

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



PRESS CLIPPINGS

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

as at:

Friday, 19 November 2010

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

Local News

Correction:...Article of 17 November 2010, “Issa Sesay Spits Fire” / <i>The Exclusive</i>	Page 3
‘Terrible Crimes were committed in Sierra Leone’ / <i>The Torchlight</i>	Page 4
Former Child Soldiers Start University... <i>Awoko</i>	Page 5
State of Emergency Imposed in Guinea / <i>The Torchlight</i>	Page 6

International News

No Signs of Victim Compensation in Sierra Leone 18 Nov 2010 / <i>The Hague Justice Portal</i>	Page 7
Alleged Russian Arms Dealer Was Active in Africa / <i>Voice of America</i>	Pages 8-9
There is a Heavy Price to Pay for Dealing with Lord of War / <i>Herald Scotland</i>	Pages 10-11
Donors to Meet to Fund Hissène Habré Trial / <i>Human Rights Watch</i>	Pages 12-13
Netherlands: Court Starts 2 Inquiries / <i>The New York Times</i>	Page 14
Kenya’s High Court Considers Request that Forces Government to Arrest Sudanese President / <i>ST</i>	Pages 15-16

The Exclusive

Friday, 19 November 2010

CORRECTION: (One word added) Fw: Article of 17 November 2010, "Issa Sesay Spits Fire"

Dear Mr. Foday,

You stated in your article today entitled "Issa Sesay Spits Fire" that I am on leave. Since this is incorrect, and I am pleased to send you a few points in response which should serve to clarify your article.

Exclusive: "The Special Court has ceased to support their wellbeing and that they should now be treated like other Rwandese (sic.) prisoners."

The memo sent by the Registrar merely reminded the prisoners that, while serving their sentences in Rwanda, they are subject to the rules of Mpanga Prison, and that the conditions of their imprisonment are governed by the laws of Rwanda, with the Court maintaining a supervisory role.

Exclusive: "...they no longer receive allowances from the Special Court."

The prisoners continue to receive work allowances from the Special Court. Apart from an increase in that amount when they were transferred to Rwanda, there has been no change.

Exclusive: "They are also denied access to their lawyers."

The prisoners have access to counsel for any matter arising in relation to their conviction.

Under the Special Court's Statute and Rules, if a new fact is discovered which was not known at the time of the proceedings which could have been decisive in their case, the prisoner may submit a request to the Special Court's Appeals Chamber for a review of the judgment.

The prisoners may make use of pro bono counsel, if it is offered, but the Rules do not provide for the Court to pay for lawyers to look for new evidence after the conclusion of the cases.

Exclusive: "Family members are no longer allowed to visit them...the Special Court has refused to provide air tickets to their family members to visit them."

Family members are allowed to visit at their own expense at any

time. Since the cost of travel is high, the Court paid for visits by one family member for each prisoner this year. All of the prisoners received family visits in 2010. Paid visits in future years depend on whether donors will fund them, and that issue is still open.

Regards,

Peter C. Andersen

Chief of Outreach and Public Affairs,

Special Court for Sierra Leone

Website: <http://www.sc-sl.org>

Twitter: @SpecialCourt

The Torchlight

Friday, 19 November 2010

‘Terrible Crimes were committed in Sierra Leone’

-Former President Taylor's Lawyer Admits



By Alpha Sesay

Closing his war crimes trial that lasted for more than one year, defense lawyers for former Liberian president Charles Taylor acknowledged the brutal nature of the crimes that were committed in Sierra Leone and expressed grave concerns for victims of those crimes.

The defense presented 21 witnesses at The Hague trial to testify on behalf of the former Liberian president. Taylor has been on trial on an 11-count indictment in which prosecutors alleged that he provided support to and was in control of Sierra Leone's Revolutionary United Front (RUF) rebels, who waged an 11-year-civil conflict in the West African nation. Mr. Taylor has denied all allegations against him.

