

**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:**

Friday, 18 December 2009

Press clips are produced Monday through Friday.
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The Torchlight Online

Friday, 18 December 2009

The Special Court: So who bears the Greatest Responsibility?

Written by Administrator

By Lans Gberie

I return to my favourite court...

This month's edition of *New African*, a magazine for which I write, carried an enthusiastic report about the International Criminal Court's (ICC) Chief Prosecutor, Luis Moreno-Ocampo's visit to Kenya, where he promised to open investigations into electoral violence in that country a couple of years ago, which could lead to ICC prosecutions. I have always found the debate about the ICC's focus on Africa rather sterile; I support the targeting of the horrible African tyrants and warlords over and above tyrants in other continents, full stop. But I think that Moreno-Ocampo's Kenyan step, entirely pushed by the Obama administration, should be opposed, not only because it would amount to a decisive intervention into Kenya's electoral process – it almost certainly will lead to the disqualification, by a non-Kenyan judicial institution, of key politicians in Kenya – but also because by expanding the ICC's frontiers of anxiety so irresponsibly, Ocampo will finally succeed in killing all enthusiasm for it. Kenyans who have gone all misty-eyed about the prospect of such prosecutions should follow carefully the expensive charade that has passed for international prosecution in Sierra Leone.

The Court was set up, as everyone knows, to try those judged to bear the "greatest responsibility" for the 'rebel' war in Sierra Leone, which killed some 70,000 people or more. It took far longer than expected, and spent far more money than originally budgeted, but it did finalise judgment on eight people it has been trying. I recently buried myself into the thousands of pages of documents and, alas, found a great deal that I knew already but did not find much of what I was looking for. For a start, the fetish phrase, "greatest responsibility", is absent. Well, you may say, there still remains the trial of Charles Taylor, Liberia's former President, said to have been the Godfather of the RUF. But in his trial, as in those of the eight Sierra Leoneans already convicted, the court is not stressing this talismanic notion, for it implies that politics may after-all have been an issue. Instead, the proceedings of the court and its judgments have stressed another very problematic catch-all refrain: 'joint criminal enterprise.' This clumsy linguistic contrivance – which has its provenance in, among others, the World Bank's (influenced by Paul Collier) view that wars in poor countries are driven by desires for criminal economic gain rather than politics – has been clearly meant to de-legitimize leaders of violent groups, depoliticising their actions by labelling it criminal and dismissing any political pretence. This approach was initially tried in the CDF trials but its absurdity was so obvious to the judges that it had to be abandoned, and focus was then made on recruitment of child soldiers and other related acts. In the trials of the RUF and AFRC members, however, 'joint criminality' was evoked over and over, sometimes in contradictory ways. The joint or consolidated indictments are sobering.

The RUF accused, Issa Hassan Sesay, Morris Kallon and Augustine Gbao; and the AFRC accused Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu "shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise." The joint criminal enterprise, the indictment read, "included gaining and exercising control over the population of Sierra Leone in order to prevent or minimize resistance to their geographic control, and to use members of the population to provide support to the members of the joint criminal enterprise. The crimes alleged in this Indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise."

The proceedings in the RUF trials ran from 5 July 2004 to 24 June 2008, with 85 prosecution witnesses appearing. The case file ran to 32,096 pages, excluding the transcripts recorded of the proceedings of the 308 days of trial.

In the judgment, Issa Sesay, who was recruited when a teenage street-side vendor of cheap goods in Abidjan, Ivory Coast, in the early stages of the war, but who was then made by the UN (after the arrest of Sankoh) to become the RUF's "Interim Leader", was found to have "significantly contributed to the joint criminal enterprise through his membership and participation in Supreme Council and his attendance at its meetings; through his position and authority within the RUF; his personal acts against suspected collaborators; his engagement in and planning of diamond mining in Kenema District; and other conduct that ensured the personnel and fundraising of the AFRC/RUF alliance." He was convicted. When I first met Sesay in 1996, during the first peace talks, he was a shy young man acting as bodyguard to Foday Sankoh. Morris Kallon, virtually unknown throughout the war, was also unanimously found guilty of the same offences.

