

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



A village in Biriwa chiefdom

**PRESS CLIPPINGS**

**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office**

**as at:**

Friday, 12 November 2010

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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## Sierra Express Media

Friday, 12 November 2010

### Charles Taylor's VCD... Special Court Criminality

Author: Ibrahim Samura - SEM

Protected Special Court prosecution witnesses stormed offices of the Sierra Express Media in protest of recently released video cassette entitled: 'The Special Court for Sierra Leone, the Prosecution vs. Charles Taylor.'



The cassette which exposed photos and testimonies of some of the witnesses, also brought to light roles played by them during periods of Sierra Leone's brutal rebel war.

Samuel Kargbo, who authoritatively vowed instituting legal suit against the Special Court, angrily revealed how the forenamed court has endangers his and others lives.

He called the action of Special Court as 'far from the attributes of an international court' so to say.

"I have myself confronted management of the Special Court in relation to the video cassette. They denied having hands to the production of such a video," Samuel explained, adding that, "Later; the court hypocritically issued a release dissociating itself from such. Of course, they promised to investigate the source of such a cassette and take appropriate action."

Samuel informed this press that he had informed the Office of National Security (ONS) and has made formal complaint to Human Rights Commission Sierra Leone.

"I intend to file a suit against the Special Court; a court established to purposely bring to book persons culpable of crimes against humanity and international humanitarian crimes respectively," angry Samuel fumed.

A thorough and watchful study of footages in the clip depicts that material compiled into a video cassette came from source; presumably from management of the Special Court or sourced out secretly from an insider.

Video footages as shown in the cassette blatantly describe originality thus pointing accusing fingers at management of the Special Court as doers of the said cassette.

Samuel also revealed to this press that them as witnesses for the prosecution of Charles Taylor, prior to their departure to The Hague/Netherlands, received assurances from management of the Special Court that they will all be protected during and after testimonies.

He revealed how the Special Court later gave them pittance as allowances.

That their protection which was guaranteed was never considered.

Dreadful appalling was Special Court's conspiracy in the released of a video cassette the exposed and put to risk, lives of vulnerable Sierra Leonean witnesses.

"We will follow our rights to the end. The Special Court must pay for its rotten and life threatening action," Samuel reiterated.

This press has recorded conversation between the lives threatening witnesses and management of the Special.

Samuel has vowed complaining management of Special to the United Nations copying all Embassies in this Sierra Leone.

To be continued.

## Associated Press

Thursday, 11 November 2010

By MIKE CORDER

### **Last witness completes testimony in Taylor trial**

The war crimes trial of former Liberian President Charles Taylor approached a conclusion Tuesday with the close of witness testimony, amid mutual accusations by a former Sierra Leone rebel and prosecutors of seeking to subvert the landmark case.

Sam Kolley, an ex-member of the Revolutionary United Front (RUF) rebel group, was the last of 21 defense witnesses to testify in the Special Court of Sierra Leone's final trial.

The marathon case has shone a spotlight on atrocities committed by rebels during Sierra Leone's 1992-2002 civil war such as the amputations of limbs by rebels that became the conflict's grisly trademark.

Prosecutors say Taylor armed and supported the RUF, one of the most notorious rebel groups, in exchange for so-called blood diamonds mined by slave laborers in Sierra Leone.

From his presidential palace in Liberia's capital Monrovia, Taylor allegedly supplied not only arms and ammunition to the RUF but also drugs and alcohol given to child soldiers to desensitize them to the horrors of the war they were forced to fight.

In months on the witness stand testifying in his own defense, Taylor denied the allegations and cast himself instead as a statesman and peacemaker in the troubled West African region.

In his testimony, Kolley also insisted Taylor did not arm the RUF and said they obtained weapons from another rebel group in Liberia.

He also claimed that court officials tried to bribe and threaten him to testify that rebels gave Taylor diamonds.

Kolley, however, undermined his credibility by admitting that he lied during three different interviews with prosecution investigators.

Prosecution lawyer Nicholas Koumjian rejected the bribery and threat claims, calling them "something you have made up since May, as this case has gotten more and more desperate for the defense."

Taylor has pleaded not guilty to 11 charges of war crimes and crimes against humanity including murder, rape, sexual enslavement and recruiting child soldiers.

Defense and prosecution attorneys will now prepare closing statements summing up their cases, to be presented Feb. 8-11, before judges retire to consider their verdicts.