Between January 2008 and February 2009, Prosecutors led 91 witness in evidence against Mr. Taylor, some of whom were victims of the conflict in Sierra Leone, while others were insider witnesses comprising former members of the RUF, former members of Mr. Taylor's National Patriotic Front of Liberia (NPFL), and former members of Mr. Taylor's Liberian government, including his former vice president Moses Blah. The victim witnesses testified mainly about the atrocities that were committed by RUF rebels in Sierra Leone, while the insider witnesses attempted to link Mr. Taylor to the RUF and their activities in Sierra Leone.

Mr. Taylor's lawyers formally opened the defense case on July 13, 2009, and the following day, the former Liberian president himself took the witness stand as a witness in his own defense. Mr. Taylor concluded his testimony on February 18, 2010. Mr. Taylor's final witness, a Liberian member of the RUF, Sam Flomo Kollah, concluded his evidence on Tuesday, November 9, 2010.

In bringing Mr. Taylor's defense to a formal closure on November 12, 2010, lead defense counsel for the accused, Courtenay Griffiths, told the judges, "I'm grateful first of all to your honors for dealing with such alacrity with the outstanding motions, and I am pleased to announce that is the case for Mr. Taylor."

Mr. Griffiths thanked all the parties involved in the trial for their "contributions

in ensuring that the proceedings in the courtroom have run as efficiently and smoothly as they have done."

"In thirty years of practice, this is the first trial I have been involved in of this magnitude involving so much evidence in which so little time has been lost either through illness or any other matter, and I think everyone ought to be commended for their efforts in ensuring that that was the case," Mr. Griffiths said.

Mr. Griffiths also said that the differences in positions inside the courtroom should not be interpreted that the defense does not share the concerns of the victims of the conflict in Sierra Leone.

"I would also, in light of the comments I made, like to make it clear that it has been accepted by us right from the outset that terrible crimes were committed in Sierra Leone. We share the concerns for the victims of these crimes, and we want to make clear that differences between the parties in the courtroom should not be exploited as evidence that either party naturally assumes a morally superior position," he said.

"On that note, this is the case for Mr. Taylor," Mr. Griffiths concluded.

Presiding Judge of the Trial Chamber, Justice Julia Sebutinde, thanked all parties who have worked to get the trial to this stage. She announced that after today's formal closure of the defense case, the court will resume again to hear closing arguments from the parties from February 8 to 11, 2011 before the judges retire for judgment.

In a press release issued by the Office of the Prosecutor, the Chief Prosecutor of the Special Court for Sierra Leone, Brenda J. Hollis, said that the closure of the defense case "is an important step towards the completion of the Charles Taylor trial."

Ms. Hollis thanked witnesses who have testified for both the prosecution and the defense, saying that "their courage and willingness to take the stand and bear witness has been an inspiration. We in the prosecution have always said that we fight for justice in the name of the victims, but they are the ones who have truly made justice possible".

In another press release issued by the Outreach and Public Affairs section of

the Special Court for Sierra Leone, the Registrar of the court, Binta Mansaray, said that the closure of the defense case "is not only a major milestone in the Charles Taylor trial, but in the work of

the court as a whole."

Mr. Taylor's trial will resume on February 8, 2011 to hear closing arguments from the parties.

Awoko

Friday, 19 November 2010

Former child soldiers start university studies in Almería

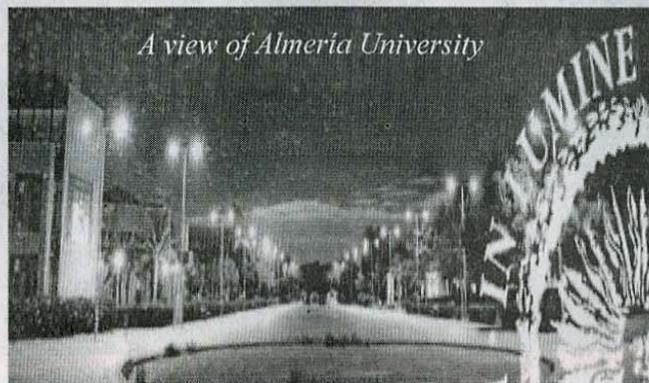
They have come to Spain from Sierra Leone thanks to grants from the charity Todos Son Inocentes

Two former child soldiers from Sierra Leone, both of them girls and now aged 18 and 20, have arrived in Almería to study at the university. They will begin their three years of study with an intensive course in the Spanish language, followed by professional training in the health sector to allow them to put their new knowledge into practice once they return home.