Difficulty arose with respect to Augustine Gbao. I had met Gbao several times during the disarmament process in 2000-2001. An elderly former police officer who was recruited into the RUF when his post was overrun by the RUF, Gbao is teetotal, though a British officer had written that he saw him drunk assaulting UN troops (this account probably influenced Gbao's indictment). The majority of the judges, with Canadian Judge Pierre Boutet dissenting, found that Gbao "in his role as ideology trainer for the RUF fighters significantly contributed to the [Joint Criminal Enterprise], as the leadership of the RUF relied on the RUF ideology to ensure and to enforce the discipline and obedience of its forces to the RUF hierarchy and its orders, this being a factor which contributed to the furtherance of the Joint Criminal Enterprise." Now ponder this for a moment: the RUF was guided by ideology, in other words, politics played a role, after-all. The judges argued "holding a revolutionary idea or an ideology to change a system, as the RUF and Gbao did in this case, does not, per se, amount to or constitute a crime. However, the Majority is of the opinion that where the evidence establishes that there is a criminal nexus between such an ideology and the crimes that have been committed and charged, and that the ideology contributed to, motivated or encouraged their commission, the perpetrators, including Gbao the Ideologist, should be held criminally accountable under the rubric of a joint criminal enterprise for the crimes so alleged in the Indictment." This obviously tortuous sentence cannot shield the fact that by stressing the RUF's ideology, the court undermined its own argument which sought to depoliticise the war and depict it as purely criminal.

The court also ruled that the joining of the AFRC with the RUF after the coup of 1997 constituted Joint Criminal Enterprise and that this "continued to exist for a period of time during which AFRC and RUF forces had control over" the diamond district of Kono. In the process, the joint forces committed crimes, including the killing of civilians, rape, sexual slavery, forced marriages and looting and burning of property. There was a significant disagreement among the judges about when this 'joint criminality' ended – was it before or after the January 1999 attacks on Freetown? – but all six accused were found guilty and sentenced to long jail terms. They are now in jail in Rwanda.

Perhaps the verdict in the ongoing Taylor trial will make a difference, but the conclusion to be drawn from all the other trials relating to the war in Sierra Leone is unavoidable: by netting only minor figures during the war, victim satisfaction remains moot; and by so doing completely restricting its inquiry to 'joint criminality', the court constrained itself to a very limited timeframe, thus failing to account for the bigger picture of the war, and therefore contributed very little to the historical record. In the final analysis, the judgments so far read like a rather copious and uneasy footnote to the definitive TRC report of 2004. EXTRACT: Perhaps the verdict in the ongoing Taylor trial will make a difference, but the conclusion to be drawn from all the other trials relating to the war in Sierra Leone is unavoidable: by netting only minor figures during the war, victim satisfaction remains moot

The Exclusive
Friday, 18 December 2009

Guinea Shooter In Town

Lt. Toumba Diakita, the Guinean soldier who reportedly shut the Guinean Junta

Continued page 2

Guinea Shooter In Town

From front page

leader, Capt. Dadis Camara is in Freetown; The Exclusive has been reliably informed.

His current location in town and his mission here has not been confirmed but if information reaching this press is anything to by, his purpose of coming to Sierra Leone is to, among other things, wait for the proposed ECOMOG troop which is expected to base in the country for the Guinea mission.

It could be recalled that there was blood letting in the Stadium of Guinea's capital city,

Conakry when defenceless civilians protested against the Junta leader's pronouncement that he was going to contest the Presidential election of the country. That event saw the indiscriminate killing of some 150 defenceless civilians, more than a thousand injured and many women raped.

Lt. Diakite was held responsible for such an inhuman act as he was accused of leading and ordering the gunmen.

Bitter over such an allegation, he reportedly pulled his trigger at the Junta Leader who in

the wake, incurred serious injury and was flown to Morocco for medical attention.

The situation since, had become volatile hence the call for the intervention of the regional Peacekeeping Force - ECOMOC.

Diakite's visit to Sierra Leone and the proposed ECOMOG base in the country has been received with mixed feelings by members of the public as according to many, it has some security implications and ramifications.

*Also read this story on
www.exclusivepress.net*

Reuters

Friday, 18 December 2009

UN council exempts Liberia govt from arms embargo



UNITED NATIONS (Reuters) - The U.N. Security Council on Thursday exempted the government of Liberia from an arms embargo slapped on the West African country six years ago in the wake of a ruinous civil war.

