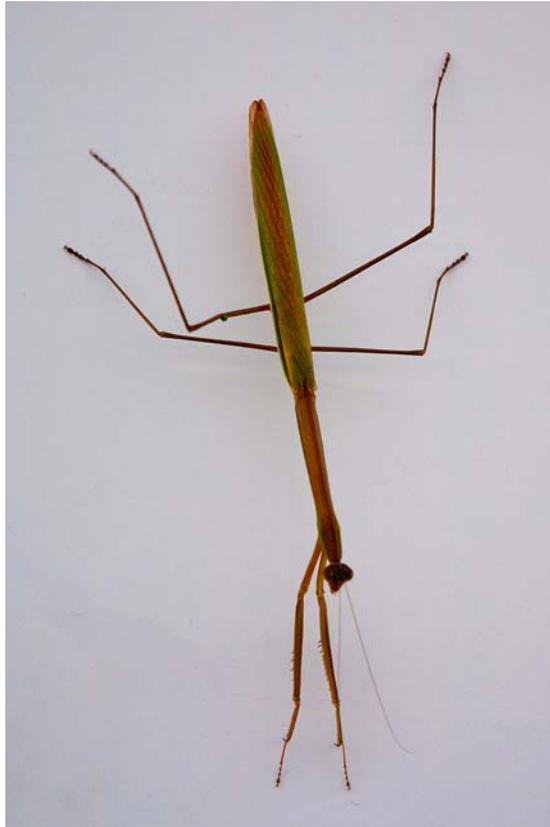


**SPECIAL COURT FOR SIERRA LEONE  
OUTREACH AND PUBLIC AFFAIRS OFFICE**



The Praying Mantis

**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, 26 May 2010

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

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# Independent Observer

Wednesday, 26 May 2010

## SLBA Explains Lawyers' Role

The Sierra Leone Bar Association accepts its leadership role as it continues to discharge its responsibilities to the citizens of this country as enshrined in our credo for service.

WHEREAS by virtue of that mandate, we remain committed to the promise, to be the vanguard of the effort for the promotion and defense of the Rule of Law, Good Governance, Social Justice and the Dignity of all persons, we hope to continue to use law as a veritable instrument for social change in the polity.

WHEREAS we are happy to announce the proposed activities of the Sierra Leone Bar Association in the area of justice sector reform in 2010. The SLBA in the preceding year has focused amongst others on reforming the justice sector and ensuring a credible legal regime rooted in the rule of law for the development of the country. This effort has brought remarkable attention on the justice sector and the initiation of various programs and initiatives in reforming the sector. The SLBA in 2010 will want to put more effort in ensuring the reform of this sector. Our activities in 2010 are focused on the following thematic areas

1. Access to Justice: There are strong links between establishing democratic governance, reducing poverty and securing access to justice. Democratic governance is undermined where access to justice for all citizens (irrespective of gender, race, religion, age, class or creed) is absent. Access to justice is also closely linked to poverty reduction since being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in governance.

National policies and programs need to ensure an explicit focus on the poor and disadvantaged. The concerns of the disadvantaged need to be included in program conception and design from the outset so that they do not fall through the cracks of justice reform. People's perceptions of justice, the obstacles they face and the ways they address them need to be understood. If justice programming does not produce results for the most disadvantaged, we run the risk of widening existing gaps in access to justice.

Regrettably, our justice system is frequently weakened by:

- Long delays; meaning lawyers taking more cases than they can handle, overloaded case portfolios of magistrates;

- spending unnecessary time in applying wrong principles of law because of the lack of proper training;
- prohibitive costs of using the system;
- lack of available and affordable legal representation, that is reliable and has integrity;

- abuse of authority and powers, resulting in unlawful searches, seizures, detention and imprisonment; (It is not uncommon to hear the phrase in court, 'orders from above').

- and weak enforcement of laws and implementation of orders,

The reality is, that our legal system, fails to provide remedies that are preventive, timely, non-discriminatory, adequate, just and deterrent. Our laws until quite recently were embarrassingly Gender biased; inadequacies in existing laws effectively fail to protect women; children, poor and other disadvantaged people, including those with disabilities and low levels of literacy.

