

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



Chewing bottle!!

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:

Friday, 31 June 2013

Press clips are produced Monday through Friday.
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PEEP!

Friday, 31 May 2013

Africa and the International Criminal Court (ICC)

The position taken last week by African leaders at their annual summit in Addis Ababa regarding the International Criminal Court (ICC) should be commended. For once the Africans leaders were speaking loudly with one voice. They say that the ICC was not only bias and skewed against Africa and its people but that it was racist.

Strong words!

For some time it has become clear that the ICC was not only hunting down Africans but had also gone out to embarrass our leaders. There is Mr. Omar Basher in the Sudan and more lately the Kenya president, Uhuru Kenyatta and vice president William Ruto.

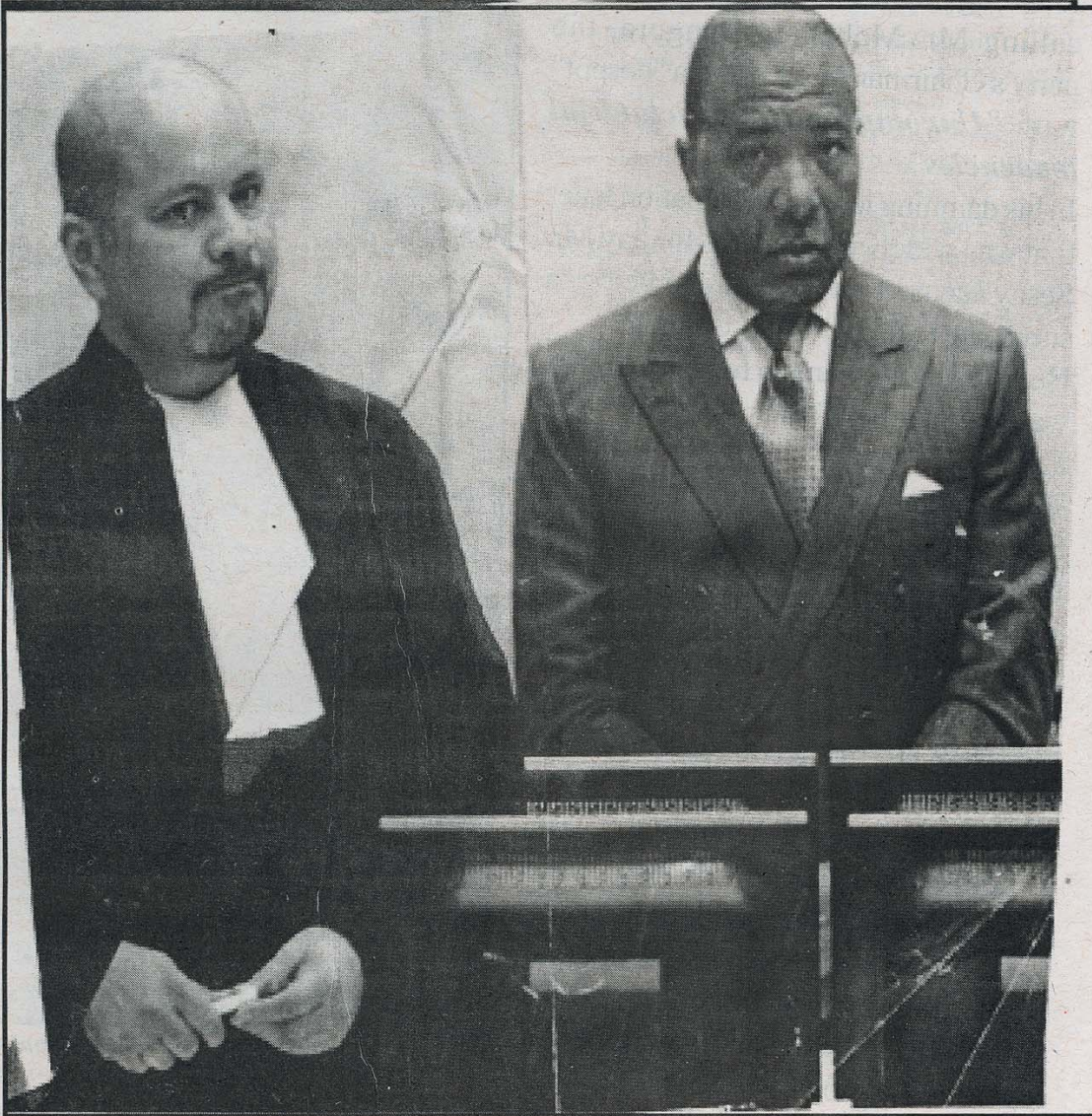
Of course we do condone the excesses and brutal tendencies of some of our leaders, not least the handful of brutal Congolese rebel leaders or a man like Mr. Bashir who continues to hang on to power as if the Sudan was a personal property.

