

**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:

Wednesday, 8 July 2009

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

Local News

4 Years for Taylor Trial / <i>The Torchlight</i>	Page 3
Special Court on Rwandan Prison / <i>Global Times</i>	Page 4

International News

Showcase: The Walls Speak / <i>New York Times</i>	Page 5
Rugunda Has Busy Month in New York / <i>New Vision</i>	Pages 6-7
UNMIL Public Information Office Media Summary / <i>UNMIL</i>	Pages 8-12
House Investigates TRC Report / <i>Star Radio</i>	Page 13
ICC Prosecutor Wants Sudan's Bashir for Genocide / <i>Radio Netherlands Worldwide</i>	Pages 14-15
Appeal on Bashir Genocide Charges / <i>BBC Online</i>	Page 16
New Powers to Prosecute War Criminals Living in UK / <i>The Independent</i>	Pages 17-19
Kenya: I Am Ready to Face the ICC, Declares Raila / <i>Daily Nation</i>	Pages 20-21
Barack Obama's Visit to Africa & the ICC Prosecution of Omar al Bashir... / <i>Maxim News</i>	Pages 22-24

The Torchlight Newspaper
 Wednesday, 8 July 2009

4 Years For Taylor Trial

The trial of former Liberian President Charles Taylor could take up to four more years, if his lawyers call all their witnesses, pro-secutors told judges Monday at a Sierra Leone war crimes tribunal sitting in The Hague.

Taylor is due to begin his defense case next week answering 11 charges of war crimes and crimes against humanity in Sierra Leone.

Taylor will take the stand in his own defense on July 14, a day after his lawyers present their opening statement.

Prosecution trial lawyer Brenda Hollis said at a hearing Monday that Taylor's lawyers have lined up an "excessive" list of 256 potential witnesses.

However, the defense lawyers are not expected to call all the witnesses on their list to testify.

Taylor's lead attorney, Courtenay Griffiths, pointed out that prosecutors listed some 200 witnesses and called 91.

Griffiths told judges he has "no intention of being here another four years."

Taylor is accused of arming and controlling militias from across the border in Liberia, where he held power from 1997 until he was forced into exile in 2003.

An estimated half-million people were killed in Sierra Leone's 1991-2002 war, which was fueled by an illicit diamond trade. Rebels used machetes to maim thousands of victims, chopping

off their hands, legs, lips, ears and breasts.

Taylor's trial started in June 2007 but was suspended for six months after the former president fired his first lawyer and boycotted the hearings.

His lawyers appealed for his acquittal after prosecutors completed their case, but judges rejected the request, saying evidence suggested that Taylor provided arms, ammunition, manpower and finances to Sierra Leone rebels, that he offered them "safe haven and moral encouragement," and that he traded in diamonds for arms. Taylor was arrested in Nigeria in 2006, but his trial was moved to The Hague for fear that his appearance in a courtroom in Africa could re-ignite violence

Global Times
Wednesday, 8 July 2009

Special Court On Rwanda Prisons

By Minkailu Turay

The eight Special Court convicts found guilty for war crimes and crimes against humanity may not serve their sentences in Rwanda contrary to earlier reports in various media outlets in Freetown.

According to the Court's Public Relations Officer

(PRO), Peter Anderson, the Rwandese law dictates that no person will be imprisoned in any part of the country for a period exceeding 20 years and that whosoever is incarcerated in that country for a sentence over twenty years will be immediately released no sooner he or she served the maximum

twenty years. The Special Court PRO said now that some of the convicts carry sentences for periods far exceeding 20 years, the Court will prefer other countries whose law could accommodate them to serve their full terms. He said

Cont. page 9

Special Court On Rwanda Prisons

some convicts are sentenced for more than fifty-five years. The PRO said no sooner the appeal filed by the Defence Counsels is held in October they will transfer the convicts to other countries that offer to receive them not-

ing that, they even do not want to take them to faraway countries like Rwanda because he said they would like their families to be visiting them.

He said the Rwandese prisons are of acceptable standards and concluded that the convicts are all in the Special Court cus-

tody in Freetown safe and sound. The eight convicts include Moinina Fofana and Ali Kondowai of the Kamajor group, Santigie Sesay aka 55, Ibrahim Bazy and Tamba Brima alias Guillit of AFRC and Issa Sesay, Morris Kallon and Augustine Gbao of the RUF.

New York Times
Wednesday, 8 July 2009

Showcase: The Walls Speak

In 2000, a U.N. combat unit entered a deserted village near Shegbwema in eastern Sierra Leone — territory then held by the Revolutionary United Front, a rebel group infamous for its use of child soldiers and widespread amputations. The abandoned buildings were covered with cryptic and deranged drawings. Here and there were sentences, names, questions and statements — all of which made no sense to me at that time. Empty of life, the village was an eerie and suffocating place, and the drawings hinted at a deeper psychosis.