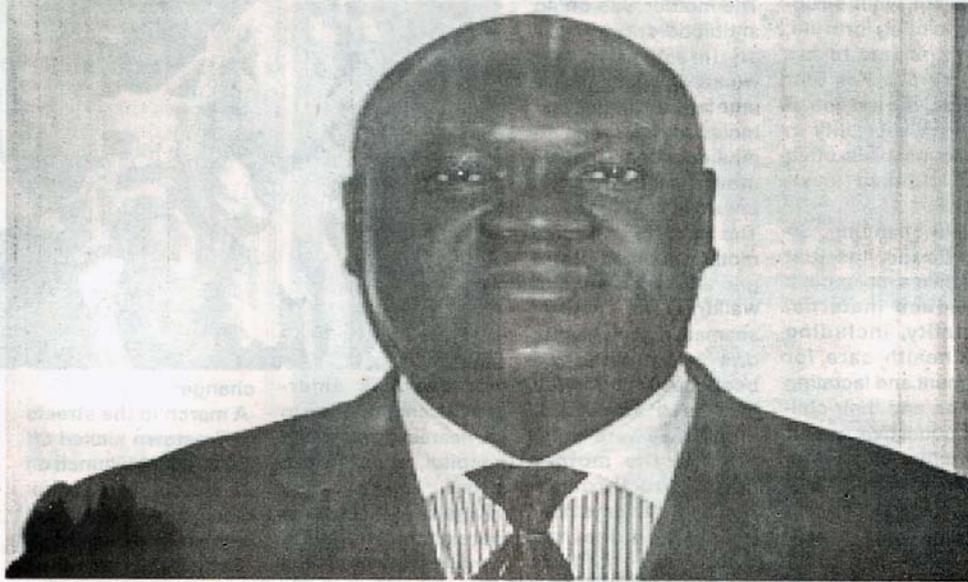
2. Administration of Justice: We advocate for the introduction and passage of an Administration of Justice Commission Act. The commission under the Act would be charged with the function of administration and supervision of all the justice sector institutions to ensure effective dispensation of justice, with the Chief Justice of Sierra Leone, being statutory chairperson.

The SLBA remains resolute in the belief that all courts under the Sierra Leone Constitution have their jurisdictional limits. Great care must therefore be taken that superior courts, no matter how highly placed work within the limits of their constitutional jurisdiction. We equally express concern in the unduen dissatisfied with judicial outcomes. This practice amounts to an unbridled interference in the judicial process so as to achieve personal objectives which in this case includes the interest of their clients.

Holding Charge/Awaiting Trial Problems: The SLBA notes with grave concern the problems of overcrowding in our prisons, triggering up more access to justice questions and the protection of the rights of accused persons. The Sierra Leone Bar Association further notes the plight of awaiting trial inmates. The plight of these inmates languishing in jail on the basis of awaiting trial is contrary to the norms of fair trial rights.

Furthermore, the SLBA believe that the holding charge problem can be adequately tackled with a thorough reviewing of remand procedures to ensure that the

# Lawyers' role



rights of accused person are protected and the constant automatic judicial review of remand orders.

**The Duty Solicitor Scheme:** This scheme is designed to have lawyers cover cases at the most identified busy police stations in Sierra Leone, to help provide legal assistance to accused persons at the point of arrest and also provide legal advice to the police on rights of the accused person. The SLBA is planning to train and supply a pool of lawyers to this scheme, as the pilot session targets Freetown, for a start. This we hope will help reduce the hardship of accused persons.

**3. Constitutional Review:** The inadequacies of our constitutional framework continue to create problems for us especially in the area of good governance, democracy consolidation and electoral reform. The complex nature of our constitution makes the reform and review a very delicate venture. We in the SLBA believe that a piecemeal review of the constitution is desirable especially against the backdrop of social/cultural complexities of our country. We are currently preparing for our annual conference and a constitutional review panel has been slated as one of the discursive forums. Some of the key issues to be addressed include:

1. Supremacy of the Constitution
2. Fundamental Human Rights
3. Separation of Powers
4. Institutions Consolidating Democracy

**4. Human Rights Promotion:** The SLBA is committed to the promotion of human rights in Sierra Leone and Africa. Our commitment to a more progressive Sierra Leone built on the rule of law is unwavering and we extend our hand of partnership to government and other stakeholders. On the rule of law, The SLBA maintains that strict adherence is the surest way to good governance, democracy consolidation and economic development. Government must match their avowed commitment to the rule of law with action. In particular, we urge the Office of the Attorney-General to urgently establish a judgment depository where all judgment against government (if at all) would be registered and the Ministry of Justice can adequately monitor and ensure compliance.

The SLBA is pleased to announce the creation of the National Center for the Prosecution of Violence against Women (NACPRO). This Center will be responsible for investigating, analyzing, and presenting evidence to court in order to secure the conviction of those who bear responsibility for sexual violence against women. The Legal Aid Scheme of the Bar has been a resounding success. This project seeks to provide free legal assistance and representation to eligible indigent per-

sons. During the course of the year, we have handled a total of 613 cases and secured the acquittal and discharge of 165 accused persons. The SLBA is grateful to the UNDP, for extending support and assistance to the accomplishment of our goal, under this project.

**5. Anti-Corruption:** We acknowledge the effort put in thus far in prosecuting the anti-corruption war. However we note with concern the communication gap between the anti-corruption and the administration of justice, for the benefit of the understanding of the people of the processes involved. We also note with deeper concern, what we describe as the 'masquerade of justice'. That is when persons unlawfully take to the streets and march either in protest or in support, of a party to proceedings before the ordinary courts of the land. We call for respect for the integrity of the Courts, and frown upon efforts to instill fear, intimidation, and public or media coercion to be brought upon the judiciary. The success of our anti-corruption effort must be rooted on the following:

- Concise and coherent anti-corruption policy
- Independent and effective anti-graft institutions and
- Enabling legal framework
- absolute non-interference of the government

The SLBA mindful of these issues, see as a key component of our anti-corruption effort, the advocacy, drafting and passage of a Proceeds of Crime Bill. This Bill will enable confiscation from convicted defendants their benefit from crime. Confiscation orders are available following a conviction. The Bill would envisage a procedure where a prosecutor could apply to the High Court to preserve the defendant's assets where proceedings had been instituted or the defendant was to be charged, or an application in respect of further confiscation proceedings had been made or was to be. The purpose of confiscation proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. The court calculates the value of that benefit and orders the offender to pay an equivalent sum (or less where a lower sum is available for confiscation). A measure such as this could serve as a meaningful deterrent and deprive convicts of progressive redeployment of proceeds of crime.