Fearsome

Since he overthrew a democratically elected government nearly 30 years ago, Mr. Bashir has become one of Africa's longest serving and fearsome leaders. His troops have continued to terrorize his neighbors in Darfur and further South in Southern Sudan.

Kenyans

The victory of Uhuru Kenyatta and William Ruto in Kenya tells a different story. By electing the two men, who had been indicted by the ICC for crimes against humanity, the Kenyans were sending out a clear message for the ICC to keep its hands off the affairs of their country. Since the elections of 2008 when more than a thousand people were killed, the Kenyans have not only had a new and respectable revised constitution but they have recently held an election seen by the international community as credible, free and fair. The once discredited judiciary has become very independent and



Charles Taylor at the ICC

respectable. The point to be noted here is that the Kenyans would prefer to judge their own people instead of sending them off to the ICC.

commitment

Yet by signing the Rome Treaty, many African countries were committing themselves to an organization whose functions many understood little. Some claim the treaty had been signed under the usual carrot and stick by the Western Nations that if they did not sign the Rome Treaty, financial assistance will be withheld.

This was why from the outset we witnessed the enthusiasm of many of the

African governments actually inviting the ICC to come in and indict their own people.

There are such countries like Chad over the former president Hussein Habre and the Democratic Republic of Congo and its many war lords. Even Uganda which is now one of the leading critics of the ICC, once invited the ICC to investigate the elusive and murderous Lords Resistance leader Kone.

African leaders must now revisit what was signed in Rome and see how best they can wriggle out of a treaty that does not serve the general interest of the people of Africa.

ICC stretched to its limits in Africa



By Jocelyne Sambira

Congolese rebel Bosco Ntaganda is the latest African to appear before the International Criminal Court (ICC) in The Hague. Mr. Ntaganda faces several counts of war crimes and crimes against humanity including the rape, murder, sexual slavery and recruitment of children in the North Kivu province in eastern Democratic Republic of the Congo, according to ICC's records.

The ICC is an independent, permanent court that investigates and prosecutes persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.

Mr. Ntaganda follows in the footsteps of Thomas Lubanga, another Congolese warlord who was recently sentenced to 14 years in jail by the Tribunal for recruiting and using child

soldiers in his rebel army between 2002 and 2003. So far, 30 people have been indicted, all of them Africans, leading to accusations that the court has been going after Africans.

The DRC is one of the seven situations under investigation by the ICC. The others are northern Uganda, the Darfur region of Sudan, the Central African Republic, Kenya and Côte d'Ivoire. The court is also examining claims of murder, mutilation and torture committed since January 2012 by insurgent groups in Mali.

Prosecutor Fatou Bensouda, a national of Gambia, recently announced that she would not drop charges against Kenya's president-elect Uhuru Kenyatta and his deputy, William Ruto. Before the elections, they appeared before the court to answer charges of complicity in the violence that erupted following the 2007 elections.

?Analysts believe the cash strapped court is stretched to its limit trying to deal simultaneously with several cases from different countries. It has also been criticized for using intermediaries to conduct investigations, allegedly undermining its credibility and its ability to build strong cases.

The Star

Friday, 31 May 2013

Kenya: Raila Dismisses Race Slur Against ICC

FORMER Prime Minister Raila Odinga has dismissed accusations of racism levelled against the International Criminal Court by the African Union. Raila described as "hogwash" claims that The Hague court is unfairly targeting African leaders while ignoring war crimes suspects in other parts of the world.