Three years later in neighboring Liberia, I found myself staring at similar drawings and scrawled taglines in the dilapidated frontline town of Tubmanberg, where I lived with the rebels from the Liberians United for Reconciliation and Democracy, a ragtag army of dissidents and young men attempting to overthrow President Charles Taylor.

I started a more deliberate documentation of the graffiti that continued over the next three years. As some of the images reveal, rape and sexual abuse were common in Liberia's violent civil war. Amnesty International estimates that between 60 and 70 percent of the population suffered some form of sexual violence during the conflict. Children became killers, schools were scenes of brutality — society itself had become inverted.

Perched on a hill above the village of Zwordemai in the northern county of Lofa stands a well-built bungalow. The house changed hands on numerous occasions over the course of the war, and was occupied by whichever faction happened to be controlling the area. Bearing more than the usual traces of war, it was obvious that the place had witnessed extreme acts of brutality. Outside, a graffiti tag on the wall stated, "This is love's forces." A local schoolteacher later led me into the forest behind and down into a ravine where she told me hundreds of people had been killed over the years and their bodies dumped. She described one occasion when a long line of young men had been brought past the house, walking together in crocodile formation, with their necks bound by rope.

Mr. Taylor's fighters passed by the house on their way to the town of Foya and across the border to fight in neighboring Sierra Leone. Mr. Taylor had threatened his neighbor that it would taste the bitter fruit of war for harboring dissident rebel groups, and here in this house I found scrawled references to the Revolutionary United Front, which he currently stands accused of having armed and financed. It got me thinking again about the patrol to the abandoned village in Shegbwema where I'd first come across these traces of war.

The New Vision (Uganda)

Monday, 6 July 2009

Rugunda has busy month in New York



Rugunda (centre) addressing the International media recently

By Fortunate Ahimbisibwe

THE United Nations Security Council will this month debate the post-conflict rebuilding of northern Uganda as well as the conflicts in Somalia and Darfur.

Uganda's permanent representative to the UN, Dr. Ruhakana Rugunda, will have a busy month as president of the world's most powerful organ, the Security Council.

According to the UN, this month will be significant because the regional issues of interest to Uganda including Somalia, Sudan and the DRC, will come up for discussion.

Uganda assumed the presidency of the council on July 1.

On July 22, the Council will hold a Thematic Debate on Post-Conflict Peace Building, presided over by foreign minister Sam Kutesa.

The council will consider the Secretary General's report on post-conflict and peace building, according to a statement from the UN.

The council will also be briefed by the Secretary General's Special Envoy for LRA Affected Areas, former Mozambican president Joaquim Chissano on July 15.

Rugunda has already held bilateral meetings with other permanent representatives and council members.

On Thursday, the council will debate the Somalia issue with the intention of highlighting the precarious situation in the country.

On Friday, the council will consider the Secretary General's three month regular report on the DR Congo and activities of the United Nations Organisation Mission in DR Congo (MONUC).

Other issues to be addressed are peace in the Great Lakes region, Chad, Cote D'Ivoire and Sudan,

where the UN has peacekeeping forces.

Rugunda said drug trafficking, especially in West Africa and the Middle East and Lebanon will also be discussed.

The council will be briefed on July 16 by the Prosecutor of the Special Court for Sierra Leone on the work of the court, including the progress of trials like that of former Liberia president Charles Taylor.

Uganda won a non-permanent seat on the UN Security Council earlier this year. It will serve a two-year term, in which it will represent the African region.

UNMIL Public Information Office Media Summary 07 July 2009

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

International Clips on Liberia

Commission: Bar Liberian president from office

Source: AP Online Regional - Africa Date: July 07, 2009

MONROVIA, Liberia_Liberia's truth and reconciliation commission has recommended barring President Ellen Johnson Sirleaf and dozens of other high-profile figures from public office for 30 years for supporting armed groups in the country's civil wars. Sirleaf, 70, acknowledged before the commission in February that she gave up to \$10,000 to a rebel group headed by Charles Taylor. Sirleaf said the money she sent while an expatriate was meant for humanitarian services and that she was never a member of the group, the National Patriotic Front. Taylor is viewed by many as the chief architect of Liberia's civil wars. His men are accused of systematic rape, razing villages, targeted assassinations and cannibalism. He won a much-criticized presidential election in 1997 and led the country for five years, before being forced into exile in 2003 by a different rebel group. Prosecutors in The Hague say that from Liberia he controlled brutal militias in Sierra Leone notorious for grisly slayings and hacking off the limbs of their victims. He faces 11 counts of war crimes and crimes against humanity including murder, terrorism, rape and using child soldiers.

