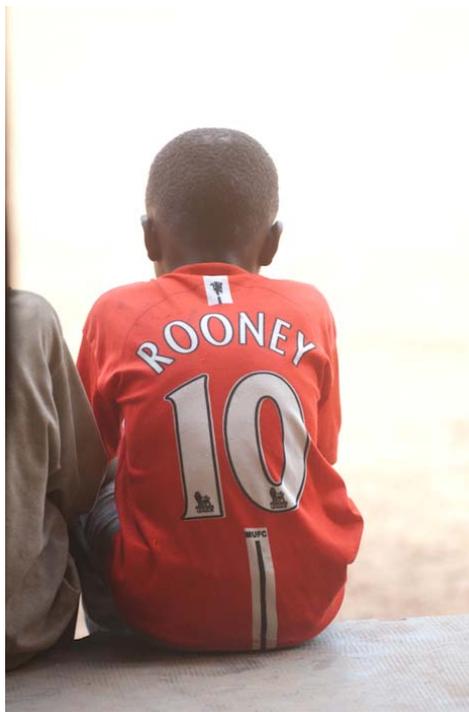


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



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:

Monday, 13 December 2010

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

Local News

Criminal Procedure Bill Discussed / *Premier News*

Pages 3-4

International News

Herman von Hebel Appointed Registrar of the Special Tribunal for Lebanon / *STL*

Page 5

Legal Noose Tightens on Sudan's Bashir / *Agence France Presse*

Pages 6-7

Kenya: Prosecution a Sure Way of Ending Impunity / *The Nation*

Pages 8-9

Rwanda Genocide Archive Unveiled / *BBC Online*

Page 10

Lemonde Offers Parting Thoughts / *The Phnom Penh Post*

Pages 11-14

Secretary-General Stresses Global Responsibility to Prevent Genocide / *UN News*

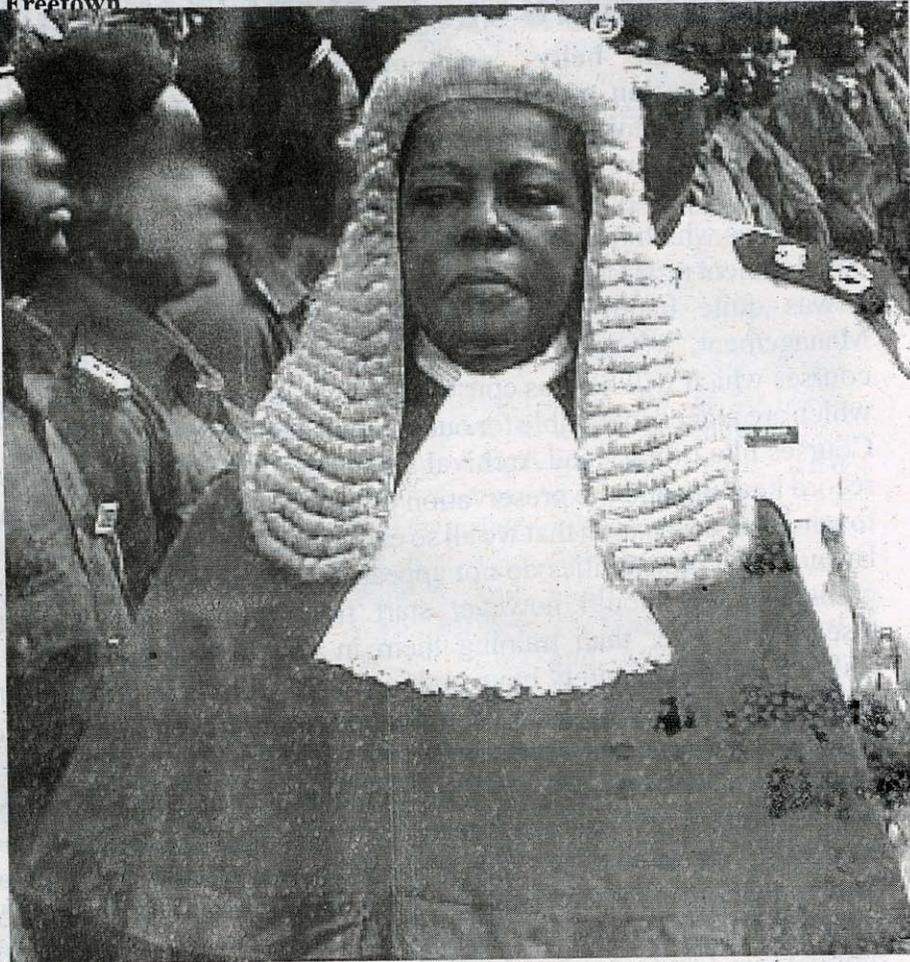
Pages 15-16

Premier News

Monday, 13 December 2010

Criminal Procedure Bill Discussed

The Ministry of Justice (MOJ), with support from the Justice Sector Development Project (JSDP) Friday hosted a stakeholders meeting to discuss the draft Criminal Procedure Bill at Njala Venue in Freetown



Chief justice: Humu Tejan Jalloh

Leading representatives within the criminal justice system discussed proposals for new criminal procedure laws, including Judges, Magistrates, Justices of the Peace, lawyers, and personnel from the Sierra Leone Police, Prisons Service UN Agencies, NGOs and civil society.