It comes as part of a collaboration agreement with the charity 'Todos Son Inocentes' 'They Are All Innocent', which awarded educational grants to its first four child soldiers in 2007. Three are still studying here, while the fourth has now returned to Sierra Leone.

The President of Todos Son Inocentes, Miguel Serrano Martínez, said at a press conference on Wednesday that there are known to be some 25,000 former child soldiers in Sierra Leone, compared

with the 500 which he says are acknowledged by the country's authorities



Guinea: State of emergency imposed in Guinea

Conakry, Guinea - Guinea's transitional leader, General Sekouba Konate, on Wednesday imposed a nationwide state of emergency until the final results of the presidential run-off are confirmed by the Supreme Court, state television reported. The first night curfew imposed in Labe in Medium Guinea is from 1700 hours GMT to 0600 hours GMT.

Army chief of staff, General Nouhoum Thiam, announced on state television that since the publication of the provisional results on Monday night indicating that Professor Alpha Conde had won with 52.52% of the votes, some criminals had attacked security forces. The other candidate, Cellou Dalein Diallo received 47.48% of the votes.

Businesses and offices remained closed in Conakry, the capital, where Diallo's Union des forces Democratiques de Guinee (UFDG)'s has rejected the results saying they were rigged.

The UFDG supporters attacked security forces in the districts in the Ratoma Commune in the capital, Diallo's stronghold.

According eyewitnesses UFDG's sympathizers, mainly from the Peulh ethnic group, have been attacking the Malinkes, the ethnic group of Conde, who has been calling for peace and restraint since Monday, giving the assurance that he would extend a 'brotherly hand' to Diallo for them to jointly work to overcome the many challenges confronting the country.

Residents of Labe, Diallo's native town, especially Malinkes, have said the curfew has brought an 'uneasy peace' in the towns where the Muslims were denied access to mosques to pray on

the occasion of Eidul-Adha because of the violence perpetrated by Peulhs, who were heavily armed with cudgels and machetes.

'They have burnt down houses after looting them,' some Malinkes in Labe said.

They added that the houses were torched before the arrival of soldiers to maintain order.

The same situation is prevailing in Pita, Dalaba and Koubia in Medium Guinea where Diallo, a former Prime minister, gained most of his votes.

He, however, lost in the regions of the Savannah (High Guinea), in Guinee Forestiere in the south, his opponent's stronghold, as well as in Basse Cote or in Guinee Maritime Diallo at a meeting on Tuesday night with interim president Konate denounced 'the barbarous and brutal repression' of security forces against his followers and was assured of 'a humane treatment' for demonstrators. He demanded that his party leaders arrested in Dalaba be released.

'I keep on rejecting these results announced by the National Independent Electoral Commission (CENI) and we are going to ask the Supreme Court to reinstate us in our rights,' he said, adding that he has urged his followers to calm.

On his part, Prime minister Jean Marie Dore, has urged security forces to disarm 'all the delinquents' who have deliberately attacked peaceful citizens. 'The whole world has hailed the fair and transparent poll in the country. In spite of this, delinquents want to destroy the country,' he said.

The Hague Justice Portal

Thursday, 18 November 2010

No signs of victim compensation in Sierra Leone 18 Nov 2010

Chief Prosecutor at the Special Court for Sierra Leone, Brenda Hollis deplors the lack of assistance for victims.

On 17 November 2010, Chief Prosecutor at the Special Court for Sierra Leone (SCSL), Brenda Hollis cautioned against optimism that the end of the Charles Taylor trial would lead to victim compensation.

At an evening lecture at the T.M.C. Asser Instituut in The Hague, the Prosecutor nevertheless spoke of the example that the Taylor trial sets for the possibility of trying former senior political leaders, in spite of prevailing challenges.



Charles Taylor is the former President of Liberia charged with 11 counts of war crimes and crimes against humanity for crimes perpetrated during the civil war in neighbouring Sierra Leone. The Defence recently rested its case in the proceedings in which testimony from more than one hundred witnesses brought evidence of the bloody campaign waged by the Revolutionary United Front (RUF) rebels, characterised by the use of child soldiers and the cutting off of limbs.