Liberia's leader 'should resign'

BBC Tuesday, 7 July 2009 15:02 UK

Liberia's opposition has called on President Ellen Johnson-Sirleaf to step down after the truth commission said she should be barred from public office. "The presidency has been brought to public disrepute," said Acarious Gray, from former footballer George Weah's Congress for Democratic Change party. However, Information Minister Laurence Brople said Mrs. Johnson-Sirleaf was continuing to work as normal. The commission said she should be barred over her ties to Charles Taylor. Mrs. Johnson-Sirleaf has always admitted that she had backed the former warlord's rebellion 20 years ago. The House of Representatives is due to debate the Truth and Reconciliation Commission's report on Tuesday. The recommendations could become law if parliament, in which the opposition has a majority, decides to adopt them. Mrs. Johnson-Sirleaf defeated Mr. Weah in a run-off in 2005 elections after the end of 14 years of conflict in Liberia.

Opinion Divided On Truth And Reconciliation Findings

Monrovia, Jul 07, 2009 (UN Integrated Regional Information Networks/All Africa Global Media via COMTEX) -- In Liberia public opinion is divided on the recommendations of the Truth and Reconciliation Commission, based on four years of investigations into violations of human rights and humanitarian law during the country's civil conflict. The commission (TRC), which published its recommendations on 1 July, includes President Ellen Johnson Sirleaf among 50 Liberians who should be subject to public sanctions for their association with perpetrators of war crimes. The TRC recommends an amnesty for children involved in armed conflict; institutional reform to promote good governance and human rights; a national mechanism for traditional dispute resolution; and reparations to communities and individuals who suffered in the war.

International Clips on West Africa

Thai diplomat appointed to second term as head of UN trade agency

New York_(dpa) _ The United Nations General Assembly on Monday confirmed Supachai Panitshpakdi of Thailand as head of the UN Conference on Trade and Development (UNCTAD) for a second, four-year term. The new term begins on September 1 for Supachai, who was Thailand's deputy prime minister and minister for commerce before he became secretary general of the World Trade Organization (WTO) in Geneva from 2002 to 2005. He became head of UNCTAD in 2005 after leaving WTO. He was recommended by UN Secretary General Ban Ki-moon to serve a second term at the Geneva-based UNCTAD. However, Supachai's confirmation for a second term did not go smoothly. Ivory Coast had fielded a candidate, who failed to get support from the 192-nation assembly. Ivory Coast criticized the selection process for the post as unfair to Africa, which demanded a balanced regional representation in UNCTAD.

Local Media – Newspaper

“Principal” Signatories to CPA Reject TRC Report

(The Inquirer, Daily Observer, The Analyst, New Democrat, The News)

- “Principal” signatories to the Comprehensive Peace Agreement (CPA) have officially rejected the TRC final report.
- The signatories said the report falls short of the mission of the CPA and described it as anti-peace.
- They said the TRC was intended to help forge peace, stability, healing and national reconciliation amongst Liberians and not prosecution.
- According to the signatories, the TRC failed to follow its mandate but chose to pursue its personal agenda.
- The group’s statement was read by the leader of the defunct Movement for Democracy in Liberia (MODEL), Thomas Yaya Nimely.
- However, the former warring faction leaders said the TRC report would in no way constrain them to go back to war.
- They called on the Legislature and the Supreme Court to review the TRC report and take the necessary actions to move the country forward.

Presidential Press Secretary Say TRC Report Not “Law & Gospel”

(The News, Daily Observer, National Chronicle, Heritage, Inquirer)

- Presidential Press Secretary Cyrus Badio says the final report of the Truth and Reconciliation Commission (TRC) is not “law and gospel”.
- The report recommends barring President Ellen Johnson Sirleaf from holding public office for 30 years because of her alleged support of the war.
- Mr. Badio said the Executive Mansion had received the over 300-page document and was reviewing its contents.
- Meanwhile, the National Chronicle quotes President Sirleaf as saying that she would not comment on the report.

U.S. Concern over Senator Johnson's “Threat” of War

(Daily Observer, New Democrat)

- The United States Government has expressed concern over what they call continuous “threats” made by Senator Prince Johnson, relative to the recommendations contained in the Truth and Reconciliation Commission's (TRC) final report.
- The U.S. government's concern was expressed during a visit to Senator Johnson by U.S. Ambassador to Liberia, Linda Thomas-Greenfield.
- The TRC recommends prosecution for Senator Johnson who headed the defunct rebel Independent National Patriotic Front of Liberia (INPFL).

- Ambassador Greenfield said during the meeting Senator Johnson clarified that at no time did he threaten to destabilize Liberia again.

SSS Warns Against Intrusion into Presidential Convoy

(The Inquirer, The Analyst, The News, Daily Observer)

- The Special Security Service (SSS) says it would arrest and forward for investigation anyone found intruding in the Presidential convoy.
- In a release the SSS described as unacceptable the “constant” act of private and commercial vehicles joining the convoy without authorization.
- The Presidential Security guard said the act has the potential to put the lives of the President and members of her family in danger, something it cannot condone.
- The SSS wants all vehicles including those of the United Nations to yield to the constitutional right-of-way given the Presidential convoy.