Among harrowing testimony at the trial, one witness described how a villager had his fingers hacked off and strung together to make a necklace before being shot; another witness recalled how rebels disemboweled a prisoner and used the intestines as ropes at a roadblock.

The trial started nearly three and a half years ago with Taylor boycotting the proceedings and firing his lawyer, saying he did not have enough time or money to prepare his defense and claiming he was being railroaded to a conviction. The first witnesses only appeared at the trial in January 2008 after Taylor had hired new lawyers.

The defense case was sensationally interrupted by the court's decision to subpoena supermodel Naomi Campbell to testify about claims Taylor gave her rough diamonds at a 1997 party at Nelson Mandela's presidential mansion in South Africa.

Campbell said she was given diamonds, but said she did not know they were a gift from Taylor.

Eight rebel leaders have been tried, convicted and sentenced to prison terms ranging from 15 to 52 years by the Sierra Leone court. Those trials were held at the court's headquarters in the Sierra Leone capital, Freetown. Taylor's trial was shifted to The Hague because of security fears.

## Hirondelle News Agency

Thursday, 11 November 2010

### **Former Rwandan mayor rewarded assailants, claims witness**

A prosecution witness alleged before the International Criminal Tribunal for Rwanda (ICTR) Thursday that former mayor Grégoire Ndahimana rewarded cows to some assailants who participated in attacking Tutsis who sought refuge at Nyange church in Kivumu Commune, Kibuye prefecture (Western Rwanda), in April 1994.

"Several people passed along the road close to my house with several cows. When I asked where they got them they said they had been rewarded by Ndahimana," the witness code named CNT to protect his identity claimed during cross-examination by the defendant's lead counsel Bharat Chadha.

The witness, who also conceded to have participated in the attack and subsequent killing of the Tutsis at the church together with others, admitted that he was not present when the cows were being distributed since he left immediately after the church had collapsed.

"I was present at Nyange parish when the church was being destroyed. After the last wall had fallen on the refugees I left for my home," the witness alleged. About 2,000 Tutsi refugees were killed following the crumble of the church.

The witness refuted the suggestion by defence counsel that Ndahimana was in the death list from people from Kibirira in Rwanda's northern Gisenyi. The lawyer had suggested that those people, who had also come at the parish to reinforce the attack against the Tutsis, had wanted to kill the mayor on claims that he was an agent of the then Rwandan Patriotic Front (RPF) Tutsi rebels.

"I do not agree with you. Persons from Kibirira were only attacking Tutsis and Ndahimana was not a Tutsi," the witness told the court in answer to the question by the counsel.

Ndahimana is charged with genocide or complicity in genocide, in the alternative and extermination as crime against humanity. He was arrested in the Democratic Republic of Congo (DRC) on August 10, 2009.

He was transferred to the United Nations Detention Facility in Arusha on August 21, 2009. He made his initial appearance on September 28, 2009 and pleaded not guilty to all the charges. His trial took off on September 6, 2010.

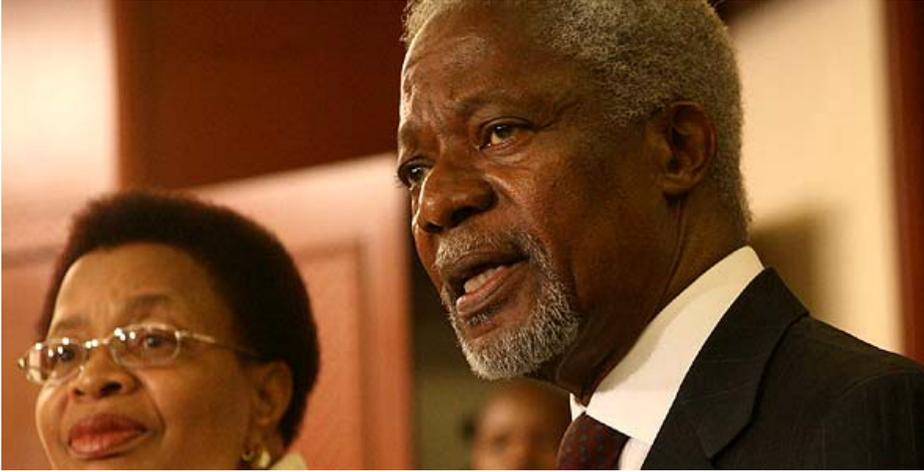
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# The Daily Nation (Kenya)