A unanimous council resolution renewed the embargo on everyone else in Liberia except for the 10,000-strong U.N. peacekeeping force there, but said it would not apply to the government for an experimental 12-month period.

It asked a panel of U.N. experts to assess the impact of the decision, "specifically the effect on the stability and security of Liberia."

Liberia, scene of a 1989-2003 civil war from which it has not fully recovered, has a small fledgling army that has been under training by U.S. troops. Hitherto, only limited amounts of arms have been allowed into Liberia, mainly for training.

The council said a U.N. sanctions committee must be notified in advance of any arms shipments to Liberia and demanded that President Ellen Johnson-Sirleaf's government mark the weapons and keep a registry of them.

Liberia's former president, Charles Taylor, is currently on trial at a U.N.-backed court in The Hague for war crimes in neighboring Sierra Leone, where a 1991-2002 civil war was intertwined with that in Liberia.

The council noted "with serious concern" a finding by the expert panel that little progress was being made in imposing a U.N. freeze on assets owned or controlled by Taylor, his family and associates. It demanded that Liberia's government "make all necessary efforts to fulfill its obligations."

The council also called on Monrovia to redouble efforts to impose controls on trade in so-called "blood diamonds" required by the diamond industry's Kimberley Process, a certification scheme set up in 2003.

UNMIL Public Information Office Media Summary 17 December 2009

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

International Clips on Liberia

Liberian publisher faces criminal charges

December 17 2009 at 01:20AM

Monrovia - Liberian police have arrested a publisher and a printer after they published claims that President Ellen Johnson-Sirleaf's government supplied arms to dissident forces in neighbouring Guinea, several sources said on Wednesday. Syrenius Cephus, publisher of the West African country's Plain Truth daily, "was arrested on Monday by the National Security Agency", a presidency source told reporters. Michael Makinde, whose company prints the paper, was arrested on Saturday, media rights group Reporters Without Borders said, in a statement calling for the men's release. Makinde was charged with publishing information involving state security and with "criminal facilitation", the rights group said.

"If the report that appeared in Plain Truth is baseless and defamatory, we think the authorities should be able to demonstrate it without having to arrest those responsible," said Reporters Without Borders. It said the only source cited in the December 9 article was an unidentified member of the Guinean military government. The presidency dismissed the allegations that Sirleaf was seeking to overthrow the one-year-old Guinea junta as a "collection of lies".

Sapa-AFP

International Clips on West Africa

Guinea

ECOWAS better placed for Guinea peacekeeping: UN official

PARIS, Dec 17, 2009 (AFP) - The Economic Community of West African States (ECOWAS) would be the best choice if any foreign peacekeeping force is to be sent to troubled Guinea, a senior UN official said Thursday. "It is not the (United Nations) Secretariat who decides on the sending of a peacekeeping operation, it's the Security Council," France's Alain Le Roy told the French parliamentary foreign affairs committee. "To my knowledge, the Security Council is not for the moment considering this this idea," he added. Le Roy is the head of the UN's peacekeeping operations. "It seems to me -- and this is a personal opinion -- that in the first place, in Guinea... ECOWAS' African force of 6,500 men could intervene," he said. "They are the forces who could intervene most quickly in Guinea because they are close by," said Le Roy. On Monday, Guinea's military junta rejected the idea of foreign troops, which the international community there wanted to protect civilians from violence in the West African country.

Cote d'Ivoire

Oil trader, BBC settle case

December 17, 2009 10:02 AM ET

(AP) - Oil trading company Trafigura Beheer BV and the BBC said Thursday they have agreed to settle a libel case over the broadcaster's allegations that Trafigura caused deaths and serious injuries in a West African nation by dumping toxic waste there. Several thousand people sought medical treatment after a tanker chartered by Trafigura unloaded the waste at several sites around the Ivory Coast's main city, Abidjan, in August 2006. Trafigura has always denied legal liability for the incident and has said the waste was dumped by a local company it had employed to discharge the waste. It has also said that the waste could have caused "low level flulike symptoms and anxiety," but denied it could have caused more serious illnesses. "Faced with such grave yet wholly false allegations, Trafigura was left with no alternative but to commence libel proceedings," the Trafigura statement said. The BBC said in a statement that experts in the case "were not able to establish a link between the waste and serious long-term consequences including deaths." However, the BBC also pointed in its statement to a U.N. report that that there was strong prima-facie evidence linking the waste to a number of deaths.