"Members of the ICC joined freely, signed the Rome Statute independently which was ratified by their national Parliaments. None was forced to join," he said.

The AU on Monday accused the ICC of targeting Africans on the basis of race and called for the termination of criminal proceedings against President Uhuru and Deputy President William Ruto.

The two are accused of crimes against humanity during the 2007-08 post-election violence. The ICC has denied that it is targeting Africa, saying four out of eight situations under investigation in Africa were referred to the court by the countries themselves.



Yesterday Raila told a group of youth from the main political parties in Zimbabwe, who are on a visit in Kenya, that the AU resolution "missed the point" in its accusations.

He said it was wrong for the African leaders to introduce the element of racism in the matter because others leaders like Jorge

Rafael Videla of Argentina and Slobodan Milosevic had been punished through the same system.

Raila challenged African Presidents to take full responsibility for those facing trials at the court. "All the cases currently pending at the ICC have been taken there by African leaders and their government, not the ICC," he said.

"Africa has taken itself to the ICC." Apart from the Kenyan cases, other trials pending at the court are those of Laurent Gbagbo of Ivory Coast, Pierre Bemba of DR Congo and Bosco Ntaganda of Rwanda.

Former Liberia President Charles Taylor has been convicted, even though his trial was conducted by a Special Tribunal for the Sierra Leone situation. Raila said Taylor was arrested by the Nigerian government and taken to The Hague.

He said Gbagbo was handed over to the ICC by Alasanne Ouattara, while Bemba was shipped to the ICC by Joseph Kabila's regime. "Just recently Paul Kagame placed Ntaganda in the plane and delivered him to the ICC. President Museveni asked the CIA and FBI's assistance in the search for Joseph Kony for possible prosecution at the ICC," Raila said.

In the case of Kenya, Raila said "we took ourselves to the ICC" after MPs refused to pass the necessary laws that would have led to a special tribunal established in accordance with the Waki recommendations.

Later in an interview with journalists he refused to be drawn on the merits of the AU resolution or whether the Kenyan courts had the capacity to deal with the cases should ICC allow for a referral. Raila added that the AU has all the right to lobby for the termination of the cases

Huffington Post
Thursday, 30 May 2013

International Criminal Tribunal Born as Bastard?

They only had a dalliance with the initiative to form the first international criminal tribunal and largely as a rationalization to avoid engaging Slobodan Milosevic's sponsored assault upon Bosnia & Herzegovina. What started though as a sordid affair of insincerity somehow has resulted in the establishment of several international tribunals from ex-Yugoslavia (ICTY) to Sierra Leone and finally in the creation of the permanent International Criminal Court (ICC). This month marks the 20-year anniversary since the UN Security Council (UNSC) established the ICTY or more fully the International Criminal Tribunal for former Yugoslavia (UNSC Resolution 827 on March 25, 1993.) While the ultimate contributions of the ICTY to the rule of law, justice, reconciliation and lasting peace will remain subject to debate, without this moment of impetus most likely the ICC would still be the utopian ideal of many well informed and intentioned global citizens but stunted in its realization. Regardless, I had the fortune to be there for the birth of both the ICTY and the ICC, and perhaps give a critical push then to the realization of what is still a work in progress today.

An Insincere Response to Genocide and Aggression?

The notion of an international criminal tribunal was put forward by some members of the UNSC sincerely, but most of the big powers only grasped it to avoid accountability for having failed Bosnia & Herzegovina and its people and the call for a more resolute response. In August of 1992, systematic murders and concentration camps in BiH were uncovered on a wide scale by global media. What perhaps was as damning is that not only had we, the BiH Government, asserted such facts but the evidence had been documented by UN peacekeepers/monitors on the ground -- only the UN hierarchy had failed to disclose such information to the public or most member states of the UN, including the non-permanent members of the UN Security Council. When I confronted a UN official why this information had not been made public, he asserted that it had been "made public to those that should know."