Friday, 12 November 2010

## **Annan team warns of meddling in ICC**



Chief Mediator Kofi Annan and former South African first lady Graca Machel address a media briefing at the Serena Hotel December 8, 2009. A survey commissioned by the Panel of Eminent African Personalities revealed that senior politicians were determined to terminate or delay investigations into the post poll chaos. Photo/FILE

By SAMWEL KUMBA [skumba@ke.nationmedia.com](mailto:skumba@ke.nationmedia.com) and EMEKA-MAYAKA GEKARA [gmayaka@ke.nationmedia.com](mailto:gmayaka@ke.nationmedia.com)  
Posted Thursday, November 11 2010 at 21:41

The Kofi Annan team that brokered the peace pact after the 2007 elections is worried that powerful forces are regrouping to frustrate the prosecution of post-election violence suspects.

The team monitoring and evaluating progress in reconciling Kenyans and pushing reforms, says communities are being mobilised to defend possible suspects.

“Impunity is re-organising and is fighting back through mobilisation of ethnic constituencies against International Criminal Court intervention,” said the report commissioned by the Panel of Eminent African Personalities.

The survey revealed that senior politicians were determined to terminate or delay investigations and eventual prosecution of key suspects because of its potential to end their political careers.

“It is only the pre-trial chamber that can stop the ICC process. The court can decide to terminate the case or send the prosecutor back to find more evidence,” said the report.

The report prepared by South Consulting from a survey done between July and October warns: “Individual politicians and other influential people have been behind the post-election violence and not communities.”

It is because such individuals have never been put on trial, the report shows, that impunity has thrived and continues to threaten the life of the very communities they claim to represent.

The Kenya National Dialogue and Reconciliation monitoring project draft report, which was to be launched on Wednesday, is of the view that divisions in the Grand Coalition Government continues to hinder ICC’s work.

The report will be discussed by members of the Serena group next week. The report accuses some national leaders of intimidating witnesses.

They had also caused the disappearance of witnesses lined up to give evidence at The Hague if criminal prosecutions are filed. The audit notes that allegations that witnesses had been compromised, coached or intimidated is a threat to justice.

The report comes in the wake of allegations by Eldoret North MP William Ruto that a human rights watchdog had bribed people to testify against him. Justice minister Mutula Kilonzo said that if Mr Ruto does not provide proof, his allegations amount to intimidation of witnesses.

In a letter to the Kenyan government last month, the ICC's head of International cooperation Amady Ba raised concern over reports that some witnesses had been offered bribes by people who feel threatened by the ICC.

Further, it is alleged that some politicians persuaded key witnesses against participating in the investigations, with promises of land, money and scholarships.

It has been reported that at least six potential witnesses have been flown by the ICC to Europe for their own protection. Another 70 potential witnesses are being protected by human rights groups within and outside the country.

According to the report, some of these witnesses have allegedly been approached and may have been compromised. The ICC has not been depending on government witness protection programmes.

However, the report says that some of those who left the country early are losing interest in the prosecution, citing fatigue and lack commitment to address the violence cases.

There are also allegations that some of the human rights organisations have sabotaged the ICC by releasing important confidential information to alleged perpetrators to help them prepare their evidence and identify key witnesses for harassment, intimidation or even elimination.

The survey indicates, some people in the Rift Valley and Central provinces regard the possible indictment of their leaders as unjustified on the argument of 'who bears the greatest responsibility' for the violence.

In spite of that, public confidence in the ICC remains high. Most people expect the prosecutions at The Hague to change Kenya's political culture of tolerating and celebrating impunity, especially with regard to influential politicians.

The ICC's Pre-trial chamber II approved investigations into the Kenyan situation about March this year.

## Radio Netherlands Worldwide

Thursday, 11 November 2010

### **Khmer Rouge Tribunal risks "legacy of impunity"**

By Thijs Bouwknecht



Cambodia's UN-backed genocide tribunal should press on with new cases against former Khmer Rouge leaders or risk a "legacy of impunity," says a trial-monitoring group.

"High-level war crimes cases should be tried by the

Extraordinary Chambers in the Courts of Cambodia (ECCC), rather than transferred to local courts." The report by the US based Open Society Justice Initiative (OSJI), released on Wednesday, says that ordinary Cambodian courts cannot guarantee international fair trial standards, given intense political interference of Cambodian leaders.