DATED THIS DAY OF 12TH MAY 2010

Joseph F. Kamara

President

Easmon Ngakui

Secretary-General

Ady Macaulay

Public Relations Officer

Photo: SLBA president Joseph Kamara

The Spectator  
 Tuesday, 25 May 2010

## Joseph Kamara To Replace Tejan Cole

*Albert Baron Ansu*

This press has gathered from the corridors of power that the Deputy Prosecutor of the Special Court for Sierra Leone has been tipped as the likely person to replace the Anti Corruption Commissioner, Abdul Tejan Cole, who resigned recently.

Another diasporean, whose name is yet to be confirmed, has also been mentioned as potential candidate for the position.

Our State House source, preferring not to be named, has however dis-

closed that President Koroma is more inclined to appoint the Deputy Prosecutor Joseph Kamara, because of his professional stature and credibility from the point of view of the international community.

Those partisans pushing for the undisclosed diasporean to be appointed are suspected as wanting to have somebody that can be pliable to government, a move the President is not prepared to entertain.

It could not be confirmed whether the man

tipped for the position will be prepared to resign his job as Deputy Prosecutor of the Special Court for Sierra Leone. The international community and donors are curious to know the replacement of Abdul Tejan Cole, who can be dispassionate in concluding the high profiled cases the commission is

bound to prosecute.

It has been revealed that President Koroma made a last minute ditch effort to persuade George Soros in working on Abdul Tejan Cole to conclude his contract as ACC Commissioner but to no avail.

More on the replacement of the ACC boss in subsequent editions.

## UNMIL Public Information Office Media Summary 25 May 2010

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

### UN News in Liberia

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

##### **UNMIL, Dutch Government Sponsor Training of Immigration Officers**

- Immigration officers have begun a five-day capacity building training in Monrovia.
- Speaking at the start of the training, the Director of Security Affairs of the Bureau of Immigration and Naturalization, Colonel Jerry Blan said the training is necessary to improve the performance of the officers amidst the growing wave of human and drug trafficking.
- Col. Blan told the officers that they must be adequately trained to know who is coming in and going out of the country.
- The United Nations Mission in Liberia (UNMIL) in collaboration with the Dutch Government is sponsoring the training.

### Local News on Liberian issues

#### **Bong Lawmaker Dreams of the Liberian Presidency**

[Front Page Africa, The Analyst, National Chronicle, The Inquirer]

- Bong County Senator Franklin Siakor has declared his intention to contest the Liberian Presidency.
- Senator Siakor said he wants to contest the presidency because Liberians were disgusted with business as usual and needed to break with the past.
- According to him, Liberians were tired of what he called rhetoric and failed promises that have kept the country backward for decades.
- Senator Siakor spoke at a news conference Monday when he formally declared his intention to contest the highest office in the land.
- The Bong County lawmaker said President Ellen Johnson Sirleaf has done her best and it was time to pass on the mantle of leadership.
- He also alleged Government has lost the political will to fight corruption and called for those in charge of the distribution of the resources to be changed.
- During his declaration, Senator Siakor observed there were fresh attempts to re-introduce a one-party state in Liberia and in order to prevent the re-emergence of the one-party state, the old order must be denied access to the national leadership.

#### **GAC Called Off Strike Action**

[The News, The Analyst, National Chronicle]

- Auditor General John Morlu has called off the go-slow action announced after the security scuffle at the General Auditing Commission (GAC) Saturday.
- The GAC earlier announced the go-slow would remain in force until government guarantees the safety of its entire staff.
- An official of the GAC said the go-slow was called off following interventions by President Ellen Johnson Sirleaf and Vice President Joseph Boakai.

#### **University Student Governments: "Sexual Harassment" Allegations Are Diversionary, Ploy To Distract Corruption Fight**

[Heritage]

- The Joint University Student Governments of Stella Maris, AME Zion and Cuttington University have disclaimed “sexual harassment” allegations made by Mrs. Ruth Bailey Yeaher, an employee of General Auditing Commission (GAC) against Auditor General John Morlu.
- In a press release issued in Monday, the Joint University Student Governments described as “surreptitious political chicanery and smear campaign” allegedly concocted to throw the irreproachable and hard-earned professional character of the Auditor General into dirty scandals.
- The student governments asserted that the allegations about “sexual harassment” are diversionary ploy designed to distract the attention of the Auditor General from dealing with and reporting on greater cases of corruption in Liberia.
- The student governments alleged that Mrs. Yeaher and supporters are agents’ provocateurs working in the interest of “white collar criminals” against the people of Liberia by attempting to thwart the march against corruption in order to further frustrate the suffering people of Liberia.
- “The students view the allegation of harassment as a political maneuvering stage managed by big hands to taint the impeachable professional credibility of Hon. John S. Morlu, II and shoot a deadly blow in the spine of the fight against corruption.”
- They then called on Auditor General Morlu to remain focused and unbending in exposing those feeding on spoils, loots and plunder.
- At the same time, the Joint University Student Governments of Stella Maris, AME Zion and Cuttington University have condemned what they call the “bizarre and foolhardy” attempts by the National Security Agency (NSA) to arbitrarily arrest the Director of Communications of the General Auditing Commission (GAC), Mr. Ernest Maximore, on Saturday, May 22, 2010.
- The University Student Governments of Stella Maris, AME Zion and Cuttington said the action by the NSA, headed by Mr. Fombah Sirleaf, son of President Ellen Johnson Sirleaf, makes the students to believe that the First Family is unhappy about the audits conducted by the GAC.

