

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



Calling the barey to order at 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:

Tuesday, 9 November 2010

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Charlestaylortrial.org (The Hague)

Tuesday, 9 November 2010

Sierra Leone: As They Continue His Cross-Examination, Defense Witness Says He Did Not Know Who Benjamin Yeaten Was

Alpha Sesay

Prosecutors today continued the cross-examination of a Liberian member of Sierra Leone's Revolutionary United Front (RUF) rebel group, Sam Flomo Kolleh who commenced his evidence last week as Charles Taylor's final defense witness.

As he was questioned today by prosecution counsel Nicholas Koumjian, Mr. Kolleh told the court that he never knew who the Director of Mr. Taylor's Special Security Service (SSS) Benjamin Yeaten was. Even though many witness have spoken about Mr. Yeaten, with allegations that he had close ties with RUF rebels, especially RUF commander Sam Bockarie, Mr. Kolleh insisted today that he never knew who the former Liberian rebel commander was. The witness has agreed that he was the Chief Security Officer (CSO) to Mr. Bockarie but denies any knowledge of Mr. Yeaten.

"I did not know Benjamin Yeaten," Mr. Kolleh said today.

Mr. Koumjian pointed to the witness that he had been told that Mr. Yeaten was responsible for the execution of RUF commanders Mr. Bockarie and Superman in Liberia. While the witness agreed that the said information was given to him by one Pa Moriba, a former RUF member who later joined Mr. Taylor's Anti Terrorist Unit (ATU), the witness said he did not ask questions about who Mr. Yeaten was.

"You did know who Benjamin Yeaten was...isn't that true?" Mr. Koumjian asked the witness.

"I did not know Benjamin Yeaten. The time that Pa Moriba spoke to me about Benjamin Yeaten was not war time, it was after election time in Liberia," Mr. Kolleh responded.

When asked whether he asked Pa Moriba who Mr. Yeaten was, the witness said "i told you i did not ask him."

Asked again whether he "never heard of Benjamin Yeaten and who he was," Mr. Kolleh again said "No. sir."

As Mr. Koumjian attempted to ask the witness about events in Liberia especially after RUF commander Mr. Bockarie had left Sierra Leone and relocated to Liberia with several rebel forces loyal to him, Mr. Kolleh said that he had not followed Mr. Bockarie to Liberia and so cannot say anything about what obtained outside Sierra Leone.

"I told you that if you ask me any question about Liberia, i am far from it. I did not go to Liberia. If you ask me about Sierra Leone, i can tell you but for Liberia, i am far away from it," he said.

The witness also denied prosecution allegations that in 2003, he had gone to Liberia to inform Mr. Taylor's men that prosecutors had made contact with him.

"I did not go to Liberia in 2003," he said.

When put to him that he had taken steps to recruit witnesses to testify for Mr. Taylor, the witness said that that was never the case.

Mr. Koumjian pointed out that the witness was the person who referred a former Liberian member of the RUF who has already testified for Mr. Taylor, John Vincent to defense lawyers. The witness denied this assertion.

"Did you refer John Vincent to the defense," Mr. Koumjian asked the witness.

"No," the witness responded.

Mr. Koumjian referenced a portion of Mr. Vincent's testimony of April 1 2010 in which Mr. Vincent said that he "met Sam Kolleh and he said that he had been in touch with the defense."

According to Mr. Vincent in his testimony, after discussing details of the case against Mr. Taylor, Mr. Kolleh told him that he needed to speak with the defense.

He [Mr. Kolleh] said that if that is the case, that the defense will need you too," Mr. Vincent told the court during his evidence in April 2010 as he referenced his discussion with Mr. Kolleh.

When this was put to Mr. Kolleh today in court, he said that "I don't know what John Vincent said here, what I am saying here is what I know. I did not talk to John Vincent."

Mr. Kolleh's cross-examination continues on Tuesday.

The Nation (Nairobi)

Monday, 8 November 2010

Kenya: It's Not Too Late for Local Tribunal, Say Lawyers

Patrick Mayoyo

Nairobi — International lawyers have asked the government to establish a local tribunal to try post-election violence cases alongside the International Criminal Court.

Kenya would miss the best opportunity for bringing those responsible for the violence to justice by only relying on the ICC to prosecute the perpetrators, they say.

Among those who have called for a UN-backed hybrid court is Mr Desmond de Silva, the former chief prosecutor at the Sierra Leone court.

He told The Christian Science Monitor that it was not too late for the country to establish a local tribunal.

