

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



Old Fourah Bah College building at Cline Town

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

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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Awoko Online

Tuesday, 28 April 2009

Salone Institute of International Law Inaugurated

At the Special Court for Sierra Leone, the Sierra Leone Institute of International Law was inaugurated as a center intended to create a vehicle through which the interest of the country and others in the sub region on international rule of law can be further explored.

In his inaugural speech foundation member of the Institute Ambassador Allieu Kanu who was also the Chairman of the occasion said that the Institute of International law should also stand as a testament to the very impact that international law can have on the lives of individuals in the betterment of the human condition and on helping countries achieve sustainable peace and prosperity.

Ambassador Kanu stressed that a predictable legal system with a participatory law-making process, impartial law enforcement mechanisms and a fair, transparent and effective adjudication system is essential to the credibility of the law as a means to protect individuals against lawless acts of private individuals and organizations or the arbitrary use of State authority.

The Institute he went on will be a center for “academic excellence on International law in Sierra Leone and the region and will focus on the promotion of fundamental principles of international law and its progressive development.”

The Chairman said that a strong rule of law, requires a strong foundation and fair and effective application of legal rules, and it also requires strong institutions to develop, support, strengthen and defend legal rules. Ambassador Allieu Kanu added that the fact that the court’s legacy is something it has been concerned about from the very beginning sets the Special Court miles apart from any International court that has come before, and sets the bar very high for those that are coming after it.

He echoed that Special Court is not responsible for the Institute but its presence in the country has greatly contributed to the interest of Sierra Leoneans across the country in International law.

The President of the Institute Justice Abdul Koroma in his statement read by the MC Abdul Rahman Kamara, it was stated that because of the shocking civil war that it endured, the country made and continues to make, notable contributions to the international community’s efforts to curb the illicit trade in small arms and light weapons, efforts to combat the child soldier phenomenon, efforts to regulate and combat the global trade in conflict diamonds and develop credible systems of individual accountability to assist societies transiting from “collective trauma” to “collective peace.”

The aims and objectives of the institute President Kamara said was to “investigate and record our contribution to the development of international law. It also aims at disseminating and advocating respect for international law, particularly human rights and international humanitarian law, with a view to ensuring their respect and preventing their violation as we experienced during the civil war.” The Institute he went on also aspires to work with other institutions of human rights, international humanitarian law, international justice, and members of the country’s civil society to contribute to local and international dialogue, to advance the cause of human rights, justice and international rule of law in Sierra Leone. Justice Bankole Thompson one of the vice presidents of the institute said that the establishment of the institute as an autonomous institution, academic and professional entity can be perceived in a collateral context as the realization of a juristic vision of the architects of the Special Court, as an institution designed to arrest and eradicate the phenomenon of impunity that is now regrettably, the bane of modern civilization.

Sierra Express Media

Tuesday, 28 April 2009

Sierra Leone Civil/Rebel war - Is De Beers accountable under the Alien Tort Claims Act?

Al-Aziz Turay, USA

After reading the Fordham University School of Law/International Law School Journal on a Lexis Nexis' academic document, I came to understand the purpose of this article. There appears to be a finger pointed at "De Beers" a diamond mining and buying company, based in South Africa. De Beers had offices in almost all diamond mining countries in the region of Africa. De Beers is believed to have played a major role in the civil/rebel wars in Sierra Leone, Democratic Republic of Congo, and Angola because they are diamond producing countries.

The article outlined the crimes committed by insurgents in the above mentioned countries such as: torture, killing, raping women and girls in front of their parents or husbands, amputation of limbs and other bodily parts such as female breast, and tongues, conscripted children as rebel fighters, forcing defenseless civilians to eat their feces, burned human beings alive, and of course looted properties and then sold them to unscrupulous buyers, such as De Beers.

Upon finishing the article, I strongly believe that "De Beers" is liable for prosecution under the Alien Tort Claims Act (ATCA), as well as under criminal proceedings for their actions in Sierra Leone. De Beers played a key role in fueling the war through illegal business activities in conflict (blood) diamonds with insurgents group in Sierra Leone. De Beers deliberately and knowingly bought illicit diamonds from those ruthless and un-sympathetic rebel fighters. I believe in one way or the other, De Beers helped the insurgents group to continue committing crimes against humanity by funding those fighters. De Beers helped the rebels to become more sophisticated in human rights violations.

Taking the above acts into consideration, it could be seen that De Beers, aided and abetted those perpetrators of crimes against humanity. Due to these reasons, I believe that De Beers violated law of nations and human rights code of conduct.

