 this year. Germain Katanga, commander of the Patriotic Resistance Forces of the DRC is also being charged for playing a part in mass murders.

Mathieu Ngudjolo Chui and Jean-Pierre Bemba both of the DRC are facing similar charges. In Uganda, Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Rukwiya and Dominic Ogwen are all facing charges at the ICC. And in Darfur President Omar al Bashir and others are facing charges for crimes against humanity.

Meanwhile, the ICC might not prosecute post-election violence suspects even if Kenya fails to establish a special domestic tribunal, our inquiries reveal.

According to Dutch ambassador Laetitia van den Assum and other sources interviewed this week, it would be unusual for the ICC to investigate those behind the post-election violence because Kenya is “at a different level” than other troubled African states.

“If you look at all the ICC cases until now, they have focused on countries that are in serious civil war or emerging from it,” the envoy from the Netherlands explained. Investigating Kenya, she said, “would definitely be something new for the prosecution.”

In mid-November, the ICC Prosecutor Luis Moreno-Ocampo said if Kenya failed to try post-election violence suspects, then the ICC would start investigations and prosecute those involved.

He said Kenya had no option but to form a tribunal to investigate and prosecute suspects in the Waki secret list.

Speaking to nominated MP Musa Sirma during a meeting of Parliamentarians for Global Action in the Dominican Republic, Mr Ocampo said the ICC was watching what the Government would do.

The ICC prosecutor was responding to a question by Mr Sirma during the meeting on whether he had received the secret Waki list and what he was going to do about it.

A week later, Mr Ocampo’s office told the Nation that it had received multiple reports on the violence and was carefully examining them.

In the clearest indication of its intentions so far, the Court said it was evaluating the gravity of crimes and whether the Kenyan authorities were conducting “genuine investigations and/or prosecutions” of the crimes.

The Netherlands envoy however said on Thursday that because The Hague has budget limitations, it would have to decide whether to prioritise the Kenyan situation over more destructive conflicts on the continent.

Since 2002, the international court has focused exclusively on suspected Congolese warlords, Ugandan rebels and those responsible for the Darfur genocide.