### **President Sirleaf Explains Reasons For Second Term**

[The Inquirer]

- President Ellen Johnson Sirleaf says what has driven her to seek re-election in the up-coming elections is based on the fact that she has laid down the foundation of the country and needs few more years to ensure there is no reverse.
- “We need continuity so we can bring Liberia to the place where it is on an irreversible path, where we have restored the infrastructures; where we have solved the problem of corruption by building those institutions that are the pillars of integrity; where our economy is booming and most Liberians are acquiring meaningful education, and getting jobs. Then I will be able to walk away and say: “The job is done. I've left the country better than I found it. I look forward to that day,” the President told AllAfrica. President Sirleaf who is currently out of the country said she takes her cue from what the Liberian people want, because as she put it, the decision is going to be their choice.
- “I know the Liberian people will make the right decision. Whatever it is, accept it. I think they know that I've brought them a long way” she added.

### **US Support To Liberia’s Forest Sector to Be Discussed At Two-Day Conference**

[The Inquirer, The Analyst, The Informer]

- The US Government will today host a two-day conference at the US Embassy in Monrovia to discuss future US Government support to Liberia's forestry and environment sectors.
- The US Government is taking this opportunity to gather information and input about the forestry and environmental sectors from key stakeholders, counterparts and collaborators in the Government of Liberia, the donor community, civil society and the private sector.
- Since 2004, the US Government, through the combined efforts of the US State Department, US Agency for International Development (USAID) and USDA Forest Service (USFS), has provided assistance in the forestry sector, initially to help Liberia lift a UN imposed ban on export of timber, and later to provide technical support for conservation and community forestry as well.
- The US Government will be represented at this conference by the Embassy's Chargé d'Affaires Brooks Robinson, USAID Liberia Mission Director Pamela White, Political Officer Rebecca Alper, and USDA Forest Service Advisor Daniel Whyner.
- Other US Government representatives attending the conference from Washington DC are Matthew Edwardsen, Africa Program Director for the International Programs Office at USFS; Ellen Shaw, Forest Policy Advisor for the Oceans, Environment, and Science Bureau at the US State Department; and Tim Resch, Environmental Advisor for USAID's Africa Bureau.

- The Liberian government will be represented by Agriculture Minister Florence Chenoweth as well as officials from the Forestry Development Authority, the Environmental Protection Agency, and the Land Commission among others.

**Star Radio** *(News monitored today at 09:00 am)*  
**Bong Lawmaker Dreams of the Liberian Presidency**  
*(Also reported Radio Veritas, Sky FM, and ELBC)*

**GAC Called Off Strike Action**

**Top Human Rights Lawyer Gives Legal Opinion of GAC Saga**

- Human rights lawyer Dempster Brown has criticized the National Security Agency (NSA) for attempting to arrest the communications director of the General Auditing Commission (GAC).
- Cllr. Brown said the action of the NSA aimed at arresting Mr. Earnest Maximore was grossly unlawful.
- The rights lawyer said Mr. Maximore's statement linking the Executive Mansion to the Ruth Yeaher allegation is criminal coercion.
- Cllr. Brown said the NSA must concern itself with subversive activities and not people's utterances.
- He called on NSA authorities to leave such matters with the Justice Ministry.

**Southeast Legislative Caucus Receives Statement**

- A statement has been submitted to the Southeast Legislative Caucus calling for its intervention in the resumption of logging activities in the region.
- The statement was presented Monday by the Community Forestry Development Committee of the Southeast.
- The group expressed concern over the failure of concession companies to commence logging operations in the Southeast due to deplorable roads.
- A spokesman of the group Lawrence Williams said the situation has left thousands of unemployed loggers in poverty.
- Mr. Williams said the Southeast Caucus must review the proposal of logging companies to use portion of taxes paid to government to rehabilitate the roads.
- Grand Gedeh Representative Zoe Pennue received the statement and promised to deliver same to members of the Southeast Caucus.
- Representative Pennue who co-chairs the Southeast Caucus said the appropriate attention would be given to the concern raised by the group.

**Lightning Strikes Hunter Dead in Lofa**

- Reports from Lofa County say lightning has struck and killed a hunter in the Luyamai Forest in Zorzor District.
- According to the reports the body of 25-year old Yanquoi Johnson was discovered on May 20 by another hunter in the forest.
- Police in the area have launched an investigation into the death of the man.
- Reports say the police are also holding family members of Yanquoi responsible for destroying evidence.
- The police said the family members removed the body of the deceased from the scene of the incident as a means of destroying evidence.