Local Media – Newspaper

Newspaper Publisher, Printing Press Manager Charged with Criminal Libel, Sediton

(New Republic, The Inquirer, The Monitor, The News, The Analyst)

- The Publisher of the Plain Truth newspaper and the Manager of the SEAMARCO Printing Press have been charged with criminal libel against the President of Liberia, sedition and criminal malevolence.
- The two, Attorney Syrenius Cephus of the Plain Truth and Mr. Michael Mankinde of SEAMARCO were jointly charged in connection with a Plain Truth publication which suggested that Guinean military intelligence have accused the Liberian Government of supplying dissidents in that country arms and ammunition.
- Yesterday, the Press Union of Liberia (PUL) said it did not wish to discuss the merit and demerit of the story because it borders on national security but called for the release of Mr. Makinde while challenging Government to charge the Publisher of the Plain Truth newspaper.
- The international media advocacy group, Reporters with Borders have also called on Government to release the two media managers saying the authorities should be able to demonstrate the baseless and defamatory nature of the story without having to arrest those responsible.

State-Owned University of Liberia Targets Major Reforms

(New Vision, The Inquirer, National Chronicle, New Democrat, Daily Observer, Heritage)

- Speaking at the 88th Commencement Convocation of the University of Liberia, the President of the state-owned University, Dr. Emmet Dennis announced major reforms including the adjustment of tuition fees and the review of the curriculum among other reforms.
- Dr. Dennis said the adjustments were intended to improve conditions at the UL and bring the institution on par with other international universities.
- Also addressing the convocation ceremony, the Commencement Speaker, Ambassador David Straz challenged the graduates to take responsibility in rebuilding Liberia.
- Ambassador Straz said Liberia having emerged from civil conflict needs college graduates to speed up its reconstruction process
- The Visitor to the University, President Ellen Johnson Sirleaf in remarks said the Liberia desperately needed professionals who will push forward the country's development agenda. Over 1,500 students received degrees in various disciplines.

Deputy National Security Minister, Medical Doctor Testify In Angel Togbah Murder Case

(New Democrat, Daily Observer, The News, National Chronicle)

- Taking the stand in the Angel Togbah murder case yesterday, the second state witness, Dr. Wilhelmina Jallah, who performed the first examination on the deceased said bruises on the neck and genital of the 13-year old, suggested there was "foul play".
- Another state witness, Deputy National Security Minister, Peter Zayzay also informed the court that the deceased was strangled contrary to reports that she hanged herself.
- However, the guardians of little Angel, Hans Williams and his fiancée, Mardea Paykue have consistently linked her death to suicide, claiming she was found dead in November 2007, hanging from a rope in their bathroom.

- Despite claims that she hanged herself, the prosecution has maintained that the accused created the bathroom scene to hide the truth.

International Companies Bid For Construction Of Free Port Pier

(The Inquirer)

- The Management of the National Port Authority (NPA) says two reputable international port operators have tendered bids for the reconstruction of the port's cargo pier.
- The NPA named one of the bidders as APM Terminals, a global port operation company based in The Hague, Netherlands which operates 50 ports around the world nine of which are in Africa.
- The Management identified the other bidder as Ballore Group, a French-based company which operates in 42 African countries with over 50,000 employees.
- According to the NPA an estimated US\$100 million is being targeted for port reform.

UNDP Donates Vehicles, Motorbikes to Police

(New Democrat)

- The United Nations Development Programme (UNDP) has donated eight vehicles, 150 motor bikes and computers to the Liberia National Police (LNP) valued at over US\$300,000.
- The UNDP said the eight vehicles are part of a total of sixteen vehicles intended for the LNP.
- The UN agency said the remaining vehicles will be brought in January 2010.

UNMIL Decorates Nepalese Formed Police, Military with Peacekeeping Medals

(National Chronicle, New Democrat)

- The Special Representative of the Secretary-General, Ellen Margrethe Løj has decorated 239 Nepalese Formed Police and Military Peacekeepers serving in the UN Mission in Liberia with peacekeeping medals.
- Speaking at the medals ceremony, the UN Envoy praised the peacekeepers for their disciplined response to prison security, anti-robbery night operations, and crowd control in collaboration with the Liberia National Police.

