

**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

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Press clips are produced Monday through Friday.
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Celebrities and the Taylor trial:

Justice and false consciousness

From last edition

This blocked the hopes for a peaceful solution to the war in Liberia. With the support from a number of heads of African states who participated in the peace negotiations, such as Laurent Gbagbo of Ivory Coast, John Kufuor of Ghana, Thabo Mbeki of South Africa, Olusegun Obasanjo of Nigeria and Toumani Touré of Mali, the arrest order was ignored and Taylor was flown back to Liberia in the Ghanaian presidential plane, because rumours stated that American and British intelligence services had planned to hijack Taylor's official plane. Two days after, LURD and MODEL launched a number of military attacks on strategic cities in Liberia. This resulted in a humanitarian disaster, and as the military pressure increased on Monrovia, President Bush stated that 'President Taylor needs to step down so that his country can be spared further bloodshed.' Bush further noted that Colin Powell was 'working with Kofi Annan', who was 'working with others on the continent to facilitate that type of move' that would 'make Taylor ... leave Liberia'.

On 13 August 2003, Taylor went into exile in Nigeria. In his farewell speech he accused Britain and the US of having denied the government of Liberia the ability to defend itself, by imposing an arms embargo and other sanctions on the country. He further emphasised that the war in Liberia 'is an American war. LURD is a surrogate force ... [the US] caused this war'.

Subsequently, the US facilitated a comprehensive military intervention in Liberia, which became one

of the largest UN military missions in the world and de facto established Liberia as a neo-trusteeship under the UN, with the US as the lead agent. When Ellen Johnson Sirleaf became president of Liberia in 2006, she considered the Taylor issue as belonging to the past. But after a visit to Washington, she asked Nigeria to extradite Taylor to Liberia and handed him over to the Special Court in Sierra Leone.

DOUBLE STANDARDS IN THE INTERNATIONAL SYSTEM

The critics of the Special Court further note that the indictment of Taylor, and the UN sanctions against Liberia which since 2000 were maintained by the accusations that the Liberian government supported the RUF in Sierra Leone, presents an example of double standards in relation to international justice and law.

They point to the fact that while the international community accused Liberia of supporting the RUF in Sierra Leone, they turned a blind eye to Guinea's support of LURD in Liberia, which was backed by Britain and the US. Although this has been noted in a number of international reports, there has been very little international focus on the financial and logistical support of LURD's insurgency in Liberia. On 20 September 2002, Liberia's Minister of Foreign Affairs Monie Caplan addressed this issue at the UN General Assembly, and stated that there is a 'conspiracy of silence surrounding the prevailing war in Liberia waged by externally supported armed non-State actors'. At that time the RUF had been dissolved, which made Caplan ask the assembly

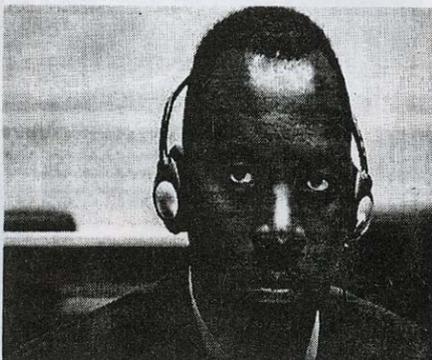
how it is 'conceivable that Liberia can ... continue to be punished by the Security Council on allegations of supporting a non-existent RUF in a non-existent war in Sierra Leone', and point out that the arms embargo imposed on Liberia was 'a flagrant violation of Liberia's inherent right under Article 51 of the Charter to defend itself against armed attacks'.

The critique of double standards in relation to international justice in Africa is not limited to the Special Court in Sierra Leone. The International Criminal Court (ICC) is also being accused for being a neocolonial instrument. This notion gained momentum when the Chief Prosecutor of the ICC Luis Moreno-Ocampo in June 2009 stated that there is a need for the ICC to cooperate with the US military to enforce ICC arrest warrants in Africa. Many African politicians and commentators have raised the question of why the ICC is targeting Africans, and not people such as Tony Blair, George W. Bush and former prime minister of Denmark and now secretary general of NATO.

Contd. next edition



ICC Appeals Chamber Delivers Judgments in Lubanga Case Friday, 8 October



On Friday, 8 October, 2010, the Appeals Chamber of the International Criminal Court (ICC) is scheduled to deliver its Judgments on the Prosecutor's appeals against Trial Chamber I's decisions to stay proceedings in the case *The Prosecutor v. Thomas Lubanga Dyilo*, and to release the accused.

