

## EDITORIAL

### Law to regulate NGOs?

The government is coming up with the law that regulates the work of Non Governmental organisations operating in the country.

Some of the provisions are that all NGOs should register yearly, NGO board that does not includes members of NGOs to be formed, and requirement of permission if you want work in rural areas, among others.

Yearly registration inconveniences NGOs that have from three to five years and above plans. It will also affect NGOs and civil society organisations that work for human rights and other protection issues. They be cautious in criticising government excesses on it citizens.

Having NGO board members that do not understand the work of NGOs is unrealistic. These are the people who are to certify and give work permit to NGOs.

Worse still, the law does not provide for appeal in whatever decision made against an NGO.

The proposed law will also be focusing on individuals who write reports and not NGO as an organisation incase of any reports that it feels is not palatable.

Member NGOs, alas!!! Let us come out to petition this kind of law. The tentative date is April 1 2009 when there will be solidarity campaign to present the petition to the parliament.

This kind of law aims at intimidating and scaring NGOs from their watch dog role and goodwill to supplement where government has failed.

We should know that as government becomes unpopular, it starts cracking on NGOs and other civil society organisations, using stringen laws.

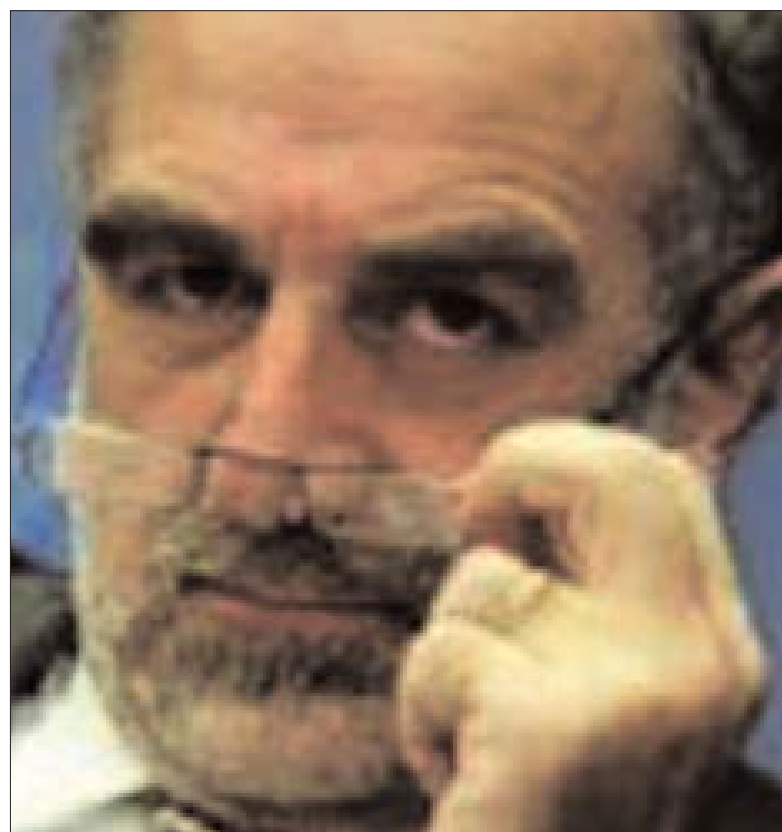
# Is ICC failing its first test

The shamble handling of the trial of Thomas Lubanga, the Congolese warlord, places serious question marks about the tribunal's viability

For all the philosophical and legal arguments over whether the International Criminal Court can ever succeed in bringing justice to the darkest corners of the globe, the world's first permanent war crimes tribunal has failed its first practical test.

Analyst David Charter said the landmark opening trial of Congolese warlord Thomas Lubanga, on charges of using child soldiers, has faced repeated delays caused by confusion over the basic issue of whether witnesses could face prosecution back in the Democratic Republic of Congo for what they say in The Hague.

But even more worrying has been its botched handling of the first witness, a former child soldier transported from Africa to a cold corner of northern Europe to tell of the unspeakable atrocities six years ago which landed



Chief Prosecutor, Luis Moreno Ocampo

Mr Lubanga in the dock.

Incredibly, the main prosecutor, Luis Moreno-Ocampo, who has been preparing for six years for this momentous occasion, failed

to stay after his opening remarks early February and disappeared to the Swiss ski resort of Davos for the World Economic Forum.

It was left to his deputy, Fatou Bensouda, to examine the first witness last Wednesday, a young man purported to have been recruited into Mr Lubanga's militia.

But with her clumsy questioning, Ms Bensouda failed to coax any cogent evidence out of him and she was left floundering as he returned after the lunch break to retract that he had even been a child soldier.

The court was hastily adjourned and it has now heard that this vulnerable young man is considered "not in a proper condition to continue giving evidence" by the ICC's Victims and Witnesses' Unit.

It was an inauspicious start for a noble project. Who could dispute, in principle, that the world is not a better place for a forum that can pursue and prosecute its worst renegades? But it is not just in Court One at The Hague that the ICC, founded by the Rome statutes of 1998 and supported by 108 nations, is not living up to high expectations.

The story has been well told of how Joseph Kony, leader of the Lord's Resistance Army (LRA) in Uganda, was not at ease talking peace with the government the moment he heard that the ICC had issued a warrant for mass murder against him.

Killings, said to be by the LRA is still going on.

The search for peace in Sudan has arguably been set back by the charges of alleged genocide and crimes against humanity which the ICC issued last July against President Omar al-Bashir.

The Arab League expressed its anger at the targeting of a head of state and China expressed its grave concern. The African Union today agreed to lobby for a one-year suspension of the process against Mr al-Bashir on the grounds that it would damage the peace process in Sudan - and, amid claims that Africa is being unfairly targeted as a testing ground for the court.

Following his interview in The Times this February, Mr Moreno-Ocampo may now be at risk of entangling the ICC in diversionary legal arguments about Palestinian statehood as he probes whether he has jurisdiction to prosecute Israeli soldiers following the recent incursion into Gaza.

In the light of all these controversies, the Lubanga case is a golden opportunity to show what international justice means in practice.

But the court president, the British High Court judge Sir Adrian Fulford, nearly called off the trial in the summer when it emerged that the prosecution had used confidentiality agreements to withhold possible exonerating evidence.

Sir Adrian ordered that Mr Lubanga be set free because he could not receive a fair trial but allowed an appeal, which eventually led to disclosure by the prosecution that rescued - just - the process.