**Danish Government Gives USD\$500,000 Grant to Girls Education**

- The Danish Government has provided over USD\$500,000 grant to the Gender Ministry for the construction of a girl hostel in Grand Bassa and Nimba Counties.
- Gender Minister Varbah Gayflor said each county will receive US\$250,000 to begin the project.
- Minister Gayflor spoke Monday in Buchanan when women in Grand Bassa welcomed her at a start of a tour of south eastern Liberia.
- The Gender Minister said the counties were chosen because they carry the highest number of female student enrolment.

**Circuit Court Sentences Man to 15 Years Imprisonment for Murder, Released 12**

- The Ninth Judicial Circuit Court in Bong County has sentenced a man to 15 years imprisonment for murder.
- Winston Cooper was sentenced Monday for stabbing to death one Archie Boimah with a kitchen knife on December 22 last year in Gokai Town, Suakoko District.
- In her ruling, Judge Madea Chenoweth said the evidence produced by the state was sufficient to link Archie to the commission of the crime.

- At the same time, the court has released 12 persons from the Gbarnga Central Prison for prolonged detention with out trial.
- The men were released Monday after public defender Patrick Williams filed a motion for jail delivery.
- Defender Williams in his motion urged that the suspects were arrested, charged and detained for months with out trial.

## International Clips on Liberia

### **Liberia's Ellen Johnson Sirleaf: we won't need aid in 10 years** **[www.afronline.org](http://www.afronline.org)**

When Ellen Johnson Sirleaf assumed office in Liberia, the government's budget was a mere \$80 million -- as she put it, about the budget of a high school. Today, the budget is \$350 million -- better, but still not great. So her pronouncement today speaking at the Council on Foreign Relations was particularly ambitious: "Liberia should not need aid in 10 years," she told the audience. "We've got the resources ... We're going to go from dependency to self-sufficiency." The plan to get there? Private capital and investments, both of which have already begun to come in. And so far in that category, it's China -- not the United States, which has been a big foreign aid donor to Monrovia -- that is taking the lead. They dominate the construction sector, Sirleaf explained, and their other economic agenda is clear: "access to raw materials to keep the Chinese economy going." "China's fast," she explained. "They know what they want and they do it quickly." Building schools, building roads, signing contracts, and offering loans -- all of it can be done in weeks or months, not years as some donors and Western investors might take.

### **NDRC approves two overseas acquisitions of WISCO** **[www.english.people.com.cn](http://www.english.people.com.cn)**

Wuhan Iron and Steel Group's (WISCO) two overseas acquisitions have been approved by the National Development and Reform Commission (NDRC). The two deals will contribute over 2 billion tons of iron ore deposits for the WISCO. The open ore mine in the Soalala region of Madagascar, jointly owned by three mainland and Hong Kong companies, covers more than 430 square kilometers. WISCO has acquired the exploration and production rights and holds 42 percent of the shares. WISCO signed two official documents with the China-Africa Development Fund on March 12 to confirm the payment of 68.5 million U.S. dollars for acquisition of 60 percent of the funds shares in Liberia. WISCO will formally join the Liberia iron ore project as the investor and acquire interest-controlling rights, of which 1.3 billion tons of mineral resources are detected in this large open ore mine.

## International Clips on West Africa

### **Guinea**

#### **24 contestants stand in Guinea presidential poll** **[www.zimbio.com](http://www.zimbio.com)**

Twenty-four civilians will stand in Guinea's first free presidential election due at the end of next month, the head of the West African nation's Supreme Court said. There had been 36 aspirants, Mamadou Sylla told reporters late Monday, but only 24 got the green light. No military officials are running for the top job. The country, ruled since independence from France in 1958 by a series of military and civilian dictatorships, goes to the polls on June 27, with a second round planned for July 18. Long-serving strongman Lansane Conte's death in 2008 ended his 24-year military regime, but a military junta led by Captain Moussa Dadis Camara swiftly took his place. Camara was the victim of an assassination bid that left him severely wounded last December, three months after a widely condemned massacre of at least 156 opposition demonstrators by troops in a Conakry stadium. A transitional regime is being headed by General Sekouba Konate, who is not running for election. There is only one woman candidate, Kaba Hadja Saran Daraba, who served as a minister during Conte's rule, the Supreme Court chief said. The other contenders include four former prime ministers: Cellou Dalein Diallo, Francois Lonseny Fall, Lansana Kouyate et Sidya Toure. The independent national electoral commission has fixed a high sum as deposit to limit candidates in the impoverished nation, which has more than 120 political parties.

### **Sierra Leone**

#### **Cluff Gold plc: Baomahun Gold Project and Preliminary Assessment** **[www.marketwire.com](http://www.marketwire.com)**

Cluff Gold, the dual listed West African-focused gold mining company announces that following the receipt of positive additional assay results it is in the process of updating the resource position of the Baomahun project, located in Sierra Leone. The resource update will include additional data from recent holes which have confirmed continuity of known mineralisation in all directions, as well as intersecting a new zone outside the current optimised pit outlines.