The Judgments will be delivered in open court, starting at 2:30 p.m. (The Hague local time). The session will be transmitted with no delay via web streaming on the ICC website: On 8 July, 2010, Trial Chamber I of the

ICC ordered to stay the proceedings in the case against Thomas Lubanga Dyilo, considering that the fair trial of the accused is no longer possible due to non-implementation of the Chamber's orders by the Prosecution. The judges had ordered the Office of the Prosecutor to confidentially disclose to the Defence the names and other necessary identifying information, of intermediary 143.

Following the decision to stay the proceedings, Trial Chamber I ordered, on 15 July, the release of the accused. According to the judges, an accused cannot be held in preventative custody on a speculative basis, namely that at some stage in the future, the proceedings may be resurrected.

The ICC Prosecutor submitted two appeals against these decisions. On 23 July, the Appeals Chamber gave suspensive effect to the Prosecutor's appeal against the decision to release the accused.



Justice & Human Rights



Regional seminar on the ICC starts in Cameroon

Judge Fatoumata Dembele Diarra, Vice-President of the International Criminal Court (ICC), and Professor Maurice Kamto, Minister Delegate of the Ministry of Justice of Cameroon, opened yesterday in Yaoundé, Cameroon, a regional seminar on the International Criminal Court. Representatives from Ministries of Foreign Affairs and Justice, Bar Associations and civil societies from eight francophone countries in central Africa are participating in the seminar, which will last until 8 October. After thanking the Organisation Internationale de la Francophonie, the French Ministry of Foreign Affairs and the Ministry of Justice of Cameroon for their support in organising the event, Judge Diarra, the ICC Vice-President, highlighted in her opening speech that the ICC and the national tribunals have a common aim, which is the triumph of justice and the fight against impunity.

Judge Diarra explained that the purpose of the seminar is to jointly build a future where crimes will no longer remain unpunished, and where the dissuasive force of sentences will put an end to war crimes, crimes against humanity, genocide and crimes of aggression. During the five-day seminar, participants from Burundi, Cameroon, the Central African Republic, Chad, the Republic of the Congo, the Democratic Republic of the Congo, Gabon and Rwanda will exchange views with



senior representatives of the Court and international experts on the theme of the ICC and national tribunals, and the stakes and perspectives of international criminal justice.

Several workshops will offer opportunities to discuss issues such as the ICC's role on the international criminal justice scene, its mandate and structure, rules governing its jurisdiction and rights of parties and participants to the proceedings before the ICC.

The International Criminal Court is the only permanent international court with the mission of helping to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

Reuters

Tuesday, 5 October 2010

INTERVIEW-International criminal court head hopes US will join

By Adrian Croft

LONDON, Oct 5 (Reuters) - The president of the International Criminal Court (ICC) said on Tuesday he hoped the United States would eventually join the world's first permanent war crimes court, though he said it could take years.

"I am very optimistic and hopeful," South Korean Judge Sang-hyun Song told Reuters in an interview when asked about the prospects for U.S. membership of the Hague-based court.

The United States has snubbed the court since it was set up in 2002, wary of exposing its troops to prosecutions for unpopular wars. But, under President Barack Obama, Washington has started to re-engage with the court.

"When I had a series of meetings with high-ranking Obama administration officials and some leaders of the U.S. Congress their hostile stance has changed 180 degrees," Song said.

"However in terms of political reality over there, you have to have two-thirds of the U.S. senators to approve the Rome Statute (establishing the ICC) so realistically speaking it will take some time," he said.

"I think eventually they will join us ... probably not within the first administration of the present president, but some years later I hope," he said.

Obama's term ends in January 2013.

Song also said he was optimistic that Sudanese President Omar Hassan al-Bashir, accused by the ICC of war crimes, crimes against humanity and genocide in Sudan's Darfur region, would one day be arrested.

BROUGHT TO JUSTICE

"I think ... sooner or later he will be brought to justice," he said after speaking at a London meeting to encourage Commonwealth members that have not yet joined the ICC to do so.

Thirty-three of the 54 Commonwealth countries, mostly former British colonies, have so far joined the court. In all, 113 states have ratified the ICC's founding Rome Statute.

Some African leaders say the ICC is obsessed with prosecuting Africans and ignores war criminals on other continents, but Song denied the court unfairly targeted Africa.

"Yes I heard this kind of criticism more than once. That criticism is not ... factually true," he said.