Police Arrest Nine Suspected Armed Robbers

(Heritage, The News)

- Police in Monrovia have arrested nine suspected armed robbers.
- According to police spokesman George Bardue, the men were arrested early Sunday morning following a tip-off by police intelligence.
- Eight of the suspects were arrested in the Duport road community while one of them, a Nigerian named Sunny Egai was arrested in the Congo Town area with two single barrel pistols and five live bullets. The men are currently in police custody pending investigation.

House to Debate TRC Report Today

(Heritage, The News)

- The House of Representatives will today begin discussions on the final report of the Truth and Reconciliation Commission of Liberia (TRC).
- In an interview, House Speaker Alex Tyler said the TRC final report would be put on the floor of the body as part of the usual legislative proceedings.
- Speaker Tyler said the TRC report was formally submitted to the Lower House late last Thursday.
- Already, opposing views are emerging at the Legislature on the report which recommends prosecution of some lawmakers.
- In another development, the House says discussions into the draft budget would continue this week despite the holding of a special session to pass the bill.

TRC Chairman Says More Names to Be Added on TRC List

(The Inquirer)

- The Truth and Reconciliation Commission says it would as of tomorrow begin editing the Commission’s final report and there is a possibility of adding other names to those recommended for prosecution and public sanctions.
- The TRC last Thursday released a list of individuals including high-profile personalities it recommended for prosecution and barring from public office for 30 years for supporting armed groups during the civil war.

General Assembly Approves over US\$585M for UNMIL

(Inquirer)

- The U.N. General Assembly has passed resolution A/63/903 adopting the approval of US\$585 million for UNMIL for the period 1 July 2009-30 June 2010.

Local Media – Star Radio (*culled from website today at 09:00 am*)

House to Discuss TRC Report Today

(Also reported on Sky F.M., Truth F.M. and ELBC)

“Principal” Signatories to CPA Reject TRC Report

(Also reported on Sky F.M., Truth F.M. and ELBC)

U.S. Ambassador Concern Over “Threats” Of War by Senator Prince Johnson

(Also reported on Sky F.M., Truth F.M. and ELBC)

Youth group calls for audit of TRC activities

- The Coalition of Political Party Youth has recommended a forensic audit of the leadership of the Truth and Reconciliation Commission.
- The Youth group believes the TRC needs to be audited in order to account for funds entrusted to the Commission during its tenure.
- In an interview, the President of the group, Daniel Fassah said the audit will determine whether or not public funds were misapplied in the conduct of the Commission’s work.
- Mr. Fassah also wants the Senate to refrain from further approval of funds to the defunct TRC pending the conclusion of the proposed audit.

Transitional Justice Working Group Describes TRC Report as Significant Step

- The Transitional Justice Working Group says the Truth and Reconciliation Commission’s final report marks a significant step in fulfilling its mandate.
- In a release, the group called on all stakeholders in the society to carefully read the report and begin a constructive debate on its conclusions.
- The Transitional Justice Working Group said responses to the TRC final report need to be responsible and not reactionary.
- The group hopes government would fast track the reconstitution and operation of the Independent Human Rights Commission that would replace the TRC.
- According to the group, the commission would ensure the TRC recommendations are implemented.
- The Transitional Justice Working Group is a coalition of civil society organizations working on various programs of transitional justice.

(Also reported on Sky F.M., Truth F.M. and ELBC)

SSS Warns Against Intrusion of Presidential Convoy

(Also reported on Sky F.M., Truth F.M. and ELBC)

DEA Wants Anti-Drug Trafficking Law Crafted

- The Drug Enforcement Agency (DEA) says the lack of an anti-drug trafficking law in the country is hindering the progress of the agency.
- In an interview, DEA Executive Director James Jaddah said the lack of a drug law was aiding the proliferation of harmful drug substances in Liberia.
- Mr. Jaddah called on the Legislature to swiftly pass the drug law of the country saying it would serve as a deterrent to would-be traffickers.

Gunmen Raid Popo Beach Community

- Gunmen believed to be officers of the Emergency Response Unit have raided several fishermen and business women in the Popo Beach area.
- The victims claimed the seven men were dressed in ERU uniforms and used an ERU pickup during the attack.
- They reported the loss of nearly LD\$15,000 and several other items.
- But Police Spokesman, George Bardue said the police was yet to receive any complaint on the issue and could not comment.

Police Arrest Nine Suspected Armed Robbers

Truth F.M. *(News monitored today at 10:00 am)*

President Johnson Sirleaf Meets Lorplay Residents

- Speaking to a gathering of elders and residents of Lorplay town in Nimba County, President Ellen Johnson Sirleaf said her commitment to the development of Liberia remains strong and unwavering.
- The residents thanked President Sirleaf for constructing the R & J Wilson Maternity Clinic in Lorplay Town in 2001 saying it has addressed their health needs.
- The project was funded by Measuagon, a non-governmental organization founded by the President several years ago which has undertaken development projects around the country.

