

**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:

Tuesday, 19 October 2010

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

Tuesday, 19 October 2010

The inconsistencies of witnesses testimony in Justice Ademusu's judgement that were not material

**Prosecution Witness 1 told the court, according to the Judge that exhibit A1 for Le160 million was presented for special clearance by the Union Trust Bank Ltd and the cheque was in the name of Yeane Enterprises.*

**Prosecution Witness 2 told the court, according to the Judge that due to urgency he cleared the money at the Sierra Leone Commercial Bank where operates an account for Yeane Enterprises*

**The witnesses further told the court that soon after that the accused drove straight to State House and they drove behind her and parked behind her but when she entered State House, they drove off and went back to the office.*

**Both approached us outside the Parliament Building in the official vehicle used then by Haja Afsatu Kabba with reg. No. MFMR where the money was transferred into the boot of the vehicle and me two other people already named returned to the office.*

**As regards the difference of Le10 million an instruction was given by the accused for an amount of Le5 million to be given to Yeane Enterprises (the contractor) as incidental expenses*

**That the remaining ten million leones (10,000,000.00) from the amount my Permanent Secretary claimed to have spent Le5,000,00.00 at the Bank due to urgency....*

Concord Times (Freetown)

Sunday, 17 October 2010

Sierra Leone: Govt Reminded About TRC Commitment

Ibrahim Tarawallie

Freetown — Stakeholders have called on government to set-up a follow-up committee to ensure effective facilitation of the Truth and Reconciliation Commission, TRC recommendations as stated in the TRC Act of 2000.

The call was made in a communiqué issued by stakeholders at the end of a two-day national consultative conference organized by the human rights commission of Sierra Leone (HRC-SL) on the status of implementation of the recommendations.

They said the delay in setting up a follow-up committee was impacting negatively on the progress of the said implementation process.

It could be recalled that in 2004, the Commission outlined many suggestions that should be faithfully and timely implemented by government. Since then, some of the recommendations have been implemented, while some still awaits government and other bodies' implementation.

The stakeholders also called on government to fast track completion of the ongoing constitutional review process and ensure that all relevant TRC recommendations are accepted and incorporated into it.

"We call on His Excellency, the President with his government to make good on his commitment to the full implementation of the recommendations in line with his several public pronouncements.

Civil society and other non state actors to intensify monitoring of the implementation process and sustain advocacy and lobbying government to implement the recommendations of the TRC report in full, urge the general public who had pledged their contributions to the War Victims Trust Fund to live up to their commitment and encourage the general public to contribute generously to the War Victims Trust Fund," the communiqué states.

BBC Online

Tuesday, 19 October 2010

ICC to proceed with Bemba war crimes trial

Jean-Pierre Bemba in the ICC appeals court. 19 Oct 2010 Jean-Pierre Bemba's troops are accused of murder, rape and pillaging

The International Criminal Court (ICC) has agreed to pursue the war crimes trial of DR Congo's former Vice-President Jean-Pierre Bemba.

An appeals panel at the court in The Hague rejected an appeal from his lawyers to dismiss the case.

Mr Bemba's lawyers had argued he had already been investigated in Central African Republic (CAR) and could not be prosecuted twice for the same crime.

Mr Bemba is accused of leading militias in neighbouring CAR in 2002 and 2003.

The troops are accused of intervening in a power struggle in CAR, using murder and rape to terrorise civilians.

But Mr Bemba has argued that he was not in command of the militia after it crossed the border.

ICC appeals judge Anita Usacka said the chamber confirmed the decision of a court hearing in June that the trial was admissible, and dismissed Mr Bemba's appeal.

Mr Bemba was arrested in Belgium in 2008 and extradited to The Hague.

ICC judges had been waiting for Tuesday's ruling before setting a trial date.