Defense Ministry Says Soldiers Adequately Catered For

(Heritage, New Republic)

- Authorities of the Ministry of National Defense have criticized media reports that members of the new Armed Forces of Liberia (AFL) were facing starvation.
- According to the authorities all agreement entered into with the soldiers during their recruitment are being met.
- Meanwhile, the Ministry said the over 15,000 former soldiers of the Armed Forces of Liberia will be paid their salary arrears but did not say how many months or when they will be paid.
- In recent times, the former AFL soldiers have launched a media campaign pressing for Government to pay them five months salary arrears ahead of the holiday season.

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

Newspaper Publisher, Printing Press Manager Charged And Jailed

(*Also reported on Radio Veritas, Truth FM, Sky F.M., and ELBC*)

Ambassador Straz Challenges Graduates

- The Commencement Speaker at the 88th Commencement Convocation of the University of Liberia, Ambassador David Straz has challenged the graduates to take responsibility in rebuilding Liberia.
- Ambassador Straz said a country like Liberia that has emerged from civil conflict needs college graduates to speed up its reconstruction process
- He urged the more than one thousand five hundred graduates not to sit back but use their degrees and seek jobs that would be of meaning to the country.
- Also speaking, the Visitor to the University, President Ellen Johnson Sirleaf said support to tertiary education was competitive.

- Meanwhile, University of Liberia President Dr. Emmet Dennis has announced major reforms for the university in the coming years.
- Dr. Dennis named the adjustment of tuition fees, the review of the UL curriculum and student accommodation among others as some the reforms.

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

LISGIS Launches 2008 Final Census Report

- The Liberia Institute of Statistics and Geo-Information Services (LISGIS) today officially launch the final report of the 2008 National Housing and Population Census today.
- The Minister of Planning and Economics Affairs, Amara Konneh launched the 324-page document which puts the total population of Liberia at 3.4 million.
- Meanwhile, LISGIS has announced the start of activities leading to the conduct of two major surveys in the country, Core Welfare Indicators Questionnaires' Survey and the Labor Force Survey.

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

Four Murder Suspects Set Free

- Four murder suspects have been released from the Monrovia Central Prison.
- Judge William Ware of Criminal Court A ordered the release of Emmanuel Seegar, Alexander Fleer, Evana Sherman and Michael Johnny last week.
- Three of the released people were detained in 2005 and one detained in 2006 on allegations of murder without indictment.
- Judge Ware ruling into the matter said the act was a gross violation of the rights of the accused.

President Sirleaf Launches National Gender Policy

- The Ministry of Gender and Development today launched the national gender policy of Liberia.
- The policy which was officially launched by President Ellen Johnson Sirleaf seeks to address several issues critical to the development and advancement of gender in Liberia.

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

Deputy National Security Minister, JFK Medical Doctor Testify In Angel Togbah Murder Case

International Companies Bid For Construction Of Free Port Pier

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

Radio Veritas (News monitored today at 09:45 am)

UNDP Donates To Police

Radio Netherlands Worldwide

Thursday, 17 December 2009

Iturians question ICC President

By H  l  ne Michaud



*Bunia, Congo
(Kinshasa)*

It might seem like just another village meeting, but the presence of armed police at the

local parish hall suggests something serious is going on.

The residents of the village of Fataki have gathered to hear the President of the International Criminal Court, Judge Sang-Hyun Song, who is visiting the Democratic Republic of Congo this week for the first time.

A native son

This is Thomas Lubanga territory. The ICC highest official has come to explain why the ex-militia leader, born in a nearby village and considered a native son, is now standing trial for war crimes and crimes against humanity 6000 kilometers away in The Hague. The 250 residents, local leaders and representatives of local associations listen attentively as he outlines why the ICC was set up and how it works. He lists some of the crimes tried at the court under international law.

“It is illegal to target civilians with military force, ... to terrorise civilian populations, to rape women and girls, ... to forcefully recruit children under the age of 15 into an armed force and make them fight.”

Lubanga is accused of enlisting and conscripting children under 15 years old and using them to participate actively in hostilities.