Relations between the African Union and the ICC have been strained by the charges against Bashir, denied by the Sudanese president.

The ICC has so far launched investigations focusing on Darfur, northern Uganda, the Central African Republic, Democratic Republic of Congo and Kenya.

Song said three of the cases had been referred to the court by their governments, one by the U.N. Security Council and in the Kenyan case, the prosecutor had launched an investigation.

"The ICC has never targeted only African countries," he said.

Akbar Khan, director of the Commonwealth Secretariat's legal division, said delegates at the meeting had told Song that whether or not he believed Africa was being targeted "that is the perception in Africa and you need to overcome this."

Some 20 Commonwealth countries are attending the three-day meeting. About six of them are not members of the ICC while the remainder have ratified the Rome Statute but have not passed domestic implementing legislation, Khan said.

Participants in the meeting include India, one of several large countries, together with China, Russia and the United States, that have not joined the ICC. (Editing by Peter Graff)

Lubangatrial.org

Tuesday, 5 October 2010

Lubanga Trial Highlights Plight Of Child Soldiers

By Wairagala Wakabi

Irrespective of how Thomas Lubanga's trial at the International Criminal Court (ICC) concludes, it has indisputably helped to catapult into the global limelight the phenomenon and plight of child soldiers.

By taking former child soldiers to The Hague to recount how they were conscripted, the grueling training they endured, the battles they fought, and how they saw their fellow children kill and get killed in battle, the trial has given the world a vivid picture of the horrors of using child soldiers.

Besides the ten former child soldiers who testified, there were also expert witnesses that gave testimony on the use of child soldiers at the invitation of judges and prosecutors. The high levels of post-traumatic stress disorder among former child soldiers, why many armed groups took to using underage fighters, and the reason some families in the Democratic Republic of Congo (DRC) shunned their children who abandoned the military were some of the issues experts described to the court.

The Rome Statute which formed the ICC describes a child soldier as a child under the age of 15 years and disallows the recruitment or conscription of such a child into the military.

In her testimony on January 7, 2010, the UN Secretary-General's Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, pointed out that the Lubanga trial was the first in history at the international level to define the framework of the crime relating to conscripting, enlisting, and using children in armed conflict. She stressed that leaders of armed groups could not hide behind the excuse of a child having joined their groups voluntarily.

Ms. Coomaraswamy told the judges that it was important that their ruling did not ignore what girls did when they were in armed groups regardless of whether or not they took part in direct combat in armed conflict. She said girl child soldiers played multiple roles such as combat, scouting, portering, and sexual slavery.

As expert witness Elisabeth Schauer testified, child soldiers had been used in several recent conflicts. Ms. Schauer, a clinical psychologist, told the trial that child soldiers were cheaper to recruit and maintain compared to adults. Besides, children were considered fearless and were easily indoctrinated because of their limited ability to appreciate danger.

However, other experts testified that children sometimes volunteered to join armed forces. It could be due to poverty, to escape abuse, or to help defend their community once it was under attack. Still, experts argued, a child's choice to join an armed group could not be considered "voluntary" from a psychological point of view.

In the DRC, militia groups have used thousands of children in armed conflict since the coming into force of the ICC in July 2002. Mr. Lubanga – the first person to be tried by the ICC – faces charges of using child soldiers in armed conflict during 2002 and 2003. At the time, prosecutors argue, he headed the Union of Congolese Patriots (UPC) rebel group.

Also on trial at the ICC over the use of child soldiers (among several other charges) are Germain Katanga and Mathieu Ngudjolo Chui, whose groups fought ethnic-motivated battles against the UPC.

Mr. Lubanga's defense has claimed several children volunteered to join the UPC. In fact, the defense has not contested the charge that there were child soldiers in UPC. Instead, it has contested the prosecution's account of how children became fighters in the group. Equally, the defense has dismissed claims that Mr. Lubanga played a role in recruiting minors. The defense has contended that the UPC had no policy to recruit minors, and instead stated that Mr. Lubanga steadfastly strove to demobilize child fighters from the group.

On taking the witness stand, former child soldiers told a different story from that which Mr. Lubanga's defense was telling. They spoke of being abducted by UPC militia while on their way from school and being subjected to harsh training routines in UPC camps where punishment for disobeying orders ranged from being detained in waterlogged pits to flogging. They said those who were found guilty of deserting the frontline were killed by firing squad.