CNN

Tuesday, 19 October 2010

Militia leader may be tried on crimes against humanity, court rules

By the CNN Wire Staff

(CNN) -- An international court cleared the way Tuesday to try a former politician and militia leader for crimes against humanity and war crimes including murder, rape and pillaging.

The International Criminal Court (ICC) in The Hague, Netherlands, knocked down an appeal by Jean-Pierre Bemba Gombo, ruling that the court may admit his case to trial.

Bemba's defense challenged his case's admissibility on the grounds that the Central African Republic (CAR) -- the country the alleged crimes occurred in -- investigated the case and made a "decision not to prosecute." The ICC decided that the CAR's action does not prohibit the case from being tried, according to a news release issued by the court Tuesday.

Bemba, a former vice president in the Democratic Republic of Congo, is accused of leading his militia in attacks on civilians in the CAR for almost five months, according to the International Federation for Human Rights (IFHR).

Under his leadership his Movement for the Liberation of Congo (MLC) allegedly murdered, raped and pillaged in the neighboring country "during the period approximately between 26 October 2002 and 15 March, 2003", according to the ICC.

Daily News Analysis (DNA)

Monday, 18 October 2010

Naomi Campbell practices mystical Kabbalah 'to control violent temper'

It seems Naomi Campbell is leaving no stone unturned to control her violent temper and maintain her calm.

The supermodel has revealed that she is attempting to reign in her explosive temper by converting to the mystical Kabbalah religion.

After two court convictions for violence and repeated assaults on her personal staff, the 40-year-old said the teachings of Kabbalah were taking her to a 'positive, calm place'.

"I study Kabbalah because it takes me to a positive, calm place. That's what I use it for, and it helps me a lot," the Daily Mail quoted her as saying.

The Streatham-born supermodel, who was a star witness at the recent war crimes trial of former Liberia president Charles Taylor over the gift of a 'blood diamond', said she had dabbled in the mystical offshoot of Judaism since 2000.

She was spotted having secret meetings with Madonna's Kabbalah mentor rabbi Eitan Yardeni in New York earlier this year.

"I've been in and out of Kabbalah since around 2000. It's just something I have taken more seriously," Campbell said.

She told a US fashion magazine in an interview that she was reading Kabbalah teachings daily, adding, "I've been practising. I don't know if I've been pronouncing everything right, but I've been practising."

Kabbalah is a spiritual movement rooted in Jewish mysticism with its supporters identified by a loose fitting string worn on the wrist.

The New Times (Kigali)

Sunday, 17 October 2010

Rwanda: Mbarushimana Has Genocide Charges to Answer - Activists

James Karuhanga

Kigali — Three international human rights groups; African Rights, the Collectif des Parties Civile pour le Rwanda (CPCR), and REDRESS, Tuesday issued a joint statement highlighting what they called "wider implications of the arrest of Callixte Mbarushimana in Paris."

Mbarushimana, the Executive Secretary of the Forces for the Liberation of Rwanda (FDLR) was arrested on Monday by French authorities, in response to an arrest warrant issued by the International Criminal Court (ICC) in September.

He is accused of massive war crimes and crimes against humanity allegedly committed in the eastern Democratic Republic of the Congo (DRC) last year.

The groups, despite welcoming the arrest, have emphasized that "there appears to be more to Callixte Mbarushimana than the crimes which have been attributed to him by the ICC with respect to North and South Kivu."

"Like many other figures at the helm of the FDLR, Mbarushimana has long faced accusations that he played a central role in organizing and executing the killings of the 1994 Genocide in Rwanda," reads part of their Tuesday joint statement.

"Specifically, Mbarushimana is alleged to have been involved in atrocities committed in Kigali. When the Genocide began on 7 April 1994, Mbarushimana was a computer technician with the UNDP in Kigali. After the evacuation of most of the foreign staff, Mbarushimana appointed himself as the officer in charge from 10 April until 4 July 1994."