Arduous listening

The crackling of the microphones, the buzzing of the amplifier, and the necessary translations, first from English into French and then into local languages, make listening arduous. Nevertheless, the villagers listen closely, as the President, a former law professor, continues his calm presentation, carefully considering each word.

“I would like to stress that all of the accused persons are innocent until proven guilty. I am a judge. I have no opinion on the question of guilt or innocence at this time.”

It is difficult to imagine that this idyllic village, surrounded by lush rolling hills, was also involved in the bloody inter-ethnic conflict that swept the Ituri district in northeastern DRC. Outside the red-brick village hall, which was once part of a Belgian mission, children carry bundles of freshly cut straw or play in the adjoining schoolyard. “The ICC? Never heard of it,” say their teachers.

One boy thinks it has something to do with “la guerre” – the war, which started in 1999.

Tight security

Although relative calm has returned to the region, small armed groups are still active, which explains the tight security surrounding the ICC President’s two-day stay in Ituri district. Everyone who enters the parish hall is searched; inside, armed bodyguards keep constant watch.

Since the arrests of three former Iturian warlords, local support for the ICC has been far from unanimous. The international institution was nicknamed the “Iturian Criminal Court”, as Iturians felt they were being unfairly targeted. Local ICC staff and anyone else seen to be connected to the Court received threats.

The Court’s efforts to win the minds of the population are starting to pay off. Although local outreach staff continue to keep a low profile, they say threats have disappeared as more people begin to understand the work of the ICC.

Villagers' questions

The President’s visit is part of that effort. It is now his turn to listen to the villagers’ questions.

What is being done about rumors that false testimonies and pictures have been sent to The Hague?

Answer: I have full trust in the trial judges’ watchful legal eyes to detect the truth or falsity of all these testimonies...

The man asking the question represents a local civil society. Initially he declined the invitation to attend the meeting, fearing he might be arrested.

We see massive destruction in Israel on television: why is this not also addressed by the ICC?

Answer: The ICC has never, never targeted only Africans. The Prosecutor is now making preliminary analysis on the situations for example in Afghanistan, Gaza, Columbia, and Georgia.

Why are the (Western) countries that shipped arms to our region not being prosecuted? (Spontaneous applause in the audience)

Answer: I’m not in any position of making any comment on this because it is exclusively the job of the Prosecutor to investigate or prosecute arms suppliers or not....

Pleased with explanation

The answers are clear and detailed, the tone is poised; the President must know that false rumours flare up easily in this part of the world. After the meeting, the civil society representative says that he is really pleased with the detailed explanations.

People in the community have the wrong impression. If the trial takes place the way he says, I think the people will be satisfied.

There is disappointment among those who would like to see the countries who flooded the region with arms prosecuted: “do we have arms factories here?”

One woman believes Thomas Lubanga will be freed. “We used to live here like brothers and sisters here, but outsiders came to ignite the conflict.” As she watches the video images of the Lubanga trial, she says: “He doesn’t look like a prisoner, I think he’s being very well treated. Otherwise we would have left the meeting in tears. I hope he comes back soon.”

While the assembly continues to watch the video of the trial, the President of the International Criminal Court and his entourage are escorted to a helicopter in a nearby field, the engine is already running.

Agence France Presse

Friday, 18 December 2009

Rwanda tribunal's acquitted in limbo

By International Justice Desk



Arusha, Netherlands

They are known as the "tribunal ghosts". Half of the Rwandans acquitted by the Tanzania-based International Criminal Tribunal for Rwanda (ICTR) trying the 1994 genocide still haunt its

corridors in limbo, unwelcome at home or abroad.

Of the eight Rwandans acquitted so far by the ICTR, four - including a former minister cleared six years ago - have made it no further than the court's corridors. Two were cleared last month by the court.

Trapped

Although in theory free to leave, the court "ghosts" - all Hutus - are trapped in the north Tanzanian city of Arusha which hosts the tribunal, unable to return home to Rwanda for fear of reprisals and denied asylum abroad.

"We found solutions for four only, and that wasn't easy. France took in two, Switzerland and Belgium one each, but it took an arduous procedural struggle in Belgium," ICTR spokesman Roland Amoussouga said.

