SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office as at:
Thursday, 14 October 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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<table>
<thead>
<tr>
<th>International News</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>We Are Soliciting a Peaceful Demonstration for Implementation of the TRC…/ The Libertarian Journal</td>
<td>3-4</td>
</tr>
<tr>
<td>Top Kenyan is Ready to Surrender at The Hague / Daily Nation</td>
<td>5-6</td>
</tr>
<tr>
<td>UN Must Help Arrest Wanted Congo General… / Reuters</td>
<td>7</td>
</tr>
<tr>
<td>US Welcomes Arrest Of Rwandan Hutu Rebel Group Leader / RTT News</td>
<td>8</td>
</tr>
<tr>
<td>Two Lebanese Judges Among STL Appeals Chamber Panel / The Daily Star</td>
<td>9</td>
</tr>
<tr>
<td>UN Britain - The Rule of Law at the National and International Levels / ISRIA</td>
<td>10-11</td>
</tr>
<tr>
<td>Some Immunity for US Lawyer Arrested by Rwanda, Says Court / Hirondelle News Agency</td>
<td>12</td>
</tr>
<tr>
<td>UN Chief Outlines Measures to Strengthen Peacebuilding Efforts / UN News</td>
<td>13-14</td>
</tr>
<tr>
<td>Ashton Welcomes Moldova’s Ratification of Statute on International Criminal Court / ENPI</td>
<td>15</td>
</tr>
</tbody>
</table>
We Are Soliciting a Peaceful Demonstration for Implementation of the TRC Recommendations

(An Open Letter)
By: Edmond R. Gray

In his ‘Theory of Human Motivation’, Abraham Maslow observed in 1943 that human beings are born with certain needs, and a psychological hunger to fulfill those needs. He said that, at the top of our wants, is the sense of urgency to be what we ought to be. According to him, we all desire respect. He went on to name love, safety, in terms of financial, personal, and well being. But there is a fifth set of needs that I find extremely benign for being at the bottom. That is, the needs to breathe fresh air, eat, and live under a shelter. To me, these last three, are more fundamental.

When these levels of wants are threatened, mankind tends to rely on a set of positive emotions. The argument is further made, that no matter our immediate wants—it is possible to be happier in life, feel more satisfied, set your hopes higher, and perhaps laugh and smile more, regardless our situations. Therefore, this attitude of faking laughter when things are bad does increase depression. Like Maslow, we have put our most pressing needs at the bottom our wants. We need to go back and conduct a reality check as to why we militarily engaged each other for fourteen or so years. To put it bluntly, we did not fight because we wanted Madam Ellen Johnson Sirleaf to be crowned the empress of our nation well into her eightieth birth date.,

Let me remind you that our civil war was fought on the pretext that our organic laws and basic ways of life are threatened. Former presidents, up to Samuel Doe, sidelined our constitution, and rule in an autocratic fashion. We guaranteed and swore that he Doe, like others will not have his ways. But this utter disrespect for our basic laws has always been the common practice of all former leaders of Liberia. As you know, Charles Taylor, in his so-called 2024 Vision, was well on his quest to create a sin city, where rule by might was the modus of the day. No need to mention what became of him, and along with his group of gangsters to include the Benjamin Yatem and Chucky Taylor.

Today, we may not have thugs and gangsters in power, but we have a set of people who are passively disrespecting our laws. For instance, millions of tax payers’ money was used to set up and run a Truth and Reconciliation Commission with strict set of mandates. But when the findings and subsequent recommendations seek to punish the likes of Madam Sirleaf, Prince Johnson, and others, this portion of our laws, has been sidelined. You know, it is funny how we soon forget. That those who were shooting their ways with bullets and making pronouncements against authority of the time, like, “even if we have to flatten the Executive Mansion, we will do so…….”, are the ones leading the ways in of dishonoring what the law requires of them today.

Not only has Madam Sirleaf or Prince Johnson led the campaign to sideline our laws, they are wrestling each other as to who should lead Liberia in 2012. Unlike them, no Liberian will call for their forceful removal from power, but in the next few weeks and months, most of us will be leading peaceful demonstrations and banging on the doors of our international partners in the United States, Europe and others, to ensure that those who brought death and destruction to Liberia yesterday, be excluded from the 2011 elections as suggested by the TRC recommendations. These matches may not generate the level of attention garnered by the Million-Man March of Dr. Martin Luther King, but will have their effects.