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## UN News

Monday, 25 May 2010

### **Donors urged to contribute to UN-backed genocide court in Cambodia**

Secretary-General Ban Ki-moon today appealed to donors to provide urgent funding to the United Nations-backed court tasked with bringing justice to the people of Cambodia for the heinous crimes committed by the Khmer Rouge regime in the late 1970s.

The Extraordinary Chambers in the Courts of Cambodia (ECCC), composed of both national and international judges and staff, were set up in 2003 under an agreement between the UN and the Royal Government.

The court is facing a shortfall of more than \$21 million for 2010, including \$14.6 million for the international component and at least \$6.5 million for the national component. Neither of these figures includes future commitments for staff salaries and entitlements.

For 2011, the total budget of \$46.8 million is unfunded, except for \$1.1 million pledged by the Cambodian Government for the national component.

“Both components urgently need further funds,” Mr. Ban said in his remarks to the pledging conference held at UN Headquarters for the court, which is entirely dependent on voluntary contributions.

He emphasized that the court was established to bring justice to the people of Cambodia, and to prevent impunity for the most heinous of crimes. “They are vital part of efforts to secure Cambodia’s long-term well-being, and a crucial element in the world’s quest to strengthen international criminal justice,” he stated.

At least 1.7 million people are believed to have died during the period of Democratic Kampuchea, which lasted from April 1975 to January 1979. The ECCC is tasked with trying senior Khmer Rouge figures and others responsible for the worst atrocities committed during that period.

Mr. Ban noted that since it began its work in 2006, the court has made “impressive progress.”

Hearings in “case one,” against Kaing Guek Eav, alias “Duch,” the secretary of the notorious S-21 security centre, concluded last November and the trial chamber will issue its verdict in July.

“The hearings in this case demonstrated that the Extraordinary Chambers can conduct complex international criminal trials to international standards,” said the Secretary-General.

“Most importantly, they also demonstrated the deep interest of the people of Cambodia in the proceedings,” he stated, noting that more than 31,000 people visited the chambers to witness the hearings, most of them Cambodians who journeyed in from outside the capital.

In “case two,” the co-investigating judges may issue a closing order, or indictment, against four leaders of the Khmer Rouge regime – Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan – later this year.

As in the ongoing trial of former Liberian President Charles Taylor in the Special Court for Sierra Leone (SCSL), one person charged in case two, Khieu Samphan, is a former head of State, showing that no one is above the law.

“This is a fundamental principle in the world’s fight against impunity, and it is encouraging indeed to see it in action today in Cambodia,” remarked Mr. Ban.

The Secretary-General expressed his gratitude to Member States for their generous contributions to date, and appealed to them to maintain and increase their support, even in the midst of the current economic environment.

“Without such support, the chambers cannot function,” he stressed. “It is as simple and stark as that.”

UN Legal Counsel Patricia O’Brien and Cambodia’s Deputy Prime Minister, Sok An, made a similar appeal to the international community for urgent funding for the court in a joint statement issued after their meeting in the capital, Phnom Penh, last month.

Cocorioko

Monday, 24 May 2010

### **CTJ to attend Rome Statute Review Conference**

The International Criminal Court (ICC) is the most significant development in international criminal justice of our time. The Court is still young, and, like all institutions, imperfect. But it has already had major impacts on local justice systems in many countries. The Review Conference of the Rome Statute, the Court's founding document, is a landmark opportunity to assess the impact of the workings of the Court and the Statute to date. The Conference will be held in Kampala, Uganda, from May 31 to June 11.

The International Center for Transitional Justice (ICTJ) will have international and local experts on the ground available for interview in English and French, including former deputy-prosecutor for the International Criminal Tribunal for the former Yugoslavia (ICTY), noted international justice expert and ICTJ president, Mr. David Tolbert. ICTJ senior program staff working in each of the countries where the Court is most active will also be available for comment.

ICTJ will be participating in official conference panels and discussions, as well as in civil society events, and has prepared a series of seven short briefing papers on issues at the Conference. See below for more information.

All events to be held at Munyonyo Commonwealth Resort (MCR)

Media access to all events arranged through the ICC. Information available at <http://www.icc-cpi.int/Menus/ASP/ReviewConference/MediaInformation/MediaInformation.htm>.

## San Francisco Bay View

Sunday, 23 May 2010

### Criminal defense lawyers dispute Rwanda's genocide history



Rwandan Chief Prosecutor Martin Ngoga threatened Rwandan presidential candidate Victoire Ingabire Umuhoya with arrest if she keeps talking to the press and accused the international criminal lawyers at the Second International Criminal Defense Conference in Brussels of genocide denial. The ad hoc organizing committee of the Second International Criminal Defense Conference being held in Brussels on May 21-23 thanked Rwandan Chief Prosecutor Martin Ngoga and Kigali's New Times for publicizing their efforts.

This week, as the conference dates approached, The New Times published several articles condemning it and quoting Ngoga saying, "For a few years now, some defense lawyers at the ICTR have badly deviated from their professional duties and turned into activists and advocates of genocide

denial."

Ngoga and The New Times thus drew international attention to the significance of the conference to the ongoing struggle over disputed histories of Rwanda's 1994 tragedy and related violence in Central Africa, both before and since.