Property, proceeds and assets acquired unlawfully

On the opening day of the trial against Charles Taylor, the Prosecution placed the accused at the centre of a systematic campaign of terror waged against civilians in Sierra Leone after 30 November 1996. According to the Prosecutor, even after a Judgment is delivered in the case sometime around the summer of 2011, compensation for victims will not be forthcoming. Part of the problem, according to the Prosecutor, lies with the difficulties facing the UN team investigating Charles Taylor's alleged funds, though the Prosecutor also labelled the lack of help provided to victims by the 'international community' as little short of a "disgrace".

In Sierra Leone many people continue to suffer the aftereffects of the long civil war, with visible signs on the streets of Freetown of the forced amputations that took place. However, unlike Article 75 of the Rome Statute for the International Criminal Court (ICC), the Statute for the SCSL does not specifically provide for victim reparations. Nevertheless, as with Article 77(2)(b) of the Rome Statute, the SCSL does have the power under Article 19(3) to order the forfeiture of the property, proceeds and assets of a convicted person to their rightful owner, if acquired unlawfully or by criminal conduct. This penalty can only be invoked after a conviction.

Under the Lomé Peace Agreement a reparations program was established to address the needs of victims of the war in Sierra Leone, with the National Commission for Social Action (NaCSA) designated in 2007 as the implementing agency. Despite some progress in community-based and capacity-building projects, the Commission has suffered from chronic under-funding.

Charles Taylor has denied all of the charges against him and in testifying in his own defence, has rejected the allegations that he provided logistical and financial support for the RUF.

Voice of America

Thursday, 18 November 2010

Alleged Russian Arms Dealer Was Active in Africa

David Crane, former chief prosecutor for Special Court on Sierra Leone, tells about Viktor Bout

Joe DeCapua

"[Bout was] very much complicit (in the Sierra Leone conflict) and was...one of the individuals providing small arms that he got in return from...Charles Taylor...Foday Sankoh and others from the Revolutionary Front to arm the rebels in Sierra Leone."

Viktor Bout, an accused Russian arms dealer who allegedly helped fuel wars in Africa and elsewhere, pleaded not guilty to terrorism charges Wednesday in federal court in New York.

U.S. attorney general Eric Holder calls him one of the world's most prolific arms dealers.



AP

Viktor Bout

Bout was arrested two years ago in Thailand and was flown to the United States on Tuesday.

"It's good to see that justice has been done," says David Crane, the former chief prosecutor for the Special Court on Sierra Leone. Crane, now a Syracuse University law professor, signed the war crimes indictment against former Liberian president Charles Taylor, one of Bout's alleged customers.

Crane says Bout was "very much complicit (in the Sierra Leone conflict) and was...one of the individuals providing small arms that he got in return from...Charles Taylor...Foday Sankoh and others from the Revolutionary Front to arm the rebels in Sierra Leone."

Bout is a former Russian army officer and when the Soviet Union fell, Crane says, he took advantage of the weapons that were still available and began to sell them to "gun runners, diamond dealers, thugs, boy generals and recalcitrant heads of state. He's an embarrassment to Russia," says Crane. "But this has caused some diplomatic problems over the past couple of weeks and Russia has come forward and has really vocally said that he should be set free."



David Crane

The Special Court on Sierra Leone, Crane said, “actually paid very close attention to the arms dealers because again, in the West African joint criminal enterprise [Bout] was very much one of the suppliers of weapons that (were) used in the civil war and was very much a player in the background of moving diamonds, guns and diamonds about that part of the world.”

Crane says during that time Bout also had had extensive activities in South Africa, East Africa and well into the Middle East.

“So there are other players, but certainly he was a major player and continued to be until he was arrested by Thai authorities a couple of years ago.”

Crane says among other charges, Bout “has been indicted for conspiring to sell millions of dollars worth of weapons to terrorist organizations.” He said they deal with the killing of U.S. nationals and U.S. officers or employees. “These are very serious charges.”