Belgium's highest judicial authority granted asylum in 2007 to Emmanuel Bagambiki, a former official from southwestern Rwanda, a year after turning down a first request from the court.

The four "ghost" acquittees "are still under the care of the tribunal and they haven't found a country willing to welcome them," said Amoussouga.

ICTR Library

Nights are spent in a safe house provided by the ICTR in a leafy suburb of Arusha, and most days at the court itself. They pass the hours leafing through books and documents at the ICTR's library, or sitting in on court proceedings.

Six years after he was cleared, Rwanda's former transport minister Andre Ntagerura is there near every day, in a spotless dark suit and polished shoes.

"For three years, we were actually leading the lives of prisoners. All our time was spent in the safe house. We'd wake up, they'd bring us a meal, then we would just kill time and watch Tanzanian TV," he said.

"Since 2007, we've been allowed to visit the library. I split my days between here and the safe house." Ntagerura's Canadian lawyer, Philippe Larochelle, has worked tirelessly to find him a home, lobbying the authorities in Canada, where the former minister studied, although so far in vain.

"He spends seven or eight years in preventive custody, he's acquitted but then he spends another five years effectively locked up in a house in Arusha. It just doesn't make sense," the lawyer said. "The tribunal is not capable of ensuring the implementation of its own acquittal decisions," he charged.

Asylum

Earlier this month, ICTR president Dennis Byron reiterated a call for foreign states to extend asylum to acquitted defendants. "It is of fundamental importance and in the interests of fair justice that member states are ready and prepared to accept the relocation of acquitted persons to their territory," he said.

The task of relocating cleared defendants is made harder by weak provisions in the tribunal statutes, which compel signatory states to hunt down suspects but mostly overlook the fate of those acquitted by the court.

"It gets you wondering if some consider this court was created only to sentence. Is it not to bring justice? If it is indeed to bring justice, this includes acquittal," Amoussouga said. "The fact that some members of the international community are only willing to recognise sentences and not acquittal undermines the foundations of the international justice system," he added.

In the meantime, Andre Ntagerura bides his time in Arusha, officially a free man but trapped at the scene of his trial, his only valid identification document an access pass to the ICTR.

(Source: AFP)

Reuters

Friday, 18 December 2009

Cambodia tribunal files genocide charges in Khmer Rouge trial

By International Justice Desk



Phnom Penh, Cambodia

Cambodia's former Khmer Rouge president, Khieu Samphan, was charged on Friday with genocide by the UN-backed war crimes court in Phnom Penh.

He is the most senior Khmer Rouge leader to face charges in connection with the deaths of 1.7 million

people during the 1975-79 "Killing Fields" reign of terror.

Similar charges of genocide were issued on Wednesday against "Brother Number Two" Nuon Chea and former Foreign Minister Ieng Sary for their alleged roles in the slaughter of Cambodia's ethnic Vietnamese and Cham Muslim minorities during the Khmer Rouge regime.

All three have already been charged with war crimes and crimes against humanity, along with two other former leaders of the Khmer Rouge, who pursued a bloody agrarian revolution from 1975 to 1979 under the leadership of Pol Pot, who died in 1998.

It comes three weeks after the end of the first trial of a senior Khmer Rouge cadre. Kaing Guek Eav, better known as Duch, was accused of overseeing the torture and murder of more than 14,000 people. A verdict in that case is expected by March.

Khieu Samphan (78), a French-educated guerrilla leader, was arrested in 2007. He has portrayed himself as a virtual prisoner of the regime and denied knowledge of any atrocities.

David Chandler, an authority on the Khmer Rouge at Melbourne's Monash University, said the genocide charges further complicated a case that is already so complex and politicised it may never go to trial.

Delaying the trials

He said the new charges may inadvertently help the defence if they delay proceedings. The four remaining suspects awaiting trial are elderly and in poor health. There is concern they may die before facing their victims in court.

"It's going to be very helpful for the defence to throw up a big smokescreen," Chandler said.

The United Nations defines genocide as "acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group".

Some analysts argue this does not apply to the Khmer Rouge because they committed atrocities against political enemies, mostly from their own dominant Khmer ethnic group.

But advocates of the charges say the regime's enemies also included ethnic Vietnamese and Cham who rose up and rebelled against the regime.

(Source: Reuters)