Some or most of the UNSC Permanent Members undoubtedly had good evidence that genocide as well as aggression were being waged against BiH and its citizens. The fact of systematic violations of international humanitarian law was unchallengeable. In August 1992, the big capitals were desperate to appear to be doing something when in fact they were only waiting, perhaps some hoping, for a quick death to Bosnia as to relieve them of the embarrassment of the appearance of impotence. The big capitals offered two face-saving, perhaps delaying gestures. Another international conference at the end of August in London was scheduled. (In the end, the London Conference was encrusted with many promises but few kept.)

A Gesture to Rationalize Inaction?

The second gesture was to promise an international tribunal to prosecute the guilty. The mirage that some hoped to create is that even if not acting then to confront the killers and violators of international humanitarian law, nonetheless such would ultimately have to face justice. This promise of justice in the future to excuse no action then though was perhaps also lacking sincerity/commitment; however, then who would really care once the conflict ended and in particular if BiH disappeared?

There had to be at least the facade of substance. After some delay, the UNSC established a Commission of Experts, by Resolution 780 on October 6, 1992, to evaluate the idea of an international criminal tribunal for the former Yugoslavia. Perhaps it is appropriate to name Professor Cherif Bassiouni as the ICTY's first father. As a member of the Commission, Cherif constituted a team that documented the breadth and

evidence of the crimes committed in just the first few months of the conflict/ethnic cleansing as to make it difficult to negate and thus bury the initiative for an international tribunal. (The procedures and laws to be applied by the future ICTY would evolve over time.)

A Country and Future Defined by the Rule of Law



However, even with Professor Bassiouni's effort, the fetus of the Tribunal would be stillborn without a final resolution of the UNSC to deliver it. In the spring of 1993 there was another non-memorable diplomatic initiative being fostered upon the stage -- the so-called "Spanish Initiative." I understood it as another false promise and took the opportunity to expose it as to embarrass Europe and particularly Washington to do more. Think by then these capitals were also becoming

frustrated that the internal predictions of BiH's imminent demise were not coming true in large part due to the courage and ingenuity of BiH's citizens and citizen soldiers. In return not to further embarrass Washington before the UNSC, Ambassador Madeleine Albright and I made a deal that the US would press ahead with the establishment of the ICTY as well as adopting/enforcing the "no-fly" zone. (I have little doubt that Ambassador Albright was also a committed supporter of the ICTY but needed a "deal" with me as leverage to press doubters/opponents in Washington on the idea of an international tribunal -- Washington had many different and at times contradictory currents then as now as it relates to the future of BiH and as a country defined by the rule of law and universal values of human rights and open society.)

An Accommodation with the Fruits of Ethnic Cleansing & War Crimes?

The ICTY, as well as the "no-fly zone" would be imperfect in application. Many of the key capitals would look to control the education of the infant ICTY by providing selective evidence as well as support. At least some official and not so official functionaries were deployed to influence consistent with their capitals' perceived interests rather than deliver unbiased justice or secure a true historical record or reconciliation. Many Bosnians/Herzegovinians have reason to be ultimately disappointed -- particularly some rulings/justices have seemingly sought to marginalize the systematic nature of the crimes and their planning/execution linked directly to state action, particularly Milosevic's Belgrade. The consequence may be to minimize the role of then Belgrade and rather attribute as much as possible to individual actors. By marginalizing the historical record of genocide as well as institutions, the desired effect is to rationalize the inadequate response at the begging of the conflict and ethnic cleansing but also to make the Dayton Accords seem less of an accommodation with the consequences of such crimes and grave violations of international humanitarian law.