* * * *

Star Radio

Tuesday, 7 July 2009

House investigates TRC report

Written by Julius Kanubah

The House of Representatives has ordered an investigation into the final report of the Truth and Reconciliation Commission submitted to the body.

In its sitting Tuesday, the House mandated its Peace and Reconciliation Committee to conduct the investigation for two weeks.

The House also announced a seven member panel to work with the Peace and Reconciliation Committee to examine the TRC final report.

The Committee and panel would review the TRC final report and the dissenting opinions filed by Commissioners Pearl Browne Bull and Kafumbah Konneh.

The decision of the House followed the formal reading of the letters accompanying the TRC final report to the Legislature.

Attempts by some lawmakers to reject the TRC final report on the basis that it was unedited were rejected.

The TRC stated in its letter that the report presented to the Legislature was unedited pending the printing of the official edited report.

However, the Commission said the content of the unedited report presented to the Legislature would not be changed.

Radio Netherlands Worldwide

Tuesday, 7 July 2009

ICC prosecutor wants Sudan's Bashir for genocide

By International Justice Desk



Khartoum , Sudan

The prosecutor at the International Criminal Court (ICC) says he has enough evidence to broaden the indictment of Omar al Bashir. He says he can also prove that Sudan's president committed genocide.

Luis Moreno Ocampo urged the ICC's appeals chamber to "determine that there are reasonable grounds to believe that president al Bashir is criminally responsible for the three counts of genocide."

Bashir already faces an ICC arrest warrant for war crimes and crimes against humanity, but the African Union (AU) has said on Friday it would not cooperate with that warrant and again appealed to the United Nations to delay the case.

"The prosecution submitted detailed evidence on the mobilisation and use of the entire Sudanese state apparatus for the purpose of destroying a substantial part of the Fur, Masalit and Zaghawa ethnic groups in the entire region of Darfur during more than six years," Ocampo says.

He urged the appeals chamber to "correct the error" of omitting the genocide counts against Bashir and to remand the case back to the ICC's pre-trial chamber in The Hague.

The initial arrest warrant issued against Bashir for war crimes and crimes against humanity in the western Darfur region between 2003 and 2005 was issued on March 4.

On that occasion the prosecutor implicated the Sudanese leader in the deaths of 35,000 people.

On Tuesday, the prosecutor detailed more evidence to "prove the genocidal intentions of al Bashir."

Bashir has defied the previous arrest warrant by traveling to nations that are not signatories to the world's first permanent war crimes tribunal, before attending last week's AU summit in Sirte, Libya.

Thirty African states have signed the Rome statute creating the court, and have treaty obligations to arrest Bashir if he travels on their territory.

But the AU last week backed Libyan leader and current AU chief Moamer Kadhafi, who said the ICC represented a "new world terrorism" and won support from many countries who felt the court was unfairly targeting Africans.

The United Nations (UN) says up to 300,000 people have died and 2.7 million have fled their homes since rebels in Darfur rose up against Khartoum in February 2003.

Sudan's government says 10,000 have been killed.

BBC Online

Tuesday, 7 July 2009

Appeal on Bashir genocide charges

Prosecutors at the International Criminal Court (ICC) have appealed against the judges' decision not to indict Sudan's president for genocide.

The judges in March said there was insufficient evidence to support the three charges of genocide in Darfur.

However they issued an arrest warrant for Omar al-Bashir on charges of war crimes and crimes against humanity.

The ICC chief prosecutor is in Ethiopia for talks with the African Union, which says Mr Bashir should not be charged.

At the AU summit last week, African leaders said their request to the UN Security Council to delay Mr Bashir's indictment had been ignored, so they would not help arrest Sudan's leader.

ICC chief prosecutor Luis Moreno-Ocampo, who is pushing for the genocide charges, is on the first leg of a trip to Africa that will also take him to eastern Democratic Republic of Congo.

In his appeal lodged on Monday, it said the prosecution had "submitted detailed evidence on the mobilisation and use of the entire Sudanese state apparatus for the purpose of destroying a substantial part of the Fur, Masalit and Zaghawa ethnic groups in the entire region of Darfur during more than six years".

Mr Bashir has denied all the prosecution's allegations, saying the state has a responsibility to fight rebels who took up arms in Darfur in 2003.

The UN says 300,000 people have died and more than two million fled their homes in that time.

The war crimes court, based in The Hague, has already issued two arrest warrants - in 2007 - for Sudanese Humanitarian Affairs Minister Ahmed Haroun and the Janjaweed militia leader Ali Abdul Rahman.

Sudan has refused to hand them over.

Mr Moreno-Ocampo has also requested warrants for three Darfur rebel commanders.