Herald Scotland

Thursday, 18 November 2010

<http://www.heraldscotland.com>

There is a heavy price to pay for dealing with Lord of War

He's been dubbed the Merchant of Death.

Viktor Bout, former Russian army officer turned international arms dealer extraordinaire, was this week extradited to the US from Thailand, accused of trying to sell weapons to Colombian rebels as well as supplying many of the guns, bombs and bullets used in conflicts across Africa and the Middle East.

Bout – pronounced “boot” – is very much a man who epitomises the dangerous and mercenary times we live in. Here we have a world-class 21st-century entrepreneur with precious few moral or ideological constraints, who sees war as the ultimate business opportunity. Bout, the global go-getter, makes those international bankers and brokers who play fast and loose with the law look like slouches.

But what they all have in common, of course, is an insatiable greed that needs to be fed, irrespective of the human cost to those caught up in the crossfire of wheeling and dealing. Think Bernie Madoff, the American broker who defrauded investors of billions of dollars, and apply that to Viktor Bout's air transport and arms dealing empire, and you get some idea of the ruthlessness, scale and sums involved. Not even Madoff's rapacious plundering, however, could give rise to the kind of wholesale butchery of communities that Bout's door-to-door arms delivery service made possible.

Flying under flags of convenience or registered in obscure failed states, Bout's fleet of ageing Russian transport aircraft ferried their lethal cargoes while his bank accounts and business locations remained equally fluid. His client list is said to read like a veritable who's who of the world's bogey men. Charles Taylor – of blood diamond notoriety – in Liberia. Sam “Mosquito” Bockarie – of hand-chopping infamy – in Sierra Leone. Mubuto in Zaire, Gaddafi in Libya, the Taliban, al Qaeda – you name the despot or regime and Bout is said to have given them the countless Kalashnikovs, land mines, rocket launchers and other weapons needed to wreak havoc and suffering.

Such was Bout's near legendary reputation that even a movie, *Lord of War*, loosely based on Bout's life, was made, starring Nicolas Cage. I remember once flying into the beleaguered Liberian capital, Monrovia, aboard one of the first humanitarian aid flights during the second civil war there in 1999. One of the Scandinavian crew recounted how a few days before, while landing, they had almost collided with another aircraft that arrived unscheduled and unannounced.

“People say it was one of Viktor Bout's that came from Libya carrying guns for President Charles Taylor,” the crewman told me. “Surely you must have heard of him. Every cargo pilot in Africa knows of Bout,” the pilot insisted.

Anecdotal as this evidence was, for years until then, electronic intercepts, phone taps, documents and eyewitness sightings of Bout's planes being unloaded on remote African airstrips, had been gathered by the world's intelligence services and law enforcement agencies. The United Nations, CIA, US National Security Agency, MI6, Russian FSB, Belgian and other intelligence services, all had Bout's activities on their radar. Yet, despite this, between them they could only scuttle along in the wake of his trail of destruction, never quite able to catch, let alone convict, him.

Why was this? Could it be that Viktor Bout, far from being some lone wolf, was, in fact, also part of a pack, closer to many of these same organisations than many realised? Certainly, the Kremlin fought long

and hard to prevent Bout's extradition this week, with many believing that he knows all about Russia's covert arms supplies, both official and unofficial, going back decades. And what about Bout's American and Iraq war connections? According to Douglas Farah, the Washington Post journalist who penned a penetrating investigative book on Bout's career, the Russian's air-freight services were used by the US military and by Halliburton, its subsidiary KBR, Federal Express and other contractors in Iraq, making Bout enormous profits, even though George W Bush has signed an executive order making it illegal to do business with Bout and his companies.

Then there is that 2006 Amnesty International report that details how a Moldovan-registered company linked to Bout obtained a US military contract in 2004 to fly 200,000 Kalashnikov rifles and millions of rounds of ammunition from Bosnia to Iraq, even though Bout was already on a UN and Treasury Department blacklist and was wanted by Interpol. The simple fact is that the international arms trade has always operated in this vague, murky, ambiguous way, where telling the difference between the legal and the illegal has proved problematic, to say the least.