"If any of these cases are dismissed, transferred, or otherwise handled in a manner that does not evince independent decision making consistent with international standards, the court will be left with a legacy of impunity rather than justice in spite of its accomplishments in other cases," the report reads.

The ECCC - staffed by a mixture of Cambodian and international staff and judges - prosecutes senior Khmer Rouge leaders responsible for the deaths of up to 2 million Cambodians between 1975 and 1979. Ever since the UN-backed court was set up in 2003, it has been dogged by allegations of political interference while Cambodian and international prosecutors openly disagree on whether the court should pursue more suspects.

Last month, Cambodian Prime Minister - himself once a mid-level Khmer Rouge member - told visiting United Nations chief Ban Ki-moon that a third case was "not allowed" because it could plunge the country back into civil war.

Following Hun Sen's statement, UN Chief Ban Ki-moon said it would be up to the ECCC to decide whether or not to start a third trial.

In its statement Wednesday, the OSJI warns that the court "risks the appearance that it is dumping the cases because it is unwilling or unable to deal with the political interference that has come to haunt the ECCC."

"Cambodia's government has made clear its determination to abort any cases it finds politically inconvenient," said James A. Goldston, executive director of the OSJI. "The United Nations and international donors must ensure that any completion plan for the court guarantees fair trials and appeals in all remaining cases on its docket." Goldston added that the best way to achieve this is through the existing hybrid tribunal.

Four cases, involving a total of ten accused persons, are currently pending before the tribunal in Phnom Penh. The court completed its first case in July, sentencing former Toul Sleng prison chief 'Duch' to 35 years in jail for overseeing the deaths of more than 12,000 people. The case, dubbed "case 001", is now under appeal.

In September, the ECCC indicted four top regime leaders genocide, war crimes, crimes against humanity for their role in the deaths of up to two million people in Cambodia's "Killing Fields". Ieng Sery, Ieng Thirith, Nuon Chea, and Khieu Samphan are set to go to trial together in mid-2011.

Cases 003/004, involving five senior Khmer Rouge leaders whose names remain, are currently under investigation, but Cambodian leaders have repeatedly sought to block their progress.

"Such blatant political interference in the court's work is of course contrary to basic fair trial standards," said the report. But Council of Ministers spokesman Phay Siphon called the document "an insult to the government."

Cambodia and the UN had not yet reached "an agreement" on cases three and four, he said, adding that funding was a key concern. "We are worried about the budget," Phay Siphon said.

The Phnom Pehn Post  
Thursday, 11 November 2010

## KRT lawyers appeal to UN



Photo by: Heng Chivoan

Spectators watch proceedings of the Extraordinary Courts in the Chambers of Cambodia from the public gallery in June 2009.

**L**AWYERS for former Khmer Rouge

Brother No 2 Nuon Chea have appealed to United Nations investigators to address allegations of political interference at Cambodia's war crimes tribunal.

In letters dated yesterday that were also forwarded to Prime Minister Hun Sen, King Norodom Sihamoni and UN Secretary General Ban Ki-moon, the lawyers said all efforts thus far to address the issue of political interference within the framework of the tribunal had been stymied.

"Transparent resolution of the allegations at issue is a vital next step in the current proceedings," the lawyers wrote to Gabriela C Knaul de Albuquerque e Silva, the UN's Special Rapporteur on the Independence of Judges and Lawyers, and Surya Subedi, the Special Rapporteur for human rights in Cambodia.

"In view of the gravity of the matter, we believe a prompt reaction from your office would be in order."

Subedi said in an email that he had received the letter and was "studying it carefully", declining to comment further.

In their letters, the lawyers pointed in particular to a September decision by the court's Pre-Trial Chamber in which the chamber's two international judges called for an investigation of alleged political interference in the work of the court; the PTC's three Cambodian judges, however, ruled that no investigation was necessary.

This ruling came following a request from the Nuon Chea team in relation to public comments made by Hun Sen and Information Minister Khieu Kanharith last year. Following attempts by the court to summon six senior government officials, the premier and the information minister publicly expressed opposition to the summonses, which were ultimately ignored.

Further controversy came during a visit to Cambodia last month by Ban Ki-moon, when Hun Sen informed the UN head that he would not allow pending investigations in the tribunal's third and fourth cases to move forward due to concerns about national security.