Omar al-Bashir says the charges reflect Western hostility towards Sudan

ICC's BASHIR CHARGE SHEET

War crimes:

Intentionally directing attacks against civilians
Pillaging

Crimes against humanity:

Murder
Extermination
Forcible transfer
Torture
Rape

ICC indictment

[Sudan rebels 'use Chad's camps'](#)

The Independent (UK)

Wednesday, 8 July 2009

New powers to prosecute war criminals living in UK

Four Rwandans suspected of genocide may face UK trials after loophole is closed

By Cahal Milmo, Chief Reporter



GETTY IMAGES

Vincent Bajinya, who is also known as Doctor Vincent Brown, Celestin Ugirashebuja and Emmanuel Nteziryayo were arrested in Britain 28 December 2006 after being accused of involvement in the 1994 Rwandan genocide.

Suspected mass murderers and war crimes suspects living in Britain, including four men accused of taking part in the Rwandan genocide, will face prosecution for the first time after the Government announced the closure of a loophole which had made the United Kingdom a haven from justice.

The Justice Secretary Jack Straw unveiled the biggest change in British laws covering crimes against humanity in 20 years, following an outcry over a High Court decision in April not to send four Rwandans resident in the UK back to their home country to face prosecution.

Under the proposals, the law which bars charges relating to any war crime, act of genocide or crime against humanity committed before 2001 will be changed to allow prosecutions for atrocities committed since 1 January 1991, including the Balkan wars and the 1994 conflict in Rwanda, in which 800,000 people were systematically exterminated.

Mr Straw said the change, which will be put before Parliament in the autumn, could lead to "tens" of alleged war criminals and "genocidaires" who have gained British passports or are resident in the UK facing trial in this country.

Anti-genocide campaigners last month unveiled evidence that at least 18 suspects have been using the loophole to live with impunity in Britain, including an alleged torturer from Robert Mugabe's Zimbabwean regime, a suspected member of a notoriously cruel group of fighters in Sierra Leone and an Afghan police chief accused of commissioning torture.

Gordon Brown, who was hosting the Rwandan President Paul Kagame at Downing Street, said the proposals meant the "message to anyone suspected of genocide now living in the UK is simple: your time is up. You may have run from responsibility, but you can no longer hide from justice".

The most significant change in legislation allowing prosecution for atrocities committed outside British borders since the 1991 War Crimes Act, it will lead to calls for the re-establishment of a specialist Scotland Yard unit to investigate genocide suspects.

The Aegis Trust, which campaigns against genocide, reported last month that about 300 people suspected of war crimes or genocide trying to enter Britain had been referred for further investigation since 2004 but only 22 cases had been handed to the police.

Among the first likely to be considered for prosecution in the UK will be the four Rwandans – Vincent Bajinya, Celestin Ugirashebuja, Charles Munyaneza and Emmanuel Nteziryayo – arrested in 2006 at their homes across Britain on suspicion of playing key roles in the genocide of Tutsis and moderate Hutus in 1994. All four denied wrongdoing. Mr Ugirashebuja was detained after he was traced by The Independent to Walton-on-the-Naze in Essex, where had been living with his wife since 2000, finding employment as a care worker and becoming a stalwart of his local Anglican church.

A decision by the then-Home Secretary Jacqui Smith to allow the extraditions was thrown out by the High Court in April after judges ruled there was "a real risk they would suffer a flagrant denial of justice" if returned to Rwanda.

That ruling, announced on the 15th anniversary of the start of the genocide, sparked calls for urgent reform after critics said it confirmed Britain's status as a "safe haven" from justice because suspects could neither be sent home to face trial nor face prosecution in the UK for any offence pre-dating 2001.

Mr Straw said: "It's extremely important that a strong and principled message goes out that there are not going to be any safe havens for people who have committed these kinds of crimes."

There was concern that the Government had not gone far enough: it refused to change the law so that the mere "presence" of a suspect on British soil, visiting on holiday or for business, was sufficient grounds for arrest and prosecution.

Redress, which campaigns against torture, said visitors to the UK such as Felicien Kabuga, the alleged chief financier of the Rwandan genocide, and Chucky Taylor, the son of the former president of Liberia Charles Taylor and an alleged torturer, will still slip through the net.

The Rwandan Four: Fugitives from justice?

Vincent Bajinya, 48

The most senior of the alleged Rwandan "genocidaires", Dr Bajinya is rated as a "category one" offender by the Kigali authorities. He is accused of organising the murderous Interahamwe militias and manning road blocks where hundreds of Tutsis were hacked to death with machetes. A medical doctor, he came to Britain and began working for a charity in London helping victims of torture. After gaining British citizenship, he changed his name to Vincent Brown.

Celestin Ugirashebuja, 56

The care worker from Walton-on-the-Naze, Essex, is accused of having been a "bourgmestre" or local mayor in the rural commune of Kigoma. In 1994, he allegedly chaired meetings in which he exhorted the killing of Tutsis. At one village he is accused of using his authority to persuade Tutsi residents to return home, after which they were all slaughtered.