As a people, there is the need to be ensured that no more would any of our own try to find ways, or sponsor initiatives that bring death and destruction to our nation for their own selfish aims. Some are making the case that, in a country like Liberia with so many learned people, who is the enviable alternative to Madam Sirleaf? You, me.
The only doubtful alternative is the untested one. All civilized nations will seek to reinforce their organic laws over their current and future leaders. The fact is, once the laws and basic values of a people are strengthened, even an Obama will lead in a predominantly white nation. For instance, many doubted Madam Sirleaf, until she was tested. The rest is yours to determine her leadership ability.

But this fight to restore our laws as enshrined in the TRC Recommendations, is not about people and individual preferences, it is about doing what is just. We can endlessly debate on the futility of the Ellen-led administration. Some will argue that she has made strides with the economy. Yet others will argue that a nation which hooks on international donations is economically abyss. A third may say that Ghana, Nigeria, the Ivory Coast are economically stronger not because of their finesse to scout for international assistance, but largely due to their active engagements in the means of production.

Others may argue that it is not the duty of government to provide jobs for its citizens. Governments of scale, are not only small and efficient, they provide the enabling environment for the private sector to compete. The Nigerian or Ghanaian government does not beat its chest to say how many commissions or agencies it has created to absorb partisans, it brags of how much micro and macro levels and private sector jobs it has created. Governments of stronger economies compel private sector investments to improve the standards of life in the community. Hence, they negotiate investment terms that mostly benefit local citizens, and not cronies of the government. I am quite sure that Madam Sirleaf may want to boast of renegotiating or signing investment contracts with the Mittal Steel and others, but may not be able to tell the immediate short term impacts of those investments on the economy. For instance, here is how one eloquent pundit traced the Sirleaf investment cronyism:

In subsequent posting, attempts would be made to trace the real beneficiaries of all the so-called investments made in Liberia under Madam Sirleaf. Stay tuned.
Top Kenyan is ready to surrender at The Hague

By ERIC SHIMOLI, In The Hague, Netherlands

Mr Luis Moreno Ocampo, the International Criminal Court Prosecutor, attends a press conference in Nairobi, May 8. Ocampo says a prominent man has written to him offering to turn himself in if he is a suspect.

A prominent Kenyan personality has written to the International Criminal Court volunteering to surrender to the court if he is cited as a suspect in crimes against humanity during the election violence.

But ICC prosecutor Luis Moreno-Ocampo declined to name the person or indicate whether it was a politician, businessman or security official.

He also could not comment on whether the person was in the original list of suspects compiled by the Waki Commission of Inquiry presented to the ICC by chief mediator Kofi Annan last year.

“The person wrote to us a couple of weeks ago indicating that he was ready to surrender to the court if cited as a suspect,” Mr Moreno-Ocampo told Kenyan editors visiting the court.

The editors are on training in the work of the court at the invitation of ICC Registrar Silvana Arbia.

The ICC prosecutor said all witnesses likely to testify before the ICC were already outside Kenya. Interviews and further investigations were ongoing both inside and outside Kenya, he said, adding, no warrants of arrest will be issued against those who surrender voluntarily.

Under the court’s procedures, such suspects also stand a good chance of being granted bail while their case is being heard.

But those who do not surrender and are arrested after an international arrest warrant is issued are confined at the court’s detention centre within a Dutch prison complex on the outskirts of The Hague.

The Kenyan suspects will face charges of crimes against humanity in connection with the violence of January and February 2008 following the 2007 presidential elections.

In the history of the court, three suspects, all indicted in connection with the violence in Darfur, Sudan, have surrendered to the court.

The pre-trial chamber, where the prosecutor has to file charges and convince the judges that an accused person has a case to answer, freed Bahar Idriss Abu Garda who heads a military unit in Darfur in May last
year, but cases against Salleh Mohammed Jerbo and Abdulla Banda are proceeding. Mr Moreno-Ocampo said the letter to the ICC had come after letters were sent to some politicians, security officials and businessmen in Kenya to answer some questions related to the violence.

He insisted that he will file “two cases against two or three individuals” in Kenya before the end of the year.

But it was up to the reformed Judiciary, prosecution and investigation units in Kenya to file cases against most of suspects in the post-election violence, he said.