Critical Catalyst for a Permanent International Criminal Court

A more thorough and perhaps favorable evaluation of the ICTY's work is not possible now, and I wish to be fair and generous to the many truly committed and effective officials who labored for the rule of law and justice. However, the ICTY undoubtedly can take credit for being the first crucial step and absolutely necessary momentum for the Rome Conference, Rome Statute of 1998, and ultimately the establishment of the ICC. From 1993 to 1998, BiH and I were willing participants and supporters for a permanent International Criminal Court. During the Rome Conference, the BiH delegation led by me can take credit for two defining initiatives. Empowered by the tragedy of a recent history of mass rapes and "enforced

pregnancy," we were able to persuade participants to adopt a class of "gender based" offenses, an unprecedented legal formulation. Also, emerging from this brutality, nonetheless we were in a position to persuade that the death penalty was unnecessary and in fact counterproductive -- justice is not to be swallowed by a hunger for punishment or revenge. Rather, it is about a historical record and also the offenders recognizing the wrongs and thus providing closure for both victims and those who may have been willingly or not associated with the perpetrators' actions.

Peace Orphaned Without the Rule of Law

War and diplomacy have been the instruments defining our regional and global relations, and more often than not leaving much wanting. Increasingly though, it is becoming recognized that no conflict is truly dowsed and no peace and reconciliation is lasting without the rule of law and at least the impression that justice prevails. Not born a bastard, the ICC has pedigree and utility including the precedent of the ICTY, but the most important lesson/legacy is that a peace without the rule of law becomes an orphan.

@MuhamedSacirbey

PHOTO (1993 Left to Right: Stuart Seldowitz, US Mission to the UN Assistant Responsible for Southeast Europe; Ambassador Madeleine Albright; Ambassador Muhamed Sacirbey)

The New York Times
Wednesday, 29 May 2013

When Grave Crimes Elude Justice

By JAMES A. GOLDSTON
Op-Ed Contributor

An intense drama has been unfolding in Guatemala over the trial of the country's former military ruler, Efraín Ríos Montt. On May 10, after a six-week trial marked by many twists and turns, Ríos Montt was convicted of genocide and sentenced to 80 years in jail. Ten days later, the country's Constitutional Court, in a questionable 3-2 decision, overturned the verdict, and left an uncertain future for what had briefly seemed an exceptional achievement.

Guatemalan Court Overturns Genocide Conviction of Ex-Dictator (May 21, 2013) This judicial roller-coaster ride has been bitterly disappointing to those Guatemalans who have worked for years to hold Ríos Montt accountable for overseeing, during his 17 months in power in the early 1980s, some of the worst crimes of a conflict that left tens of thousands dead or missing. But the eventual outcome will have implications far beyond Guatemala's borders.

For the world at large, this first-ever domestic genocide trial of a former head of state is a high profile test of whether national courts and governments, not just international tribunals, can fulfill their responsibility to pursue justice for grave crimes. This is no minor question, at a time when the international justice movement as a whole is struggling, most evidently in the travails of its most ambitious project, the International Criminal Court.

Since it was set up just over a decade ago, the I.C.C. has convicted only one defendant, a former Congolese warlord, Thomas Lubanga, who was found guilty in March last year of using child soldiers. Last December, the court acquitted another Congolese military leader, Matthieu Ngudjolo, after failing to credit a number of prosecution witnesses. Earlier this year, after a witness recanted testimony that made it impossible to sustain a case, the I.C.C. prosecutor withdrew charges against one of four senior Kenyan officials charged with orchestrating post-election violence in 2007-08.

This April, an I.C.C. judge chastised the prosecutor's failure to investigate properly prior to confirming charges against Uhuru Kenyatta, now president of Kenya, and underscored "grave problems in the prosecution's system of evidence review, as well as a serious lack of proper oversight by senior prosecution staff."

Other international tribunals are also in difficulty. At the International Criminal Tribunal for the Former Yugoslavia, convictions of its two most senior Croatian defendants were overturned in mid-November 2012. Two weeks later, the court acquitted for the second time Ramush Haradinaj, Kosovo's former prime minister, in a case some prosecutors warned should never have been brought. However legally well-founded, and notwithstanding the positive record of the tribunal overall, these rulings have unfortunately reinforced a widespread (and false) misimpression about alleged anti-Serb bias in the court and complicated its contribution to reconciliation throughout the former Yugoslavia.

Half a world away, in Cambodia, this March, the death of former Khmer Rouge leader Ieng Sary, left a U.N.-backed tribunal that has convicted just one person in seven years with only two remaining defendants. Donor fatigue and Cambodian government opposition will likely prevent any further trials of crimes by a regime that brought about more than 1.5 million deaths in the 1970s.