Viktor Bout was a past master at exploiting this. Indeed, much of what Bout did would be difficult to deem illegal such was the mastery with which he manipulated governments, regimes, organisations and individuals alike. For decades, Bout and the world's weapons merchants have found it all too easy to profit from the shortcomings in international legislation when it comes to arms peddling.

Like mercenary soldiers and the plethora of private security firms that have sprung up as a result of the wars in Iraq and Afghanistan, those who run guns have proved as much a benefit to many states as they have a danger – Britain and the US being no exception. As activists such as those from groups like Action Network on Small Arms, and the Control Arms campaign rightly point out, there is a pressing need to tighten standards controlling the international trade in conventional arms. To that end, a tougher Arms Trade Treaty (ATT) that would establish strict rules for the international transfer of arms, and hold irresponsible arms suppliers and dealers to account, urgently needs to be realised.

Viktor Bout may know more than enough to embarrass, if not incriminate, a lot of people from Moscow to Washington and far beyond. In a New York City court on Wednesday, he pleaded not guilty to charges including terrorism and arms trafficking. Those who believe his trial will cast any real light on the shadowy world of illegal arms dealing and the extent to which nations collude in its practice may well be disappointed. If nothing else, Viktor Bout has shown himself in the past to be a consummate deal-maker and survivor, and for that reason alone some kind of legal chicanery or pact with America's spooks may yet get him out of another tight corner. As you read this, countless numbers of people are being killed, maimed, raped and forced to flee their homes as a result of the violence that arms dealers make possible. The so-called Lord of War may for the moment be behind bars, but his disciples are still busy spreading their insidious message.

Human Rights Watch

Tuesday, 16 November 2010

Senegal: Donors to Meet to Fund Hissène Habré Trial

Budget Agreement Ends Logjam on Bringing Ex-Dictator of Chad to Justice

After so many years of tenacity and disappointments, Hissène Habré's victims can finally see the light at the end of the tunnel. Senegal needs to get the proceedings under way before even more survivors die.

Reed Brody, counsel for Human Rights Watch, who works with the victims

(Dakar) - A meeting of international donors in Dakar on November 24, 2010, to finance the prosecution of Hissène Habré is a potential turning point in the long campaign to bring the former Chadian dictator to justice, a coalition of human rights organizations said today.

Proceedings against the exiled dictator have been held up for years due to Senegal's insistence on full up-front international funding. The meeting is expected to result in pledges to match the US\$11.7 million (€8.59 million) budget presented by the African Union and the European Union. The Senegalese government has said that it will begin pretrial proceedings once it receives the funding.

"After so many years of tenacity and disappointments, Hissène Habré's victims can finally see the light at the end of the tunnel," said Reed Brody, counsel for Human Rights Watch, who works with the victims. "Senegal needs to get the proceedings under way before even more survivors die."

Habré is accused of thousands of political killings and systematic torture when he ruled Chad, from 1982 to 1990, before fleeing to Senegal. Habré was first indicted in Senegal in February 2000, but Senegalese courts ruled that he could not be tried there. His victims then turned to Belgium and, after a four-year investigation, a Belgian judge in September 2005 sought his extradition. On July 2, 2006, the African Union said it would instead "mandate" Senegal to prosecute Habré "on behalf of Africa," and President Abdoulaye Wade declared that Senegal would do so. For years, however, Senegal has said that it would not process the case until it received €27 million, its estimate of the costs, from the international community.

After lengthy negotiations, the AU and EU presented the budget of roughly €8.59 million. The budget foresees a 20-month pretrial investigation and a 5-month trial. The AU, the EU, Belgium, Chad, the Netherlands, and the United States have already indicated that they will make significant contributions to the trial, and other contributions are expected.

Special rules need to be put in place to prosecute mass crimes by a former head of state of another country, said Human Rights Watch, the Chadian Association for the Promotion and Defense of Human Rights (ATPDH), the Dakar-based African

Assembly for the Defense of Human Rights (RADDHO-Senegal), and the International Federation for Human Rights (FIDH). The groups called on Senegal and the AU for the rapid conclusion of an agreement on witness and victim protection, immunity for "insider" witnesses, and the broadcast of proceedings to Chad.