The prosecutor praised the ongoing reforms and Kenyans’ willingness to correct the ills of the poll outcome and ensuing chaos. There was genuine willingness among the politicians and Kenyans to ensure there was no repeat of the post-election violence, he said.

The Kenyan experience, he said, would provide a good example for other countries facing elections in Africa. He invited those with evidence on the post-election violence to volunteer it to the ICC.

**Arrest warrants**

The next stage of the Kenya investigation will be presentation of the names of suspects to the pre-trial chamber.

Judges will then issue summons to the suspects to appear. Suspects will have between two and three months to decide whether they want to surrender voluntarily or have international arrest warrants issued against them.
KINSHASA (Reuters) - A human rights group urged the United Nations on Wednesday to help arrest indicted war criminal Bosco Ntaganda, who last week told Reuters he was a senior commander in U.N.-backed military operations in Congo.

Human Rights Watch (HRW) also said that unless the U.N. mission halts its support for operations in Congo's conflict-wracked east, it will be in the "untenable position" of supporting a suspected war criminal wanted by the International Criminal Court (ICC).

Ntaganda is a former rebel leader wanted by the ICC since 2006 for recruiting and using child soldiers under 15 and who now plays a leading role in Congo's army after a peace deal.

"The U.N. mission should provide support to the Congolese government to arrest Ntaganda, as they have done in other cases of human rights abuses, and suspend their support of ... operations until this has been done," Anneke Van Woudenberg of HRW said in a statement.

HRW cited exclusive Reuters interviews with Ntaganda that took place in eastern Congo last week, in which he said he was the second in command of U.N.-backed military operations known as Amani Leo intended to oust a variety of rebel groups.

NO "UNILATERAL" STEPS

In New York, the United Nations said on Wednesday that it could not take any immediate action against Ntaganda.

"Absent a specific mandate from the Security Council or decision by the host country to take action against Mr. Ntaganda, MONUSCO cannot take unilateral steps in that direction," the U.N. press office said in a statement.

"MONUSCO stands ready to extend this support, provided it is sought by the Congolese government or directed by the Security Council," the statement said.

A Reuters reporter saw Ntaganda, 37, among senior army officers in Walikale district, where more than 300 people were raped in an August attack. He got into a vehicle filled with armed soldiers, saying he was off to visit his force.

"If they (the U.N. mission) are supporting my troops, they're helping me too," Ntaganda later told Reuters.

"The failure to hold Ntaganda accountable for his past crimes has left him at liberty to continue to perpetrate atrocities," said Van Woudenber, whose group accuses the former rebel of abuses and assassinations continuing into this year.

Ntaganda last week denied he had recruited child soldiers or raped women and said that he was a disciplined soldier.

The U.N. statement said the Congolese government had assured the world body that Ntaganda was not participating in any operations of the Congolese army supported by MONUSCO.

"The United Nations has consistently made clear that MONUSCO will not participate in or support any such operations if there is good reason to believe that Mr. Ntaganda plays a prominent role in them," Wednesday's U.N. statement said.
US Welcomes Arrest Of Rwandan Hutu Rebel Group Leader

The United States has welcomed the arrest of Rwandan Hutu rebel group leader and war-crimes suspect Callixte Mbarushimana.

The Executive Secretary of the Democratic Forces for the Liberation of Rwanda (FDLR), was arrested by French authorities on Monday in Paris on a warrant from the International Criminal Court.

The Hague court indicted him for alleged war crimes and crimes against humanity committed by the Hutus in the Democratic Republic of the Congo in 2009.

In a statement on Thursday, US State Department said Mbarushimana's arrest sends an important signal that the international community will not tolerate the FDLR's continuing efforts to destabilize the eastern provinces of the DR Congo, including the recent mass rapes in Walikale territory in which its forces are believed to have participated.

The US government called on FDLR soldiers and their dependents to disband and repatriate to Rwanda.

The United States pledged support to the International Criminal Court's ongoing investigations into atrocities that have been committed in the Democratic Republic of the Congo since 2002.

Assistant Secretary of State Philip J. Crowley said it also supports the steps taken by the Congolese government to pursue accountability.

Ending the cycle of impunity is indispensable to establishing a lasting peace in the Congo, the statement added.

Mbarushimana had been listed in 2008 for targeted UN and U.S. sanctions.