Last week Ngoga warned leading opposition presidential candidate Victoire Ingabire that she might be jailed once again if she continues speaking to the press. The election is scheduled for Aug. 9. Ingabire has not been allowed to register to formally run against Rwandan President Paul Kagame.

The ad hoc conference organizing committee also said that they are defending the right to freedom of speech and thought and expect the conference to be a non-disruptive exchange of ideas that would be subjected to public critique and historical and scientific evaluation, as the ideas exchanged at the November 2009 Hague Conference on the Legacy of the International Criminal Tribunal on Rwanda were.

They said that Rwanda Chief Prosecutor Ngoga had mischaracterized the historic Military-1 Trial Judgment of February 2009 in the International Criminal Tribunal on Rwanda, which completely rejects the theory that what the world has come to know as the Rwanda Genocide was the result of a longstanding conspiracy planned well in advance of April 1994, as the Nazi death camps were planned by the Third Reich.

They reaffirmed that the judgment had:

- Acquitted all four defendants of "planning or conspiracy" to commit genocide or other crimes, either before or after April 6, 1994;
- Acquitted the highest ranking officer to be tried at the ICTR, Gen. Gratién Kabiligi, of all charges; and
- Acquitted Col. Bagosora (who is represented by Rafael Constant of Paris, not Professor Erlinder) of all charges that occurred before April 6 and after April 8, 1994.

The committee also said, "Rwandan President Paul Kagame's regime habitually calls its political opponents 'criminals' as has been demonstrated in the arrest and prosecution of Madame Victoire Ingabire and others in the run-up to the August presidential elections," and "Kagame used the same tactic to virtually eliminate political opposition in the 2003 sham presidential election that formalized his monolithic regime."

The conference organizing committee rejected the Kagame government's efforts to make it illegal to question the role of Kagame's ruling Rwandan Patriotic Front Party (RPF) in crimes that the RPF instead accuses its opponents of.

They said that Kagame and the RPF's responsibility for the assassinations of the presidents of Burundi and Rwanda is the subject of French and Spanish indictments and of a wrongful death civil case in U.S. federal court and that RPF responsibility for these crimes has been confirmed by former Chief ICTR Prosecutor Carla Del Ponte and others from ICTR Prosecutor's Office.

Members of the ad hoc organizing committee of this week's International Criminal Defense Conference in Brussels were Professor Peter Erlinder, Beth Lyons, Ken Ogetto, John Philpot and Andre Tremblay.

### **Kagame threatens challenger with prison for talking to press**

President Kagame's chief opponent in the Aug. 9 election, Victoire Ingabire, is now facing criminal charges brought against her for challenging Kagame and his ruling Rwandan Patriotic Front Party government. According to Ngoga:

"The prosecution is more specifically concerned with the continued posting of declarations and newspaper interviews she has been doing. The case against her is not one of robbery in which restraining physical movement would be enough to contain further damage. It is a case of destructive and divisive ideology whose damage does not require physical proximity of the offender."

Law Professor Peter Erlinder, the U.S. attorney and lead defense counsel at the International Criminal Tribunal for Rwanda, who has been retained to defend Ingabire, said:

"Ngoga's threats reveal that the real purpose of the criminal charges against Madame Ingabire is to serve notice that no political opposition will be tolerated in Rwanda. And that the 2003 'sham elections,' as reported by EU election monitors and other outside human rights observers, will be repeated in 2010, unless the Rwandan government completely changes its policies to permit a functioning democracy."

Ingabire is charged with associating with terrorists and violations of the "genocide ideology" statutes creating speech and thought crimes unique to Rwanda, which Human Rights Watch, Amnesty International, the Commonwealth Human Rights Initiative and even the U.S. State Department have denounced.

Professor Erlinder will appear at Ingabire's next hearing, on May 24 in Kigali, to insist on her continued release on bail, return of her computers and property, an end to the state's interference with her presidential campaign and the full disclosure of prosecution evidence and witnesses.

Erlinder has said he intends to argue that Ingabire's internationally recognized rights to free speech have been violated and that she is being denied due process.

He has also submitted letters to his Minnesota senators and congressional representative and to the U.S. State Department to request protection, stating that he has reason to believe that his own life could be in danger while he is in Rwanda because of leaked memos identifying him as a foreign enemy of the government and target for assassination.

The Human Rights Committee of the EU Parliament has written to Rwanda's Ambassador to Belgium Gérard Ntwari objecting to Ingabire's arrest and to ongoing repression of political and civil rights, including the right to free speech.

*Ann Garrison is an independent journalist based in San Francisco, a regular contributor to the San Francisco Bay View National Black Newspaper, Global Research and Digital Journal and a news producer for KPFA Radio, Berkeley. This story combines two stories that first appeared on Digital Journal, at <http://www.digitaljournal.com/article/292310> and <http://www.digitaljournal.com/article/292033>.*

## Hirondelle News Agency

Monday, 25 May 2010

### **Prosecution wants life imprisonment for ex-Rwandan businessman**

ICTR/KANYARUKIGA -

The Prosecutor in the case of genocide-accused and former Rwandan business man, Gaspard Kanyarukiga, Monday asked the International Criminal Tribunal for Rwanda (ICTR) to hand down the maximum penalty against the defendant.