In 1998, the United Nations Security Council (UNSC), introduced resolution 1176 in support of resolution 1173. The said resolutions were passed to stop the direct or indirect trade on "conflict (blood) diamonds" from insurgents groups to smugglers. This resolution also mentioned illicit buying companies. Recently, the United Nations reported that De Beers is believed to have been involved in the above practice of illicit buying of "conflict diamonds" from Sierra Leone, Angola, and Democratic Republic of Congo (DRC). The insurgents groups in Sierra Leone (Africa) engaged in illicit mining and selling of diamonds and then used the money to buy weapons to continue torturing and killing innocent peoples in these countries. The plain truth is, had it not been for the illegal diamond sales in exchange for weapons, the war would have finished long ago because the insurgents would not have the money to buy weapons to intimidate and kill their victims (innocent and defenseless people).

The (UNSC) fought hard and imposed a ban on all direct or indirect sales of diamonds from Sierra Leone not officially certified by the democratic government. Despite the request of the United Nations to all countries and business entities, De Beers took this opportunity to become the single source buyer, and then continued to buy "blood diamonds" from the rebels/insurgents. Worst of all, most of these diamonds were looted by rebels from the government and defenseless people. As a matter of fact, knowingly accepting or buying looted items alone, in itself is a crime and a violation of law of nations. With no regard for the U.N. and the people of Sierra Leone, De Beers continued operating in the illegal diamond business. They dealt with the insurgent group because they get those diamonds from the rebels at a very cheap price and then make a huge profit to enrich the company. De Beers did not use legal means to get

the diamonds. It can be clearly shown how they aided and abetted the insurgents and smugglers to cripple the country's wealth (economy), and at the same time exposed its people (citizens) to possible human rights abuses and violations. De Beers directly or indirectly engaged in funding insurgents and smugglers to destroy nations.

De Beers alleged their offices were closed during the war in Sierra Leone. Yes, their offices were physically closed, that is true. However, they had agents buying diamonds for them underground. By aiding I mean: De Beers assisted the insurgent in buying their cheap "blood diamond" in exchange for cash and weapons. By abetting I mean: De Beers with their financial resources, facilitated the Revolutionary United Front (RUF) rebels/insurgents' movement to continue their violation of law of nations. De Beers's efforts and contributions, by direct or indirect funding means prolonged the civil war (human rights violations) in Sierra Leone. The war lasted longer than it supposed to, because the insurgents were getting money and weapons from blood diamond trade with De Beers. During the war eras' in Sierra Leone, little or no legal diamond mining was going on. All mining was done illegally by rebels at that time (1991-2002).

By the meaning and interpretation of the ATCA, I think even without personal jurisdiction, the bottom line is De Beers, in one way or the other, is in violation of human rights code of conduct and would be guilty of crime against humanity as well as law of nations. De Beers funded armed bandits who caused mayhem; they killed innocent people. This company is a guilty party to the civil/rebel wars in Africa.

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Tuesday, 28 April 2009

Sierra Leone: Special Court Wraps Up, But Has Justice Been Done?

Lansana Fofana

On Apr. 8, the UN-backed Special Court for Sierra Leone passed sentences on three former commanders of the Revolutionary United Front (RUF), bringing to an end the trials of militia leaders deemed responsible for atrocities committed during the country's bloody civil war, fought from 1991 to 2002.

Issa Sesay, the interim leader of the RUF after the death of its founder Foday Sankoh, field commander Morris Kallon and chief of security Augustine Gbao were found guilty of war crimes, crimes against humanity and serious violations of international humanitarian law. The three were slammed with a total of 117 years in prison.

In 2008, members of the two other factions involved in the conflict were tried on similar charges. Three leaders of the Armed Forces Revolutionary Council (AFRC) and two from the pro-government Civil Defence Force (CDF) were all found guilty and sentenced to lengthy jail terms.

The court was established in 2003, following an agreement between the government of Sierra Leone and the United Nations, to try "those bearing the greatest responsibility" for horrific crimes committed during the conflict. These crimes included murder, rape, sexual enslavement, conscription of children into armed groups, amputations and burning and looting.

"The people of Sierra Leone can now move forward with their lives and put behind them this dark chapter. They now feel a sense of justice and those who think they can get away with impunity must think twice," commented Herman von Habel, the registrar of the Special Court.

The court may have sent the war criminals to jail but for their victims, the agony still remains.

Fatmata Kamara, had both her legs chopped off by rebel fighters when they invaded the capital Freetown, in January 1999. Ten years after that ghastly incident, she has been permanently condemned to begging for alms on the city's streets. She is supported by her two children, aged 16 and 14, who push her in a wheel chair. Before her amputation, she was a hair-dresser and owned a salon downtown.

"I still remember that fateful day when RUF fighters invaded Kissy [an eastern suburb of the city] and slashed my two legs using blunt machetes and axes. It was a painful and traumatic experience. To date, I still feel the recurring pain and agony," Kamara told IPS.

She is one of hundreds who suffered mutilation of body parts. Thousands more lost their lives and property.