Moreover, they recounted how they took several weeks without having a bath, being forced by their superiors to extort money from civilians, and how commanders routinely raped female child soldiers. Many of them testified to being forced to smoke cannabis before going to battle, as their commanders believed the drugs made the minors fearless.

Many of the former child fighters described how they killed and saw their peers get killed. One such former child soldier, who is both a witness and a participating victim in the trial, testified on January 14, 2010. Recalling a battle he took part in early in 2003 as a UPC fighter, he said, "That day people were killed. I saw people dying beside me. They were like flies. Even the friends we were with they were dead. The commanders were dying too."

These accounts presented some of the most intimate first-hand accounts of child soldiering that have been heard at a world court.

However, the use of child soldiers remains widespread, although some observers have reported that armed groups in countries such as Columbia and Nepal had stopped using child fighters as a result of Mr. Lubanga's trial.

In her annual report to the UN Security Council on Children and Armed Conflict in May 2010, Ms. Coomaraswamy noted that while Burundi, Nepal, and Sudan – among others – had moved close to ending the recruitment and use of child soldiers, there were still many persistent violators of children in armed conflict. These included various armed groups in Mr. Lubanga's home country, DRC.

In addition, the Lubanga trial has also presented the intricacies of proving the ages of witnesses who were presented as former child soldiers. While experts conceded that age-determination techniques were not foolproof, they nonetheless said studies of x-rays of the hands, wrists, and mandibles of these individuals indicated some were as young as 10 or 11 years old at the time the UPC allegedly used child soldiers.

Furthermore, because most of these witnesses did not have birth certificates, and school records in DRC were missing or unreliable, it was not always possible to establish the actual ages of the witnesses who claimed to have been child soldiers in the group Mr. Lubanga is alleged to have commanded.

It is also to be noted that Mr. Lubanga's defense has dismissed as bogus all witnesses who claimed to have been former child soldiers in UPC, charging that they were coached by agents of prosecution investigators to give false testimony against Mr. Lubanga.

Nonetheless, regardless of how Mr. Lubanga's trial concludes, it is widely acknowledged that his trial has helped to bring into international focus the crime of using child soldiers.

The Hague Justice Portal

Tuesday, 5 October 2010

Kalimanzira and Rukundo Appeal Judgments to be delivered 20 October

On 20 October 2010 the Appeals Chamber at the International Criminal Tribunal for Rwanda (ICTR) will deliver two separate appeal judgments in the cases of convicted genocidaires Callixte Kalimanzira and Emmanuel Rukundo.

On 22 June 2009, Kalimanzira, a former civil servant, was convicted of genocide and direct and public incitement to commit genocide and sentenced to 30 years' imprisonment. Rukundo, a former military chaplain, was convicted of genocide and crimes against humanity, and sentenced to 25 years' imprisonment. Prosecutors have argued in favour of terms of life imprisonment for both accused. Defence lawyers argued for acquittal, citing legal errors made by the Trial Chamber and inconsistencies in witness testimony.

Hirondelle News Agency

Tuesday, 5 October 2010

Closing arguments set for November 8 in Gatete's case

Closing arguments in genocide-accused Jean-Baptiste Gatete's case will be presented on November 8 before the International Criminal Tribunal for Rwanda (ICTR). Jean-Baptiste Gatete is charged with genocide, conspiracy to commit genocide, incitement to commit genocide and crimes against humanity. He pleads not guilty.

Gatete was bourgmestre - mayor - of his native Murambi commune, in Byumba prefecture from 1987 until June 1993. He was a member of the National Congress of former ruling party MRND and was active in party politics both at national and provincial level.

Gatete was ousted as bourgmestre in 1993 amidst allegations that he persecuted the Tutsis of Murambi. He was then appointed Director in the Ministry of Women and Family Affairs, at the time headed by Pauline Nyiramasuhuko, who is also on trial before the ICTR.

According to the Prosecution, Gatete continued to hold sway over local police, gendarmes and militiamen in the Byumba and Kibungo prefectures after his dismissal. The indictment alleges that he used his influence to organize massacres of Tutsis in both prefectures.

Before hearing the closing arguments, Trial Chamber will visit the scene of the facts, travelling to Rwanda from October 26 to 30.

The defendant was arrested in Congo-Brazzaville on September 11, 2002, and subsequently transferred to the UN Detention Facility in Arusha.

His trial started on October 20, 2009. The Defence closed its case on March 29 after fielding 27 witnesses while the Prosecution had closed its case on November 16 having heard 22 witnesses.