Charles Munyaneza, 51

The cleaner from Bedford is accused of organising the training of Interahamwe militias in his commune in southern Rwanda. When the genocide began, he allegedly used his role as bourgmestre to set up and supervise road blocks where Tutsis were stopped. Once the Tutsis were identified from their identity cards there were led off to be killed by Interahamwe.

Emmanuel Nteziryayo, 51

The jobless father-of-five, who lives in Manchester, was accused of handing out weapons and overseeing roadblocks in Mudasomwa commune, where he was bourgmestre. Prosecution files claim he once drove Tutsis to a police station to be killed. He claimed asylum when he arrived in Britain and was granted leave to remain.

Daily Nation (Kenya)

Tuesday, 7 July 2009

Kenya: I Am Ready to Face the ICC, Declares Raila

Lucas Barasa

Nairobi — Prime Minister Raila Odinga has declared that he is ready to face the International Criminal Court as debate on where poll chaos architects should be tried heightened.

Speaking in London, on his way home from Germany, Mr Odinga said he had no problem explaining to the ICC whatever it wanted to know.

"We have not been involved in any kind of criminal activity. We want to put these things behind us. There's too much speculation," Mr Odinga told NTV in an interview.

Mr Odinga and President Kibaki have been pushing for a special local tribunal to try the suspects as recommended by the Waki report.

But Parliament has already shot down a Bill that would have seen the establishment of the tribunal. If other attempts to have a local tribunal fail, then the secret list of key suspects will be forwarded to the ICC for action.

On Sunday, our sister paper, the Sunday Nation, reported that even if President Kibaki and Mr Odinga are not on the list of suspects, the ICC could still call them to account for atrocities committed during the post-election violence.

The ICC chief prosecutor, Mr Luis Moreno-Ocampo, could task the two leaders to explain what they knew about the violence that left more than 1,300 people dead and more than 600,000 displaced, and what they did to stop it.

This would be under the principle that those in position of ultimate authority bear responsibility for the actions of their juniors.

The majority of MPs from both sides of the political divide, including some key Cabinet ministers such as Mr William Ruto, have publicly voiced opposition to a local tribunal and instead proposed that the suspects be tried at The Hague.

The MPs argue that local trials would be subject to manipulation.

The ICC law, to which Kenya is a signatory, states: "A superior shall be criminally responsible for crimes within the jurisdiction of the court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates."

It is this law that attracted attention from some countries at the African Union Heads of State summit last week. African leaders were annoyed by the warrant of arrest issued by the ICC against Sudanese President Omar al-Bashir.

On Tuesday, Mr Odinga, who spoke to NTV reporter Joe Ageyo, also discounted reports that Kenya had been given an extension to establish a local tribunal.

He said the Kenyan Government has a responsibility to deal with post-election violence issues, adding that "if we do not move forward the ICC will come in".

The PM said if the government does not deal with the issues, the ICC will come in without reference to time limit.

Last Friday, it was reported that the ICC prosecutor gave Kenya 12 months to set up a special tribunal, saying his was a court of last resort.

A statement released after a meeting of Kenyan ministers and Mr Moreno-Ocampo said: "If there is no parliamentary agreement, and in accordance with the Kenya Government's commitment to end impunity of those responsible for the most serious crimes, the Government of Kenya will refer the situation to the prosecutor in accordance with Article 14 of the Rome Statute."

On Tuesday, Imenti Central MP Gitobu Imanyara criticised an agreement between the government and Mr Moreno-Ocampo that instead of the envisaged special tribunal, suspects could be subjected to the Truth, Justice and Reconciliation Commission or tried by a special division of the High Court.

Mr Imanyara said MPs will oppose the move. "The government had an opportunity at an early stage but rejected it. It is too late for it to now seek an alternative," he said.

Mr Imanyara said MPs wanted the perpetrators to be tried at ICC because the option was contained in the Waki report.

He said the government rejected proposals for the establishment tribunals modelled on the Sierra Leone and Arusha-based Rwanda tribunals.

Mr Imanyara cited the rot in the judiciary and arrests of wrong people following the Kiambaa killings as a sign that Kenya was not ready to try the suspects locally.

Separately, Gachoka MP Mutava Musyimi said Parliament was not the sole repository of wisdom and called for broad consultations to agree on where the suspects should be tried.

"While discussion must take place among political leaders, there is value in consulting other sectors of society and tapping into their experience and wisdom," he said and called on the parliamentary committee on legal affairs to lead the process.

He said voting for the defeated special tribunal Bill in February was done before consultations.

However, German ambassador Walter Lindner supported the local tribunal. He said the process will not be manipulated as the international community will be involved.

According to the International Centre for Policy and Conflict (ICPC) executive director Ndung'u Wainaina, the government is unwilling or unable to bring to justice perpetrators of post-election violence to eradicate widespread impunity.