At the end of the war, a Truth and Reconciliation Commission [TRC] was set up to document a proper historic record of the war, why and how it happened and how to prevent its re-occurrence.

The commission recommended national reconciliation and war victims were encouraged to forgive the perpetrators.

However, even after the handing down of sentences, many victims are still bitter. They claim that the ex-combatants have been rehabilitated and given skills training and cash incentives as part of the reconciliation process, while they the victims have been left on their own, languishing in abject poverty.

"I can forgive but not forget. The scars are all over me - an amputated arm and lacerations on my body. And, when I see those who did this to me, moving freely about, my heart races back and I feel even bitter," Jabati Mambu, who plays soccer for the National Amputee team as a way of rebuilding his life, told IPS.

He thinks the sentencing of eight militia commanders, is not enough to restore the dignity of victims, or even make them feel justice. Thousands of ex-combatants roam the streets, with some having been integrated into the national security services. The victims are living as destitutes.

Mambu rants: "It makes no sense to me spending millions of US dollars on the prosecution of eight men, at the Special Court, while we the victims live in squalor. This is unfair."

The court's success at ending impunity and preventing a slip into anarchy, has been strongly challenged by analysts here. The historical conditions that triggered the conflict, in the first place, are very much prevalent today: mass poverty, youth unemployment, regional and tribal divide and pervasive corruption.

Political commentator Joseph Taylor says the fundamental causes of social unrest must first be addressed. "I think the authorities have to improve on governance, end corruption, provide jobs for the youths and deliver social services if we are not to once again revert to conflict."

Another contentious issue has been the question of where the convicted war criminals will serve their sentences. Both the Sierra Leonean authorities and their counterparts in the Special Court, say the country's prisons do not meet the requisite international standards, to keep the convicts. The special court has therefore concluded an agreement with Rwanda to take the prisoners, but the convicts and their counsels insist this is unacceptable.

The defence team for the RUF prisoners says it will appeal this at the appeals chamber of the special court. Its argument is that this would violate the rights of its clients and isolate them from meeting their families, friends and loved ones.

Victims want the prisoners must serve out their sentences here in Sierra Leone, the scene of the crimes. They say the prisoners must serve their sentences in Sierra Leone because taking them away would deprive victims of the satisfaction of seeing their tormentors being punished.

With the trials of the ex-Sierra Leonean militia commanders closed, the Special Court now has only one major case that it is dealing with, that of the former Liberian President, Charles Taylor.

Mr Taylor is facing an 11-count indictment, for war crimes and crimes against humanity, at the Hague. His trial was moved from Sierra Leone because it was feared such an exercise would plunge the region into further chaos and war.

Relevant Links

The ex-Liberian leader is accused of having provided military support, for RUF rebels fighting in Sierra Leone, in exchange for diamonds. Taylor has denied the charges.

The mandate of the court ends in 2010, but it has since been complaining of a shortfall in its budget, to continue the Taylor trial. Its registry announced recently it has secured some funding from contributing countries that would keep it going till end of June, but that more is still needed.

BBC Online

Wednesday, 29 April 2009

Congo ex-rebel 'working with UN'

An indicted war criminal is playing a leading role in the UN mission in the Democratic Republic of Congo, according to documents seen by the BBC.

A Congolese army paper suggests ex-rebel leader Gen Bosco Ntaganda has a major part in the command chain, says a BBC correspondent in the country.

The UN-Congolese force is fighting Hutu rebels in the eastern DR Congo.

The force says Congolese authorities have given assurances that Gen Ntaganda is not involved in joint operations.

Gen Ntaganda - known as "the Terminator" - is wanted by the UN's own war crimes court for alleged forced enrolment of child soldiers in 2002-2003.

'No name'

The BBC's Thomas Fessy in the capital, Kinshasa, has seen an internal Congolese army document, dated 4 April 2009, which refers to Gen Ntaganda as the deputy co-ordinator for the joint mission's operations.

Our correspondent says the paper - which notes that Gen Ntaganda spoke during an operations meeting - proves he is playing a major role in the chain of command.

A high-ranking Congolese army official confirmed the former rebel leader was involved in the operations, describing him as an adviser to the operations commander.

The UN's peacekeeping force in DR Congo, which is known as Monuc, denied the report.

"Monuc has been in very close touch with the Congolese authorities working with the Congolese military," spokesman Kevin Kennedy told the BBC's Network Africa programme.

"A document has been shared with Monuc concerning the command for the operations that Monuc is working on with the FADRC (Congolese national army).

"Bosco Ntaganda's name does not appear on that document, so we have from our Congolese counterparts an assurance that he is not part of the command."



Bosco Ntaganda has been indicted for allegedly recruiting child soldiers

“ Rather than denying or ignoring the role being played by Bosco Ntaganda, the UN should be actively seeking his arrest and transferring him to The Hague ”

Anneke Van Woudenberg
Human Rights Watch

'Head in the sand'

Earlier this year, when the Congolese government said he could be useful in bringing peace to the eastern DR Congo, Monuc said it would not participate in any operation involving an indicted war criminal.