ER/GF

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The New Republic

Tuesday, 5 October 2010

<http://www.tnr.com/blog/foreign-policy/78180/its-time-hold-rwanda-accountable-war-crimes>

It's Time to Hold Rwanda Accountable for its War Crimes



The Senegalese poet Birago Diop once wrote that the dead are not really dead. They live on in the wind, forests, and rivers, their pleas for justice echoing among the living. So it is today in the Democratic Republic of Congo, where more than five million people have been killed in the world's deadliest conflict since World War II.

But the calls for justice by the dead and the living have been repeatedly muted in several classified or sanitized United Nations reports, all to protect a handful of powerful—and likely guilty—parties in the supposed interest of peace and stability.

Today, the international community finds itself at a crossroads concerning Congo. In late August, a draft report by the U.N. High Commission for Human Rights was leaked to the French newspaper *Le Monde*. It documented more than 600 incidents of gross human rights violations by Congo's warring factions and their allies in Rwanda, Uganda, Angola, Zimbabwe, and Burundi. Amid the more serious allegations, the report accuses Rwandan Tutsi soldiers and their allies in Laurent-Désiré Kabila's rebel alliance of committing war crimes, crimes against humanity, and alleged acts of genocide against tens of thousands of Hutus in Congo. Some of the victims were *génocidaires* from Rwanda, but others, including women and children, were not.

The allegations of massacres of innocent Congolese Hutus—who were targeted because they were the ethnic kin of the murderers in Rwanda—are especially damning. Clearly, these crimes, many of which occurred in the aftermath of the Rwandan genocide, complicate the standard narrative of that genocide, which in turn threatens the strong support that Rwandan president Paul Kagame continues to receive from the Western donor community.

The Rwandan government objected loudly and forcefully to the leaked report. The tiny nation at first threatened to recall all its 3,500 troops currently serving as U.N. peacekeepers, mostly in Darfur, then recanted the threat. The leak set off an intense debate among policymakers, human rights advocates, and civil society leaders about how best to address the official report, which was subsequently released on October 1.

The Rwandan government's fear is understandable: The country stands to lose more than perhaps any other actor from this report, and it may well experience a rupture with the U.N. and the larger family of nations. But it is imperative that the international community call Rwanda's bluff and prosecute those criminal elements within its army, as well as among Rwanda's Congolese allies, who committed these gross violations. However organized and disciplined, an army that has committed war crimes and other crimes against humanity should not serve under the banner of the U.N.

Unlike the Rwandan government, Congo's government under Joseph Kabila issued a tepid response to the report and has kept a lower profile over the accusations. As with Kagame, the report challenges the peacemaker image that Kabila has cultivated within the international donor community. A former

warlord, Kabila once served in the Rwandan army and commanded Rwanda-backed rebel units in some of the areas cited in the report. Later, he served as deputy to then Colonel James Kabarebe (now a general), Rwanda's current minister of defense, who commanded Congo's army under the country's late president Laurent-Désiré Kabila, father of the current president.

Given the bonds that once existed, and to some extent, continue to exist between the governments of Rwanda and Congo, the report could implicate not only Kagame and his officers, but also Kabila and the coterie of warlords and human rights violators now serving with flagrant impunity at the highest levels of Congo's government and security institutions.

Like the Kagame administration, the Kabila regime enjoys unprecedented support from Western donors. Above all else, the mapping report underlines the pressing need for an international criminal tribunal for Congo. Model post-conflict countries, such as Liberia, the former Yugoslavia, Sierra Leone, and South Africa, have benefited from either an international criminal tribunal or a robust truth and reconciliation process, or both. It was the Special Court for Sierra Leone that indicted Liberia's Charles Taylor for war crimes and crimes against humanity, and paved the way for peace in both Sierra Leone and Liberia. A similar court for Congo will provide redress for the victims, induce real peace and stability, and accelerate regional economic integration.

Congo is stuck in a violent cycle of conflict, corruption, and public mismanagement, which has created a paralyzing crisis in political leadership at the national and international levels. Until the grievances mentioned in the report are addressed in an appropriate forum for justice, Congo will not know peace. Congo is the broken backbone of Central Africa and needs to be treated accordingly. In such dire cases, there is no substitute for justice.

Mvemba Phezo Dizolele is a distinguished visiting fellow at Stanford University's Hoover Institution and an African Studies visiting scholar at Johns Hopkins University School of Advanced International Studies. He is the author of a forthcoming biography, Mobutu: the Rise and Fall of the Leopard King.