By RTT Staff Writer
Two Lebanese judges among STL appeals chamber panel

By The Daily Star

BEIRUT: The identity of the four appeal judges, set to preside over the Special Tribunal for Lebanon (STL), were confirmed on Tuesday, amid growing rumors that the UN court was preparing to issue its indictment.

Lebanese judges Ralph Riachy and Afif Chamseddine, will serve alongside Swedish counterpart, Kjell Erik Bjorberg and New Zealander, David Baragwanath, in the appeals chamber of the UN court, headed by Italian Judge Antonio Cassese.

Ever since its inception, the STL has been plagued by high-profile resignations.

Last month, the prosecution office’s spokesperson, Henrietta Aswad, departed after only two weeks citing “unforeseen personal reasons.”

The Special Tribunal is tasked with investigating the 2005 assassination of former Prime Minister Rafik Hariri, who was killed when a car bomb tore through his motorcade near Beirut’s downtown, killing him and 22 others.

Syria was long suspected of orchestrating the killing but a string of supposed media links earlier this year have indicated that the STL is gearing up to indict Hizbullah members in the crime. The issue has caused heightened tensions in Lebanon. – The Daily St

Read more:
(The Daily Star :: Lebanon News :: http://www.dailystar.com.lb)
The United Kingdom aligns itself with the statement made earlier today by the representative of Belgium on behalf of the European Union.

The Secretary General’s report which forms the basis for our debate (document A/65/318) highlights the crucial role played by international courts and tribunals in promoting and upholding the rule of law at international level. As a longstanding and strong supporter of international judicial mechanisms, the United Kingdom would like to make some additional remarks on this aspect of the report.

Madam Chair

The United Kingdom is the only member State of the United Nations which is actively engaged with all six existing international criminal tribunals: in our capacity as a State Party to the Rome Statute of the International Criminal Court; as a member of the Security Council which addresses issues relating to the International Criminal Tribunals for the former Yugoslavia and Rwanda; and as a major donor and member of the management bodies of the three voluntary-funded tribunals for Sierra Leone, Cambodia and Lebanon.

While these six criminal tribunals have major differences as regards their structure, jurisdiction and financing mechanisms, they have one important aspect in common, namely the need for state cooperation to enable them to fulfil their mandates. In this context, we welcome the arrest yesterday in France, pursuant to an ICC arrest warrant, of Callixte Mbarushimana on charges of war crimes and crimes against humanity allegedly committed in the Democratic Republic of Congo. The United Kingdom calls on all States to provide full cooperation to the international criminal tribunals, in particular where they are under an obligation to do so, whether by virtue of the Rome Statute, under relevant Security Council resolutions, including resolution 1593 (2005), or under bilateral agreements. It is only through such cooperation that we can ensure the tribunals can implement their mandate to promote the rule of law by ending impunity for the most serious crimes of international concern.

Madam Chair

The current global economic climate poses particular challenges for the three tribunals which rely on voluntary contributions from States. The United Kingdom recognises that all States, itself included, are facing serious financial constraints. Nevertheless, we urge donor countries to maintain, so far as possible, their contributions to the Sierra Leone, Lebanon and Cambodia tribunals to ensure that justice is not held hostage to a lack of resources. At the same time, we expect all the tribunals, whether or not voluntarily funded, to exercise restraint in their budgetary demands and to use all efforts to make the most efficient and effective use of their resources.

Some of the international criminal tribunals are now approaching the end of their mandates. As they do so, it will be important to ensure that their legacy is preserved for future generations, in particular by the establishment of mechanisms to carry out essential residual functions such as the prosecution of fugitive indictees, the protection of witnesses and the preservation of archives. The United Kingdom will continue actively to support ongoing work on residual issues both within the Security Council Informal Working
Group on International Tribunals and the Management Committee of the Special Court for Sierra Leone. Under the able chairmanship of Austria, we stand ready to work for the adoption before the end of this year of a Security Council resolution to establish a residual mechanism for the ICTY and ICTR.

By contrast, Madam Chair, other tribunals are just beginning their judicial work. The Special Tribunal for Lebanon is expected to issue its first indictment in the near future. The United Kingdom remains a strong supporter of the Special Tribunal as an independent judicial mechanism which aims to end impunity for political assassinations in Lebanon. We call on all States at this critical juncture in the Tribunal’s work to recognise and respect its independence and impartiality.