“Staunch, public condemnation by the Special Rapporteur of the current state of affairs at the ECCC would both spotlight the challenges facing the tribunal and send a strong message to the [government] that might move it to exercise restraint in the future,” lawyers Michiel Pestman and Victor Koppe wrote to Subedi and de Albuquerque e Silva.

Council of Ministers spokesman Phay Siphon called the letters “an insult to the Royal Government of Cambodia and an insult to the United Nations”.

“There are a few organisations that try to spit out obfuscation of information,” Phay Siphon said, noting that Ban and United States Secretary of State Hillary Clinton had applauded the work of the court during recent visits to Cambodia.

UN court spokesman Lars Olsen said defence teams were “free to do whatever they want and deem proper to ensure their clients’ rights”.

“Sending these letters is obviously part of their rights,” Olsen said.

The Canadian Press

Friday, 12 November 2010

**Rights group in Kenya warns that former minister trying to derail Int'l Criminal Court probe**

NAIROBI, Kenya — A government-funded human rights group in Kenya says a former government minister may be trying to derail the International Criminal Court's investigation into Kenya's postelection violence.

The Kenya National Commission on Human Rights said Friday that William Ruto should be investigated for allegedly persuading three people in a witness protection program to recant statements they made against him.

The rights group said in a 2008 report that Ruto was involved in the 2007-2008 violence that killed more than 1,000 people.

Ruto claims the group bribed witnesses to implicate him. Ruto visited the ICC in the Netherlands last week in an attempt clear his name.

The ICC is expected to issue indictments in the coming weeks.

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## **International Criminal Court still faces major challenges in fighting impunity**

By Ivar Scheers

In an interview with TIME in 2007, Juan Méndez, director of the International Center for Transitional Justice, mentioned that the next few years would tell whether the ICC was going to be a success or failure. He thereby referred to the objectives the International Criminal Court (ICC) in The Hague, The Netherlands had to fulfil in the years to come. "If the prosecutor ends up only producing two or three trials and has 20 outstanding warrants, the appetite for international criminal justice will fade away completely." In a nutshell, Méndez summed up the tremendous task the ICC and its current prosecutor Luis Moreno-Ocampo were facing. And they still are.

In 2002 the constitutional Rome Statute of the Court - signed four years earlier at a diplomatic conference in the Italian capital - entered into force, thereby establishing the first permanent international constitution with the capability of prosecuting those individuals that committed the most heinous crimes against humanity. The ICC issued its first arrest warrants in 2006 and began its first-ever trial in 2009, in which former Congolese rebel leader Thomas Lubanga is accused of conscripting and enlisting children for participation in combat. That same year it issued its first arrest warrant for a sitting head of state, charging Sudanese president Omar Al-Bashir with war crimes, crimes against humanity and genocide. In 2010 the management oversight and legislative body of the Court, the Assembly of States Parties (ASP) convened the first Review Conference of the Court, reviewing the work and progress of the Court so far, as well as the implementation of its Statute, decisions and recommendations in the domestic jurisdictions of the signatory states.

### **Lubanga-case**

The President of the ASP, Christian Wenaweser from Liechtenstein, stated recently that the world could expect the first ICC-judgment in March 2011, thereby referring to the case of the Prosecutor vs. Mr. Lubanga. A conclusion of this case would be a relief for the court, as the trial has mainly been marked by the tumultuous relationship between the prosecutors and judges and commenced only in 2009 after a two-year delay due to evidence disputes. Subsequently the first witness summoned by the prosecutors retracted his testimony and in July 2010 the judges ordered to stay the proceedings and thereafter the release of Mr. Lubanga two decisions against which the prosecutors successfully appealed. On 9 October 2010 the Appeals Chamber of the Court ruled the trial should be continued. Given the struggling progress of the trial, Mr. Wenaweser's statement that a judgment in the case can be expected around March 2011 evokes some question marks. This doubt is boosted by that fact that the Lubanga Defense has mentioned that evidence disclosure problems may delay the trial again in the upcoming future.

### **Challenges**

The complications the Court faced so far in the case against Mr. Lubanga indicate that the relatively young institution still faces numeral challenges in its development process. The first years of the Court's work largely revolved around the interpretation of its constitutional and material legal texts. Building partly on the work of other courts, such as the International Criminal Tribunal for the former Yugoslavia

and the International Criminal Tribunal for Rwanda, the ICC has managed to take international criminal law to a broader and more developed stage. So far, the Court has indicted fourteen suspects of which seven remain fugitive; two are believed to have died; four are in custody and one appeared before the Court on a voluntary basis. The ICC booked considerable success in the first decade of its existence, but much work remains to be done.