Currently, only the International Criminal Court is investigating the chaos that followed the disputed results of the 2007 presidential election. Some 1,133 people were killed and more than 650,000 displaced.

To establish a local tribunal that would comprise of local and international lawyers, the Kenya government needs to write to the secretary-general of the United Nations.

"There is no reason why the secretary-general shouldn't agree," says Mr de Silva, adding that he and other international lawyers were willing to help establish such a court.

Plans for establishing a local tribunal were originally dismissed, with critics arguing that judges could be bought off and cases bogged down in bureaucracy due to corruption.

But having the ICC handle the matter without involving Kenya's justice system is now seen to have its shortcomings.

Only six of the most senior figures are expected to be indicted for their role in the violence, meaning, the middlemen and machete-wielding foot-soldiers are likely to avoid prosecution. There are fears that such impunity could spark more violence in future general elections.

The international team of lawyers argues that Kenyans may trust the process more if they see the trials unfold closer to home.

"I don't think all the possible options were properly debated here," Courtenay Griffiths, the British lawyer defending former Liberian President Charles Taylor at his war crimes trial, tells the paper.

"It seemed to be a straight choice between Kenyan courts or the ICC. There seems to have been very little debate about the model of a hybrid court in (Kenya), under the United Nations."

The Special Court for Sierra Leone indicted 11 people, mostly rebel leaders, eight of whom have been convicted and jailed for between 15 and 52 years. Mr Taylor is still on trial, and the remaining two accused died.

"(A hybrid system) is the preferable system for Kenya, too. There's no question about it," says Mr de Silva.

"There is public participation in the administration of justice, they can see it happening first hand, that things are not being swept under the carpet. When something happens in a distant country far, far away, of which the average villager here knows little, they can easily feel that justice is simply not being done."

If a hybrid court is established, he adds, then the ICC's investigation will "fade away."

The Hague Justice Portal

Monday, 8 November 2010

ICTR Prosecutor files applications for referrals

The Prosecutor at the International Criminal Tribunal for Rwanda (ICTR) has filed three new requests for the referral of cases to Rwanda.

On 4 November 2010, the Prosecutor at the International Criminal Tribunal for Rwanda (ICTR), Hassan B. Jallow, filed applications for the referral of three cases to Rwanda for prosecution. The requests concern Jean-Bosco Uwinkindi, Fulgence Kayishema and Charles Sikubwabo.

According to Rule 11bis of the ICTR's Rules of Procedure and Evidence, if an indictment has been confirmed by the Tribunal a Trial Chamber may be designated by the President to consider referrals to a state where the crimes alleged were committed, to a state where the accused was arrested, or to a state willing and with jurisdiction to prosecute. In determining whether to refer a particular case, the Trial Chamber must satisfy itself that the accused will receive a fair trial and that the death penalty will not be imposed or carried out.

The requests for referral comprise the second time that the Prosecutor has attempted to transfer cases to the jurisdiction of Rwanda. In 2007, five applications were filed to transfer the cases of Idelphonse Hategekimana, Gaspard Kanyarukiga, Yussuf Munyakazi, Jean-Baptiste Gatete and Fulgence Kayishema. The requests were all unanimously rejected on the basis of fair trial concerns and upheld on appeal.

The national jurisdiction of Rwanda

Following the adoption in 1996 of the Rwandan 'Organic Law on the Organization of Prosecutions for Offenses Constituting the Crime of Genocide or Crimes Against Humanity Committed Since October 1, 1990', and the abolition of the death penalty in July 2007, it was assumed that Rwanda would be ready to begin prosecuting suspects referred from the ICTR. Such practice would have eased the substantial workload of the Tribunal and assisted in the achievement of its Completion Strategy, as detailed by the UN Security Council. Nevertheless, fair trial concerns have blighted such progress.

In addition to creating obstacles to referral from the ICTR, fair trial concerns have also prevented the extradition of accused Rwandan suspects to the national jurisdiction of Rwanda from other states. In 2009, the UK High Court ruled that four UK residents could not be extradited to face charges in Rwanda owing to a "real risk" that they would suffer a "flagrant denial of justice by reason of their likely inability to adduce the evidence of supporting witnesses" and the risk of interference in the judiciary by the government of Rwanda.

Jean-Bosco Uwinkindi is a former Pastor who was arrested in Uganda in June 2010 and faces charges of genocide, conspiracy to commit genocide and extermination as a crime against humanity. The two other accused subject of the current referral requests remain at large, both charged with various counts of genocide and crimes against humanity.