In June this year, members of the international community gathered in Kampala to reaffirm their commitment to the Rome Statute system at the first Review Conference of the International Criminal Court. The Kampala declaration recognised the aim of the ICC to establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace in accordance with international law and the purposes and principles of the Charter of the United Nations. The Declaration further reaffirmed the importance of the principle of complementarity in the global fight against impunity and, in this context, the need for States Parties to strengthen their domestic implementation of the Rome Statute.

The United Kingdom calls on all member States that have not yet done so to demonstrate their support for international justice by ratifying or acceding to the Rome Statute. We also call on all States Parties to take immediate steps to implement the Rome Statute in their domestic legal systems. In accordance with our pledges at Kampala, the United Kingdom stands ready to support these efforts to promote national implementation.

Finally, Madam Chair, outside the framework of criminal justice, the Secretary-General’s report rightly emphasises that International Court of Justice continues to play a vital role in addressing disputes between States and in delivering advisory opinions requested by other organs of the United Nations. The United Kingdom takes this opportunity to reaffirm its continuing support for the ICJ and to encourage all States which have not done so to accept its compulsory jurisdiction under Article 36 of the Statute of the Court in order to enhance its role in contributing to the maintenance of international peace and security by allowing States to resolve their differences peaceably and thereby contributing to the rule of international law.
Some immunity for US lawyer arrested by Rwanda, says court

Defence lawyers at the International Criminal Tribunal for Rwanda (ICTR) enjoy immunity from prosecution only in the context of their ICTR work, the Appeals Chamber of the Tribunal has ruled. The landmark ruling came last week in a decision related to American lawyer Peter Erlinder, previously arrested in Rwanda and still wanted by Kigali for "negation of genocide".

Erlinder is a lawyer in the so-called "Military I" case before the ICTR, defending genocide convict Major Aloys Ntabakuze who is now on appeal. The American lawyer was arrested in Kigali on May 28 this year, after he went to work there for the defence of jailed opposition leader Victoire Ingabire. Ingabire was arrested in the run-up to presidential elections and herself charged with negating genocide. The Rwandan High Court released Erlinder on June 17 "for health reasons", and he is now back in the US, but Rwanda says it has not dropped the proceedings.

The Appeals Chamber ruling, obtained by Hirondelle News Agency on Tuesday, says that Erlinder should benefit from immunity but only in the context of his work as a defence lawyer for an Accused of the ICTR.

"The Appeals Chamber recalls that, at the time of his arrest, Erlinder was not in Rwanda in his capacity as Ntabakuze's defence counsel," says the Appeals Court. "He was therefore not immune from personal arrest and detention."

"Nonetheless, Erlinder benefits from immunity from legal process in respect of words spoken or written and acts done by him in the course of his representation of Ntabakuze before the ICTR."

The majority of documents forming the base of Rwandan allegations against Erlinder were published in the context of his private or academic life and not in the context of his ICTR work, the Appeals Court said. It therefore declined to make any ruling on them. However, one document is a press cutting related to a statement he made before the ICTR in May 2007. The Court said that to include this was a violation of Erlinder's immunity.

In a press conference on Monday, Rwandan Justice Minister Tharcisse Karugarama promised that the document would be removed, in line with the Appeals Court ruling. The Minister said that proceedings against Erlinder had not been dropped. He said Erlinder had left his address with the Rwandan authorities and could be contacted at any time. "There is no date limit on that," he said.

Erlinder is a strong opponent of the current Rwandan government and has accused the ICTR of covering up crimes allegedly committed in 1994 by the Rwandan Patriotic Front (RPF) of President Paul Kagame.

JC/ER/GF

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UN chief outlines measures to strengthen peacebuilding efforts

13 October 2010 – Secretary-General Ban Ki-moon today outlined measures to strengthen the United Nations role in helping countries emerging from conflict to maintain peace and entrench stability, stressing the need for rapid deployment of trained staff, predictable financing, partnerships and ensuring the participation of women.

“Building peace may sound straightforward, but we know from painful experience that it is not. Success requires patient, long-term commitments and the involvement of a wide range of actors, working together,” said Mr. Ban, updating the Security Council on UN efforts to support post-conflict peacebuilding.