"The most appropriate sentence is imprisonment for the remainder of his life," ICTR Senior Trial Attorney Tanzanian Holo Makwaia told the attentive Chamber presided by a Jordanian Judge Taghrid Hikmet.

The defendant, a 65-year old man is charged with genocide, conspiracy to commit genocide and extermination as crime against humanity. He denied the charges .

He was specifically accused of taking an active part in organizing and ordering killings and the demolition of Nyange Church in his native commune of Kivumu in Kibuye prefecture, western Rwanda, where 2,000 Tutsi refugees hosted in the church were killed.

"The accused directed the driver of the bulldozer on how to destroy the church. He remained there until the church was completely destroyed on April 16, 1994," Makwaia said.

"Innocent civilians including children and women were killed brutally and in a barbaric manner in the house of God," charged Makwaia.

Pleading his closing argument before the court, Canadian lead defence Counsel, David Jacobs claimed that the prosecution had failed to prove its case beyond reasonable doubts and asked the Chamber to set his client free.

"My client is what he is. He is an innocent man, a family man and a respected businessman," Jacobs claimed insisting that he was not a member of a joint criminal enterprise, as portrayed by the prosecution.

"He deserved to be free. He deserves his liberty," concluded Counsel Jacobs.

The defence wrapped its case on February 12 after presenting a total of 22 witnesses whereas the prosecution completed its case on September 17, 2009 after fielding 11 witnesses. He trial commenced on August 31, 2008.

Kanyarukiga was arrested in South Africa on July 16, 2004, and transferred to Arusha three days later.

NI/ER/GF

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## Wall street Journal

Monday, 25 May 2010

### Obama Ignores Sudan's Genocide

African hopes are fading as the U.S. lets President Omar al-Bashir escape justice.

By MIA FARROW

Last week U.S. Special Envoy to Sudan Scott Gration told the Senate Foreign Relations Committee that although he remains supportive of "international efforts" to bring Sudanese President Omar al-Bashir to justice, the Obama administration is also pursuing "locally owned accountability and reconciliation mechanisms in light of the recommendations made by the African Union's high-level panel on Darfur."

Mr. Bashir is indicted by the International Criminal Court (ICC) for war crimes and crimes against humanity, but the African Union Panel on Darfur has clearly aligned itself with Khartoum. One panel member, former Egyptian Foreign Minister Ahmed Al Sayed, said in an interview with an Egyptian newspaper, "The prosecution of an African head of state before an international tribunal is totally unacceptable. Our goal was to find a way out."

The African Union panel is led by former South African President Thabo Mbeki, who in 2008 dismissed the ICC indictment, saying that it is "the responsibility of the Sudanese state to act on those matters." Then, late last year his panel proposed a counter initiative to the ICC in the form of a hybrid, Sudan-based court with both Arab and African judges to be selected by the African Union.

But all this is moot since Mr. Bashir swiftly rejected Mr. Mbeki's proposal. Perversely, Mr. Gration has now thrown U.S. government support to a tribunal that does not and probably will never exist. Even if it did, the "locally owned accountability" he refers to is not feasible under prevailing political conditions, as any Sudan-based court will be controlled by the perpetrators themselves.

For seven years, the people of Darfur have been pleading for protection and for justice. They do not believe either peace or justice can come while Mr. Bashir—orchestrator of their suffering—remains president of Sudan. Nor do they believe "locally owned accountability" is remotely possible under the current regime.

When Barack Obama was elected president of the United States, hope abounded, even in Darfur's bleak refugee camps. Darfuris believed this son of Africa could understand their suffering, end the violence that has taken so much from them, and bring Mr. Bashir to justice. The refugees hoped that "Yes we can" was meant for them too. They believed President Obama would bring peace and protection to Darfur and would settle for nothing less than true justice.

I have held new babies named Obama and watched as Darfuris began to dream again. Fatima Haroun, a 24-year-old widow and mother, told me the day was surely near when the refugees could leave the filth and hunger of the camps and safely return to the ashes of their villages. First, she said, they would honor their lost loved ones; they would search the ashes for bones, wrap them in best cloths, and bury them with respect. They would gather wood and tall grasses to rebuild their homes, they would sing new songs and prepare their fields for planting. Hunger and terror would go away. Omar al-Bashir would rot in jail.

Such hopes did not last long.

Nearly three million souls are still waiting in wretched camps across Darfur and eastern Chad. Sudanese government bombs are still falling, murderers and rapists still roam free, and the refugees have not felt

safe for a very long time. United Nations Secretary General Ban Ki-Moon has expressed concern over increasing levels of violence in Darfur.

In their darkest hours and through losses too grievous to fathom, the world has repeatedly abandoned the people of Darfur. Over more than seven years, two American presidents have used the word "genocide" to describe what has unfolded there, but they have done little to end it.

It is past time for us to step up and accept our moral obligation to protect a defenseless people. The American people should urge Mr. Gration and the Obama administration to lead a diplomatic offensive to convince the world to isolate Mr. Bashir as a fugitive from justice, and to wholeheartedly support the only body offering Darfur's people a measure of authentic justice: the International Criminal Court.

Ms. Farrow has visited Darfur and eastern Chad 13 times since 2004.