Senegal had said that it did not want to be involved in handling funds for the trial. Under the funding plan, contributions will be deposited in an AU-controlled bank account. A management committee, with representatives from Senegal, the AU, the EU, and leading donors, will supervise the distribution of funds.

"A fair trial for Habré in Senegal could be a milestone in the fight to hold the perpetrators of atrocities in Africa accountable for their crimes," said Alioune Tine, president of RADDHO.

The groups said that one of the major challenges to maximizing the impact of Habré's trial would be to ensure its accessibility to the Chadian people. The budget includes a significant amount for outreach, press information, and trial monitoring activities.

"Holding Habré's trial thousands of miles away from the victims and the country he ruled will require significant outreach to make sure that people in Chad know and understand what is happening and that the trial stimulates their own understanding of the past and the search for justice," said Dobian Assingar, the Honorary President of the Chadian League for Human Rights and Representative of the FIDH.

The New York Times
Thursday, 18 November 2010

Netherlands: Court Starts 2 Inquiries

By REUTERS



*European Press photo Agency
International Justice Court Chief Prosecutor Luis Moreno Ocampo.*

The chief prosecutor at the International Criminal Court said Thursday that he had begun preliminary investigations in Nigeria and Honduras. Chief Prosecutor Luis Moreno-Ocampo, left, told reporters in The Hague that the court had started inquiries into events surrounding last year's coup in Honduras, when the military ousted President Manuel Zelaya. Mr. Moreno-Ocampo declined to give further details about the Nigerian case, adding that he was waiting for information from the Nigerian authorities. Preliminary examinations are used to determine whether the court has the jurisdiction to open a formal investigation.

Sudan Tribune

Friday, 19 November 2010

Kenya's high court considers request that forces government to arrest Sudanese president

Friday 19 November 2010

November 18, 2010 (WASHINGTON) – The Kenyan High Court received a request on Wednesday from the local chapter of the International Commission of Jurists (ICJ) that seeks an order from the judges that forces the government to arrest the Sudanese president Omer Hassan Al-Bashir should he set foot in the country.



The International Criminal Court (ICC), to which Kenya is a full member, issued an arrest warrant for Bashir in 2009 for war crimes in Darfur and added genocide to the indictment this year. Bashir rejects the charges saying they are part of a Western conspiracy to topple his regime.

However, the Kenyan government allowed Bashir last August to attend the promulgation of the new constitution without apprehending him as required under its obligations to the Rome Statute.

One of the arguments put forward by some Kenyan officials that they are adhering to resolutions adopted by the African Union (AU) that instructs member states not to arrest Bashir even if they are ICC members.

Local media reported that the ICJ wants the High court judges to order the Ministry of State for Provincial Administration to execute the arrest warrant against the Sudanese leader should he visit again.

"There are also two requests for cooperation in the arrest and surrender of Omar al Bashir issued by ICC on March 6, 2009 and July 21, 2010 to states that are parties to the Rome Statute," ICJ Executive Director George Kegoro said in the filing made with the court.

"Al Bashir came to Kenya on August 27 and the Kenyan authorities in utter disregard of their obligations under the international law and the laws of Kenya failed to enforce the warrants of arrest.... The applicant is apprehensive that should Omar al Bashir come to Kenya, the respondents in total disregard of the law will once again fail to effect an arrest warrant against him as they previously did".

Yesterday after hearing the case filed by ICJ, High Court Judge Nicholas Ombija directed that the suit papers be served on the Attorney General. The parties will appear before him for hearing next Tuesday.

The case represents the first legal challenge to decisions made by governments to flout their obligations to the Rome Statute particularly in Africa which rallied behind Bashir.

Some groups in South Africa threatened to go to court for the same purpose but the government backed down and warned publicly that it will arrest Bashir if he visits.

The special summit of the Inter-Governmental Authority for Development (IGAD) was relocated from Nairobi to Addis Ababa in October after the ICC judges asked Kenya last month to arrest Bashir if he attends or in the alternative to inform them of "any problem which would impede or prevent" his apprehension.

The Kenyan government responded by saying that the Sudanese president is not expected to visit.

(ST)