The ICC has indicted Mbarushimana on 11 counts of crimes against humanity and war crimes, including murder, torture, rape, attacks against civilians, destruction of property, inhuman treatment and persecution, but doesn't mention Genocide.

This bothers the rights groups.

They state that even though it is necessary and important that he answer the charges levelled against him by the ICC, he must also answer the charges of Genocide.

As revealed, in 2001; the UN conducted its own investigation and linked Mbarushimana with the murder of 32 people, including Tutsi colleagues at the UNDP, during the Genocide.

"Lawyers with the International Criminal Tribunal for Rwanda (ICTR) prepared an indictment on charges of Genocide, but the Prosecutor at the time sidelined the case. In 2005, the UNDP asked the French government to initiate proceedings, but little was done," the rights groups say.

As further noted, on February 5, 2008, the CPCR submitted a criminal complaint to French authorities, detailing individual acts of Genocide Mbarushimana was alleged to have committed.

"While French investigative judges have visited Rwanda many times in recent months, Mbarushimana has not featured as one of their priorities. This failure to act allowed him to continue to use his safe haven in Paris for the benefit of the FDLR," the statement reads.

"However, because of the ICC's limited jurisdiction, Mr. Mbarushimana will not be held responsible for crimes he is accused of during the 1994 Genocide."

The rights groups note that about 20 complaints against Genocide suspects are currently pending before French authorities.

"The late arrest of Callixte Mbarushimana should, at the very least, serve as a wake-up call for French authorities to follow up on these complaints without further delays."

Mbarushimana arrived in France in 2003 and has been living there ever since.

Voice of America

Monday, 18 October 2010

ICC to Rule on Bemba Appeal

The International Criminal Court in the Hague is expected to announce Tuesday whether it has jurisdiction to try former Congolese rebel leader Jean-Pierre Bemba for war crimes.

Bemba's lawyers filed an appeal, arguing that the case against him is inadmissible in the international court because it is located in the Netherlands, not Africa.

Bemba is facing charges of war crimes and crimes against humanity for leading his forces into the Central African Republic in 2002 to help put down a coup attempt against President Ange-Felix Patasse.

Bemba's forces are accused of rape, murder, and other atrocities.

Lawyers for the government of the Central African Republic accuse Bemba's attorneys of trying to obstruct justice.

Bemba became a vice president of the Democratic Republic of Congo as part of a 2003 peace deal.

He later lost a presidential election and was charged with treason.

He was arrested on an ICC warrant in Belgium in 2008.

Some information in this story was provided by AP and AFP.

The Daily Star
Saturday, 16 October 2010

It's better than war crimes laws used globally

Emran Hossain

The International Crimes (Tribunals) Amendment Act 2009 is better than any other relevant international law and more committed to human rights than those ensured during any war crimes trial across the globe.

Prominent jurists, intellectuals, journalists and human rights activists, while talking to The Daily Star, said they examined the act in relation to relevant international laws and came down heavily on a two-member delegation from the United Kingdom.

The UK delegates said the act falls short of international standard on Wednesday.

Justice Golam Rabbani said, "I have read the speech given by Steven Kay QC and it appears to me that he is not a lawyer up to the mark.

"And probably he was brought here to say against the trial by people who do not want the trial."

Steven, in a seminar titled "Human rights: Perspective Bangladesh", made several objections to the ongoing war crimes trial and the act under which war criminals of the country's War of Liberation are being tried.

Steven raised a point on jurisdiction of the War Crimes Tribunal over crimes committed before commencement of the act, which he said challenged universal principle.

"With regards to his objection to the retrospective effect to the law, it is sufficient to tell him to read the charter of Nuremberg Trial," said Golam Rabbani.

"The crime mentioned in the charter was retrospective in effect and the crime which was mentioned therein are the same as in the act of 1973, in language and description of the crime," said Golam Rabbani.