Firstly, the number of prosecutions started and effectively completed by the Court will be essential in the assessment of the Court's capabilities, as well as the image the world outside acquires of it. The prosecutorial strategy the Office of the Prosecutor presented in 2009 mentioned that over the next three years at least one new trial should commence. As Méndez stated it is doubtful whether such a low-profile approach will have the desired effect the ICC needs on the international community. The recognition for the Court will not only depend upon the effective completion of the cases it starts, but also the number of proceedings running. Quality counts, but so does quantity. Especially states considering joining the Court might eventually be reluctant to do so if the entire budget of the Court is spend on a handful of cases.

Secondly, the different backgrounds of the Court's lawyers and judges address the challenges it faces in merging different legal systems from different cultures in its own proceedings, while also the participation of victims in the proceedings of the Court - the ICC is the first international court offering this possibility - remains its difficulties in implementation, something of which the retraction of the testimony by the first witness presented by the prosecutors in the Lubanga-case an example.

The opposition of the US, Russia and China against the Court remains what is perhaps the weakest spot of the Court's overall practical and constitutional structure. All three countries are permanent members of the UN Security Council and have the ability to strengthen the Court tremendously through both their political and financial power. The United States signed the Rome Statute during President Bill Clinton's last days in office but his successor George Bush refused to ratify the treaty and nullified the American signature. In 2002, the American Congress even adopted the American Service-member Protection Act, providing the president with the possibility "to use all means necessary and appropriate to bring about the release of any person who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court."

Nevertheless, with the current administration in the US a slight change in approach towards the ICC is noticeable. The Obama-administration is reconsidering the aforementioned act and during the last annually Assembly of States Parties of the Court, in November 2009, the government sent its first-ever delegation since the establishment of the Court in 1998 - participating in the Assembly as an observer. But where the American opposition against the ICC can be explained by the generally scrutinizing view of the US government towards international treaties, the opposition of Russia and China is perhaps more profound as it is likely to result from the fear the prosecutor might open investigations in what they consider to be national interest, such as the situations in Chechnya and Nepal.

## **Future**

Mr. Moreno-Ocampo stated that the ICC could be considered a success once it is not necessary anymore to start prosecutions, thereby referring to the primary duty for states parties to initiate prosecutions against those individuals that are alleged to have committed crimes that fall within the jurisdiction of the ICC. The Court must therefore not be considered an institution that can perish human rights violations from the face of the earth, for this remains primarily the duty of states themselves. By acting in complementarity with the standards of the Rome Statute, the case law and recommendations of the Court states can work together towards a more unified system of international criminal law, thereby slowly but decisively tightening the leash around the perpetrators of the crimes enshrined in the Statute. What the Court can do however, is prosecuting and punishing those that bear the greatest responsibility for the most heinous crimes against humanity, in case national jurisdictions are unwilling or unable to do so. In this process, the Court and the states parties have to bear in mind that solely arrest warrants will not saturate those

demanding justice and a lack of results will affect the prestige of the Court in the international community.

Eventually, expected judgment in the Lubanga-case offers an opportunity which is as urgent as it is important in taking another step towards the realization of that what Mr. Moreno-Ocampo would consider to be a successful ICC: a world without impunity for the perpetrators of most heinous crimes. But while developing the ICC further we should not forget that the ICC is not the panacea for gross human rights violations, but rather the antidote.

The ICC is currently investigating in five countries, all located on the African continent. In Uganda, the Democratic Republic of the Congo, the Central African Republic and Sudan the Prosecutor has issued arrest warrants for individuals that allegedly committed crimes over which the Court has jurisdiction. In Kenya the Court has recently opened an investigation examining the possibilities of charging individuals for crimes against humanity.