International Criminal Court

Tuesday, 9 November 2010

Opening of the Seminar on the role of the ICC Registry in providing support and assistance to victims

On 8 and 9 November, 2010, the Registrar of the International Criminal Court (ICC), Ms Silvana Arbia, will host a seminar on the Registry's role in providing support and assistance to victims.

During the seminar, ICC Registry staff members, particularly those working in field offices and in direct contact with victims, will meet with eminent external experts, such as Justice Renate Winter, Judge of the Appeals Chamber of the Special Court for Sierra Leone. The seminar is also open to the other organs of the Court, the Office of Public Counsel and the Trust Fund for Victims, all of which have an important role to play in respect of victims. It is not open to the general public.

This initiative aims to assist the Registry in implementing the ICC Strategy in relation to Victims, a Court-wide instrument based on the ground-breaking framework provided for in the Rome Statute for the recognition of victims as actors within the international justice scheme.

Discussions will focus exclusively and fully elaborate on the objective of "Provid[ing] support and assistance to victims in order to safeguard their psychological and physical integrity and well-being, ensure respect for their dignity and privacy, and prevent them from suffering further harm as a result of their interaction with the Court." This is one of the six main policy objectives set out in the strategy concerning the provision of support and assistance to victims.

Accordingly, the seminar will allow for detailed discussions and expert recommendations on matters such as: explaining the role of and actions taken by the different sections dealing with victims within the Registry; looking at the legal background of the terms "support" and "assistance" as articulated within the ICC legal framework and other relevant documents; examining the needs and expectations of victims in terms of support and assistance; exploring the work of national or international services that provide support and assistance; and proposing a way forward for the Registry in strengthening the implementation of this objective.

Background

The Rome Statute establishes an unprecedented framework for recognizing victims as actors within the international justice scheme. Since the Court's establishment, this framework has been further developed to make these aspirations an operational reality. The relevant units of the Office of the Prosecutor and of the Registry, the Secretariat of the Trust Fund for Victims and the Offices of Public Counsel for Victims and for the Defence, with a representative of the Presidency as observer, have come together to set out the ICC Strategy in Relation to Victims, a common broad vision that will provide a common framework and serve as a guide for the development of specific objectives and work plans.

Within the Registry there are three sections that are directly in contact with victims: the Public Information and Documentation Section, the Victims Participation and Reparation Section, and the Victims and Witnesses Unit.

Reuters

Monday, 8 November 2010

Kenyan ex-minister says meeting with ICC a success

Kenya's suspended higher education minister said on Monday he had "set the record straight" to the International Criminal Court after being accused of involvement in post-election violence in 2007.

William Ruto, who was suspended last month over fraud allegations, had travelled to meet ICC investigators in The Hague about two Kenyan reports into the violence which he said falsely accused him of involvement in the ethnic bloodshed.

"It became necessary that we set the record straight, tell the truth and shame the devil. I am happy that I had a very, very successful meeting with the ICC," Ruto told a news conference on his return.

The state-funded Kenyan National Commission on Human Rights (KNCHR) had said in a report that Ruto, Finance Minister Uhuru Kenyatta and other senior ministers were architects of the violence, in which 1,300 people died.

Ruto said a separate report by a commission headed by a Kenyan judge -- known as the Waki report -- had also falsely accused him of involvement.

Ruto, who is due to stand trial in January over the fraud allegations, which he has denied, said he had provided ICC investigators with information during 30 hours of discussion.

Ruto and Kenyatta deny any role in the violence.

The ICC has not yet formally identified any key suspects, but Chief Prosecutor Luis Moreno-Ocampo has said he aims to issue arrest warrants against the organisers and hold trials in 2012, when Kenya's next elections are due.

Ruto, once a close ally of Prime Minister Raila Odinga, said neither the Waki nor KNCHR reports had given those implicated the chance to give their side of the story.

"It is unfortunate that those who pose as human rights activists are mercenaries who have been hired to settle political scores or for financial gain to continue peddling falsehood," he told the news conference.

Omar Hassan Omar, deputy KNCHR chairman, dismissed Ruto's accusations.

"Ruto's comments are frivolous and aimed at diverting attention from the main issue. Our duty is to keep the eye on the ball and see this thing through, stay focused on our fight against impunity until justice is done," he told Reuters.

Many Kenyans hope ICC arrests and convictions will deter a repeat of violence during the next elections.

Ruto denied Kenyan media reports that he had gone to the ICC to make a deal and implicate other top leaders.

The bloodshed ended in February 2008, after a power-sharing deal created Kenya's first coalition government, with Odinga as prime minister.