Last minute

The government, he said, had six months after the defeat of the special tribunal Bill to hold meaningful consultations and come up with a new legal framework for a credible tribunal.

"Instead of doing so, it has waited until the last minute to seek extension of time allocated to enact the tribunal." We urge Mr Annan and the ICC to send a strong message to the government that impunity will not be tolerated," he said.

Maxim News

Tuesday, 7 July 2009

Barack Obama's visit to Africa & the ICC Prosecution of Omar al Bashir of Sudan

By James a. Goldston, Open Society Justice Initiative:



JAMES A. GOLDSTON is the Executive Director of the Open Society Justice Initiative. In 2007-2008, Goldston served as Coordinator of Prosecutions and Senior Trial Attorney at the Office of the Prosecutor of the International Criminal Court in The Hague.

UNITED NATIONS - / Maxims News Network - Barack Obama's visit to Ghana Friday—his first to Africa as President—comes as the continent is seething over the International Criminal Court's indictment of President Omar Al Bashir of Sudan for crimes in Darfur. By quashing rumors that the United States may be waffling in its support of the Bashir prosecution, President Obama can do in Africa what he has done so successfully in Europe and the Middle East—use his personal popularity to recapture the moral high ground for U.S. foreign policy.

A decade after it was created, and still on its first trial, the International Criminal Court is under siege. Muammar Qaddafi, who currently heads the African Union, calls the charges against President Bashir “First World terrorism.”

Last week, an African Union summit refused to cooperate in the arrest of “African indicted personalities” unless the United Nations Security Council deferred Bashir's case. And for the first time several of the court's African member countries have seriously floated the possibility of withdrawing.

Some see double standards and neocolonialism in the court's exclusive focus on Africa to date. Many have trouble accepting that a court they played a role in creating may act independently. Others blame the prosecutor for allowing politics to infect his decisions.

But the main source of discontent is clear: fear that an international court may indict a head of state and get away with it.

The court's issuance of an arrest warrant threatens other political and military commanders who have committed crimes.

It also injects a new and uncertain element into the already complex dynamics of peace negotiations and conflict resolution.

Although the current crisis has emerged in Africa, these concerns extend well beyond the continent.

A Russian diplomat has criticized the Bashir warrant as “untimely” and “dangerous.” China has issued cautionary warnings about the impact on regional stability. We have been down this road before. The indictment of President Slobodan Milosevic in 1999 by an international tribunal brought threats of destabilization and defiance.

But two years later the Kosovo war had ended and Milosevic was on trial in The Hague. When, in 2003, the UN-backed Special Court for Sierra Leone brought charges against former Liberian president Charles Taylor, many predicted mayhem in West Africa.

Within three years, Taylor was in custody, and today Liberia has a peaceful, democratic government.

We don’t know how long it will be, if ever, before the International Criminal

Court gets its man. President Al-Bashir is doing all he can to thumb his nose at the court, including traveling freely to neighboring countries.

But there is no justification at present for staying the court’s proceedings—no convincing evidence that prosecution directly threatens peace, that deferral would do much to change the current situation, or that Sudan is able and willing to prosecute its own president.

Furthermore, proponents of deferral have yet to explain how victims of ongoing crimes in Darfur—and witnesses who risked their lives to provide evidence—will be helped by continued impunity for perpetrators.

The UN Security Council may well need to go further than simply standing pat. In the event of further intransigence, measures to enforce the court’s writ, such as freezing assets, banning travel, and imposing a no-fly zone should be considered.

The Security Council is only as strong as its five veto-wielding permanent members. With China and Russia opposed, Britain debilitated by political scandal, and France uncertain, much rests on the United States.

In recent weeks, opponents of the court have been fortified by reports that even the United States may be wavering in its prior refusal to countenance Article 16 deferral under the court’s founding statute.

President Obama should make clear in Ghana that such reports have no basis.

It may seem strange for the United States—long hostile to the International Criminal Court, and still not a member—to defend the indictment of President Bashir.

But Washington has a strategic interest in fostering accountability for mass atrocities, particularly in regions of political instability. Even those who question the court see the value of punishing the sponsors of what Congress has termed “genocide” in Darfur.

President Obama’s family history, personal magnetism, and world standing make him uniquely qualified to

clarify that the fight over the International Criminal Court in Darfur is less about Africa than about the world's commitment to end impunity everywhere.

And there is no better place to say so than in Africa itself.

By voicing public support for the court's warrants, President Obama can stiffen the resolve of wavering states and further refurbish Washington's image as a leader in the struggle for justice.

Labels: James A. Goldston, Open Society Justice Initiative, Coordinator of Prosecutions, Senior Trial Attorney, Office of the Prosecutor, International Criminal Court, The Hague, President Barack Obama, Trip to Africa, Sudan, president Omar Al Bashir, Muammar Qaddafi, U.S. foreign policy, Security Council, United Nations, MaximsNews Network, U.N.,