- Uganda: In 2003 the government of Uganda referred the situation concerning the rebel group Lord's Resistance Army to the ICC, subsequently to which the Court issued arrest warrants for several rebel leaders, whom remain at large so far.
- Democratic Republic of the Congo (DRC): In 2004 the government of the DRC referred the situation of all crimes within the Court's jurisdiction committed since its establishment to the Prosecutor. In 2006 the Prosecutor issued the first arrest warrants and in 2009 the trial of former rebel leader Thomas Lubanga commenced. Two other suspects have been surrendered to the Court by the DRC government.
- Central African Republic (CAR): In 2007 the Prosecutor opened investigations in the fighting between government and rebel forces from 2002 to 2003. A former vice-president of the DRC, Jean-Pierre Bemba, has been charged by the ICC for his involvement in the civil war in the CAR.
- Sudan: After the UN Security Council referred the situation in Darfur to the ICC, the Prosecutor indicted several members of the Sudanese government, of which the indictment of President Omar al-Bashir in July 2008 was the most high profile. Since Sudan is no party to the Rome Statute, refuses to cooperate with the Court, and Mr. al-Bashir is usually not travelling to counties where he might be arrested, the ICC has not been able so far to successfully detain any of the indicted persons.
- Kenya: On 31 March 2010 the Prosecutor was authorized to open investigation in crimes against humanity committed in the civil disorder in Kenya between 2005 and 2009.

## Lubanga Trial Website (The Hague)

Wednesday, 10 November 2010

### **Congo-Kinshasa: Intermediary Questioned About Payments from the ICC**

Wairagala Wakabi

An intermediary of prosecution investigators was today questioned by defense lawyers representing war crimes accused Thomas Lubanga about the various payments he received from the International Criminal Court (ICC).

Defense lawyer Marc Desalliers asked 'intermediary 316', who was continuing his testimony that started on Monday, to explain various payment vouchers that were presented in court.

He asked the intermediary whether he received a salary before November 2005, when he got a contract from the court. The intermediary responded that he was only reimbursed for his expenses while doing work for investigators of the Office of The Prosecutor (OTP).

"During the informal stage of your dealings with the OTP between the month of April 2005 and beginning of your contract in November 2005, did you receive any salary?" Mr. Desalliers asked again.

"I would say no, there was no salary," the witness replied. "There was reimbursement for expenses incurred. However, as things developed the OTP paid for my needs in terms of salary because I had to give enough time to working in the field."

He said before he got a contract with the ICC's prosecution office, his payment was based on the number of days he worked.

The intermediary clarified that although there were payment vouchers before he got the contract, which indicated that he had a salary, in fact he only got a daily subsistence allowance for the days he worked.

Mr. Desalliers then showed the intermediary a September 25, 2005 receipt for reimbursement of 880 USD in subsistence allowance and an 11 day salary of 490 USD. According to the defense attorney, this receipt showed that the intermediary was receiving a salary besides the subsistence allowances.

In response, the intermediary responded that this was to cater for his expenses when he traveled for duty to neighboring Uganda. "I had to pay for hotel, meals, and other costs," stated the intermediary, reiterating that he was not paid a salary at the time.

Testifying with voice and face distortion, the intermediary gave most of his evidence in closed session. Presiding Judge Adrian Fulford said it was necessary for the intermediary to give most of his testimony in closed session because his evidence would have revealed his identity. "A transcript of this mornings hearing with suitable reductions will be published in due course," said the judge.

A prosecution witness told court that this intermediary gave him money and then coached him to lie in his testimony that he had been a child soldier with the Union of Congolese Patriots (UPC), the group that prosecutors allege was led by Mr. Lubanga.

The prosecution witness also claimed the intermediary told him to falsely claim to prosecution investigators that he knew children who were conscripted into the UPC, that he saw trainees get killed by

firing squad after failing to obey commanders' orders, and that some girl child soldiers got pregnant while they were in the UPC.

In addition, the witness told the trial in March this year that due to pressure from the intermediary, he lied to investigators in 2005 that he had seen commanders of the UPC militia at Mr. Lubanga's offices. Since he started giving evidence on Monday, the intermediary has denied all these allegations, stressing that he neither gave money nor coached any witness.

Mr. Lubanga stands accused of conscripting, enlisting, and using children in armed conflict in the Democratic Republic of Congo. He has denied the charges and instead claimed that intermediaries bribed and coached all children who told court that they had served as soldiers in the UPC.

Mr. Lubanga's defense has also claimed that the parents of these children were bribed into providing incriminating evidence against the accused. The defense has stated that it will file an application next month for judges to dismiss the case because of this alleged corruption of evidence.

Tomorrow morning the defense will continue cross-examining 'intermediary 316.'