He also mentioned that before enactment of the 1973 act in Bangladesh Parliament, a resolution was adopted in the United Nations to the effect, "Bangladesh has every right to try the criminals who committed war crimes in 1971."

The way the 1973 Act is better in standard than any other law is that all the tribunals or trials, namely Nuremberg or Tokyo or Manila, were independent in nature and decision of those tribunals were final whereas the 1973 act entertains the provision for appeal.

"There is a provision in the act of 1973, making the judgment and the order of the tribunal appealable before the appellate division of Supreme Court of Bangladesh.

"There was no such provision of appeal before and this provision is sufficient to guarantee the fair and proper trial in the tribunal," said Golam Rabbani.

Legal experts said the act was formulated, taking into account all the relevant conventions and laws available at the time of formulation.

This especially includes the laws used in Nuremberg, Tokyo and Manila Trial, the trials held on crimes during World War II, Geneva Convention and relevant UN conventions.

Even some of the experts involved in formulation of law for Nuremberg trial, held in 1945, was involved in formulation of the act in 1973.

The act, however, underwent further amendment and included the provision of appeal.

“If the Supreme Court considers the tribunal's decision wrong, the decision can be cancelled and none can change the order of the SC,” said eminent Journalist Shahriar Kabir.

Steven also expressed concern over the lack of rights to challenge and inability to request the tribunal to be accountable for its conduct in the act.

During Nuremberg trial and other trials on war crimes of World War-II, lawyers for accused raised question over appointment of judge and prosecution by the plaintiff and expressed “no-confidence” over the issue. But none of the trial or tribunal accepted it.

“In no trial of war criminals in the history of the world were the war criminals given the right to bring “no-confidence” on the judge appointed for the trial,” said Shahriar.

Shahriar also said the definition of war crimes might vary from country to country. Pakistan says there was no war of independence in 1971, and it was a civil war or many would call it a war between India and Pakistan, he explained.

“Had we lost the war in 1971, by now Pakistan and Jamaat-e-Islami would have hanged freedom fighters for crimes in war. It is always the justice of a victor. This is the way the world worked and is working till now,” he added.

Experts also mentioned that the constitution of Bangladesh is internationally regarded as one of the best constitutions in the world, and Bangladesh has internationally reputed jurists who are often invited by foreign countries, namely Cambodia and Rwanda, to develop their legal system.

Steven also expressed concern over qualifications of the people appointed for the trial, both in prosecution and judgement, questioning if they are technically trained.

The experts also mentioned that in numerous seminars, conferences and discussions at institutions including International Bar Association and experts in Europe, America, United Kingdom and even in Pakistan expressed that the act is sufficient to ensure a fair trial.

Eminent intellectual Prof Muntasir Mamoon of Dhaka University said, “What do you mean by international standard?”

“Is standard what only western countries certify? Don't you think that standard is ensured when a law is formulated while driven by necessity and reality of a country?”

“Bringing some foreigner in a seminar does not ensure international standard. Concerned international institutions are already satisfied with the act,” he added.

“We will do what we consider is good for our country. We felt the necessity and significance of independence and we waged a war in 1971, ignoring suggestions from powerful international countries that independence would not be good for us.

“But we won independence. And now we think our law is enough to hold a free, fair and transparent trial,” Prof Muntasir added.

“Has there been any war crimes trial which satisfies all these criteria?” said eminent lawyer Shahdeen Malik.

He said that following establishment of the International Criminal Court under Rome Statute in 2002, any crime committed after that and their trial may satisfy these criteria.

But we are talking about events and laws around 30 years before Rome Statute, he added.

“Those who widely assert that the act of 1973 does not meet international standard are actually not worth responding to. All these questions have already been raised and responded to in a number of legal writings,” he added.

No trial, either in Nuremberg or Tokyo or Manila or Rwanda and Yugoslavia, is beyond all these questions and criticism.

“All these efforts raising the same questions are to confuse people and the international community as well,” said Shahriar.