“We are making progress – in Burundi, Haiti, Nepal, Sierra Leone and elsewhere. But let us remember that for people who have suffered through conflict, progress can’t come fast enough. The ultimate test is how well we deliver on the ground – how well we give people signs of hope beyond mere words and promises,” he said.

Echoing his message in his latest report on peacebuilding in the wake of conflict, the Secretary-General spoke of the need provide UN staff deployed in crisis situations with the proper training to enable them to perform the full range of their responsibilities.

He said a review of international civilian capacities currently under way is anchored in the need to ensure that international assistance in the aftermath of conflict is driven by national needs and priorities, to make better use of the capacities of women and for faster and flexible response.

On predictable financing, the Secretary-General noted that in fragile transition situations, the Peacebuilding Fund, set up in 2006, can quickly finance early action, which can, in turn, prompt other sources to provide longer-term funding.

It has streamlined its procedures, enabling it to respond more swiftly to urgent needs and encouraged Member States to contribute to its replenishment, he added.

“But the Fund is only one among many. Many other efforts are under way aimed at making all peacebuilding financing more flexible and tolerant of risk,” Mr. Ban said, urging Member States to support these alternatives.

He emphasized the importance of greater cooperation and joint approaches within the UN, noting that efforts are under way to strengthen cooperation and develop closer institutional links with the World Bank.
Mr. Ban also underlined the key role played by the partnership between the Council and the Peacebuilding Commission, created in 2006 to prevent post-conflict countries from relapsing back into bloodshed, and today it was the focus of a session by the body.

“Closer collaboration can help the Council to support peacebuilding more effectively from the very start,” including by enabling peacekeeping operations to have an impact as “early peacebuilders,” and ensuring that integrated peacebuilding offices institutionalize these early achievements.

Women, he stressed, should form the core of peacebuilding.

“While their voices are critical for ensuring that the foundations of peace are just and equitable, women are still not systematically included at all stages of the peace process,” the Secretary-General said.

“Conflicts leave states severely weakened and social structures decimated,” he added. “In such situations, women are vital to ensuring that the basic survival needs of families and communities are met.”

Mr. Ban said that he has stipulated that all peacebuilding funds managed by the UN will allocate 15 per cent of their resources to fund projects addressing women’s needs, advancing gender equality or empowering women.

In his latest report on women participation in peacebuilding, the Secretary-General says that a decade after the adoption of landmark resolution 1325 calling for equal participation by women in post-conflict peacebuilding, much remains to be done to ensure they can play their part in shoring up peace.

“Now is the time for systematic, focused and sustained action, backed by resources and commitments on the part of all stakeholders – national and international, public and private, women and men,” he writes, laying out a seven-point action plan aimed at changing practices among all actors and improving outcomes on the ground.

The plan includes ensuring that women are fully engaged in all peace talks and post-conflict planning, including donor conferences, and requires that adequate financing is provided to address women’s specific needs and advance gender equality.

It also underlines the need for women to participate fully in post-conflict governance as elected representatives or decision makers, including through temporary special measures such as quotas.

At the end of today’s Council meeting, the body reiterated the importance of national ownership of peacebuilding efforts and priorities.

In a presidential statement, the Council emphasized the need for swift action in areas including “reform of the security sector, restoration of the rule of law, respect for human rights, ending impunity, combating illicit arms trade, drug trafficking, and transnational organized crime, voluntary return of refugees and internally displaced persons, supporting peace processes, provision of basic services, restoration of core government functions, management of natural resources, tackling youth unemployment, and revitalization of the economy.”
Ashton welcomes Moldova’s ratification of statute on International Criminal Court

Catherine Ashton, the EU High Representative for Foreign Affairs and Security Policy, has “warmly welcomed” Moldova’s ratification on 12 October of the Rome Statute of the International Criminal Court (ICC).

“This is an important step towards combating impunity for war crimes, crimes against humanity and genocide. At the same time it will contribute towards the deepening of our bilateral relations in the framework of the future EU-Republic of Moldova Association Agreement,” she said in a statement.

Reiterating the EU’s “unwavering support” for the Court, she said Moldova’s ratification brought the number of ICC States to 114.

“I trust that the Republic of Moldova’s ratification of the Rome Statute will encourage also other partners in the EU’s neighbourhood to take similar steps.” (ENPI Info Centre)