New York-based Human Rights Watch accused Monuc on Wednesday of deliberately ignoring the issue.

"We are very worried by this information and it seems to us that the United Nations is acting like an ostrich with its head in the sand," Anneke Van Woudenberg, the group's senior researcher on DR Congo, told the BBC.

"It's time now this is addressed head on. Rather than denying or ignoring the role being played by Bosco Ntaganda, the UN should be actively seeking his arrest and transferring him to The Hague."

Gen Ntaganda formerly served as chief of staff to Congolese rebel leader Laurent Nkunda in the Tutsi-dominated rebel militia, the Congress for the Defence of the People (CNDP).

But he joined the national army after splitting in January with Gen Nkunda - who was subsequently arrested in Rwanda.

International Criminal Court judges have said that as deputy head of military operations for another rebel militia, Gen Ntaganda was responsible for seven camps where children were trained.

He is also accused of taking part in that group's attacks when the group used child soldiers.

WHO IS BOSCO NTAGANDA?

Known as "the Terminator"

Indicted for war crimes; conscripting children to fight

Ex-ally of rebel chief Thomas

Lubanga, detained at The Hague

Ntaganda refused offer of a Congolese army post in 2004

He joined Gen Nkunda's CNDP two years later

Split and joined Congolese army in January 2009

UN News

Wednesday, 29 April 2009

Nobel laureate launches UN-backed truth commission in Solomon Islands

28 April 2009 – Nobel Peace Prize winner Archbishop Desmond Tutu is set to launch the United Nations-backed Truth and Reconciliation Commission in the Solomon Islands, which will help to bring peace to communities still divided by violence during five years of civil unrest.

“Reconciliation is the number one priority of the government, as it affects the ability of thousands of Solomon Islanders to participate fully in social, cultural and economic life,” said Knut Ostby, the UN Resident Coordinator and Resident Representative designate of the UN Development Programme (UNDP) for Solomon Islands.

The Commission will for the first time provide a forum for victims and perpetrators to speak publicly about the violence that took place from 1998 to 2003, according to a UNDP news release.

The signing of the Townsville Peace Agreement in 2000 and the arrival of the Regional Assistance Mission to the Solomon Islands in 2003 – an international peacekeeping and development mission – brought an end to active conflict and restored law and order.

However, outstanding grievances remain unresolved in a society which still places high value on traditional means of reconciliation over formal judicial proceedings, UNDP stated.

The Commission is an independent body, comprising three national and two international commissioners. It is supported by, among others, the Governments of Solomon Islands, Australia and New Zealand; the European Commission; the International Centre for Transitional Justice; the Office of the High Commissioner for Human Rights; and UNDP.

Archbishop Tutu, who arrived in the capital, Honiara, today to officially launch the new body, is deeply revered in the largely Anglican South Pacific country, both for his role in chairing his own country’s Truth and Reconciliation Commission and for his commitment to promoting human rights and opposing racism.

“We are truly fortunate to have one of the elder statesmen of truth commissions and victims’ rights here to assist with the formal opening of the Solomon Islands Commission,” said Mr. Ostby. “UNDP is proud to support this initiative.”

BBC Online

Wednesday, 29 April 2009

Hariri suspects' release ordered

Four Lebanese generals held over the assassination of former Prime Minister Rafiq Hariri should be freed, a UN tribunal has ruled.

They have been held without charge in Lebanon for four years - but were recently transferred to UN custody.

The decision was eagerly awaited in Lebanon and it was due to be broadcast live on television in the country.

The UN court was set up to try those suspected of being behind the blast which killed Mr Hariri in 2005.

Another 22 people also died in the explosion.

Syria link

The four men in custody were pro-Syrian generals who all held senior positions in the country's security infrastructure.

They were suspected of planning the assassination and carrying out terrorist acts.

They are former head of General Security Maj Gen Jamil al-Sayyad, former chief of police Maj Gen Ali Hajj, former military intelligence chief Brig Gen Raymond Azar and Republican Guard commander Mustafa Hamdan.

The court's Canadian prosecutor, Daniel Bellemare, handed his recommendation on the generals' fate to the court on Monday but his submission has not been made public.

Prosecutors were challenged earlier this month by Belgian pre-trial judge Daniel Franssen to justify their continued detention.

Although the tribunal has decided to free the generals, they can still be indicted at a later stage.

There is widespread suspicion inside and outside Lebanon that Syria was involved in Mr Hariri's killing, though Damascus strongly denies this.

The assassination prompted massive demonstrations, which led to an end of decades of Syrian control over Lebanon.



Mr Hariri was killed in a massive blast in Beirut in February 2005