In April, in an apparent act of intimidation, hackers published on a Lebanese news Web site the names of previously secret witnesses in the trial by a U.N.-supported Special Tribunal for Lebanon of those responsible for the 2005 killing of former Prime Minister Rafik Hariri. The court's progress has been slowed, in part, by attacks on its team in Beirut.

With a new generation of leadership, and reinvigorated backing from the international community, the I.C.C. must, and will surely, right itself. But no international court can address more than a fraction of the crimes awaiting judicial scrutiny — hence the importance of national trials for international crimes.

The reversal of fortune in Guatemala graphically illustrates the challenges that can stand in the way of local judicial processes. But the factors that have advanced the case against Ríos Montt have not changed; indeed, they provide an inspiration for those around the world, in Haiti, Kenya, Sri Lanka and even in the United States, who would wish to see justice done for serious offences.

First, the case against the former general was brought by an attorney general, Claudia Paz y Paz; and it has been tried by first instance judges, including Jazmín Barrios, who each showed determination and courage in braving threats of violence to do their jobs. Second, several NGOs worked tirelessly for more than a decade to gather and preserve forensic and documentary evidence, to support victims to come forward and give testimony, and to educate the wider public about what was at stake. Third, the diplomatic community underscored the proceeding's importance with unusual consistency and unity. During the trial, notwithstanding the troubling role of the Reagan administration in backing Ríos Montt in the 1980s, U.S. envoys offered backing for the process through visits to the courtroom, public statements and meetings with Guatemalan officials.

The very act of bringing Ríos Montt to trial has already accomplished much: in allowing victims to speak openly about what they suffered, stimulating public debate, and methodically setting forth in a 700-page opinion the extensive record of criminality.

But with this same combination of capable judicial actors, amplified victim voices and sustained international pressure, Guatemala can still demonstrate the power of local justice to deliver extraordinary results.

James A. Goldston is the executive director of the Open Society Justice Initiative.

The New Times (Kigali)

Friday, 31 May 2013

Rwanda: ICTR Last Detainee to Be Transferred Rwanda

By Ivan R. Mugisha

The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) yesterday upheld the ruling ordering the transfer of Bernard Munyagishari to Rwanda for trial.

Munyagishari is the last person currently in the custody of the Tanzania-based tribunal, as it winds up, giving way to the International Residual Mechanism.

"The transfer of Munyagishari will take place no sooner than three (3) days after the Appeals Chamber decision is translated to him in French... the date on which he will be transferred to Rwanda will be communicated," reads a statement from the National Public Prosecution Authority.

"On behalf of the Government of Rwanda, the National Public Prosecution Authority would like to thank the International Criminal Tribunal for Rwanda for the significant vote of confidence it has given to the Rwandan justice system," the statement added.

Munyagishari was the president of the Interahamwe militia in the former Gisenyi Prefecture, now in the Western Province and was arrested in 2011 in the Democratic Republic of Congo.

If transferred, Munyagishari will be the second person in the tribunal's custody to be transferred for trial to Rwanda as part of the court's completion strategy, after last year's transfer of Jean Uwinkindi, a former cleric accused of unleashing militiamen on his flock at a church in the current Bugesera District. Other suspects whose cases have been referred to Rwanda but remain at large are; Fulgence Kayishema, Charles Sikubwabo, Ladislav Ntaganzwa, Aloys Ndimbati, Ryandikayo and Phénix Munyarugarama.

Norway arrests suspect

In a related development, the Norwegian police on Wednesday arrested a Rwandan identified as Eugene Nkuranyabahizi, who is accused of committing the Genocide in the Southern Province.

A former teacher, Nkuranyabahizi is accused of colluding with Interahamwe militia to kill Tutsis who were fleeing the Genocide to Burundi.

"We learnt of his existence in Norway when we shared names of fugitives whose addresses were unknown to us and they said he was in their country," the head of Genocide Fugitive Tracking Unit John Bosco Siboyintore said.