The existing laws in Sierra Leone, spanning 45 years, which were suitable for their time, are no longer able to meet the needs of the twenty first century legal environment.

The new law is therefore being designed to grapple with the increasing complex and difficult cases that are now being tried.

A number of important matters formed part of the discussions, including the proposed abolition of Preliminary Inquiries.

Currently prosecution witnesses must give oral evidence in the Magistrate courts as well as the High Court, and in

Contd. P6

Criminal Procedure Bill Discussed

From P4

repetition contributes towards the unwillingness of vulnerable victims and witnesses to attend court.

The proposed new law provides for a form of committal proceedings, which will, in the majority of cases, make it unnecessary to rehearse the evidence twice before a case is transferred to the High Court as in the current practice.

Other significant proposals contained within the draft bill include provisions for alternative sentencing options for Judges, Magistrates and Justices of the Peace.

At the present time most offenders receive either fines or custodial sentences; if enacted the draft bill will

provide the options of suspended sentence, discharges and sentences of providing service within the community.

Punishment will be more tailored to fit the crime that has been committed and prison will be reserved for those deserving such sentences either because they pose a danger to society or because they are unable or unwilling to respond to other penalties.

Such changes in the proceedings will mean that cases will be expedited in order to deliver justice for victims' witnesses and defendants to be achieved at a much earlier date and at much reduced cost to the country.

Special Tribunal for Lebanon

Friday, 10 December 2010

Herman von Hebel appointed Registrar of the Special Tribunal for Lebanon

The Secretary-General of the United Nations, Ban Ki-Moon, has appointed Herman von Hebel to the post of Registrar of the Special Tribunal for Lebanon. Mr von Hebel, is a Dutch national with decades of experience in international law at three tribunals including the STL, as well as for the Government of the Netherlands.

“My appointment comes at a very important time for the STL”, said Herman von Hebel. “The tribunal is moving from a predominantly investigative phase towards judicial proceedings, and during this period the Registry will be critical to ensure the smooth running of the court.”

The Registrar is in effect the Chief Executive of the tribunal and is responsible for all aspects of its administration including the budget, fundraising, relations with states and court management. Mr von Hebel’s extensive brief also includes oversight of the victim participation unit, witness protection and detention facilities.

His appointment has been warmly welcomed by the other principals of the STL. "Herman von Hebel has served international criminal justice for many years with competence and independence", said the President of the Court, Judge Antonio Cassese. "I am sure that in his position he will continue to show great professionalism and integrity."

Mr von Hebel was previously the acting Registrar for the STL, the Registrar of the Special Court for Sierra Leone and a senior legal officer for the International Criminal Tribunal for the former Yugoslavia. He was also instrumental in the negotiations of the Rome Statute, which led to the establishment of the International Criminal Court.

“Mr von Hebel's appointment comes as a well-deserved recognition of his efforts to consolidate the work of the Tribunal since its very early days”, said the Prosecutor Daniel A. Bellemare. “I am confident that our shared experience and commitment will be most valuable to further advance the Tribunal’s challenging mission.”

Those sentiments were shared by the Head of the STL’s Defence Office, M. Francois Roux. “It is a good thing for our Tribunal”, said M. Roux. “I am happy to be able to continue working together with him to ensure that the STL remains a model of impartial and fair justice in which the Defence is able to wholly fulfill its mandate.”

The Special Tribunal for Lebanon was created by the United Nations Security Council, at the request of the Government of Lebanon in 2007. The STL started its work on March 1st 2009 and there are currently 333 members of staff from 62 countries.

###

For more information, please contact the Chief of Public Affairs, Mr. Crispin Thorold at +31 70 800 3763 – email: Thorold@un.org

Agence France Presse

Sunday, 12 December 2010

Legal noose tightens on Sudan's Bashir

By Tim Witcher (AFP)

UNITED NATIONS — The International Criminal Court faces a new battle of wills this week with Sudan's President Omar al-Bashir even as its top prosecutor says the wanted leader is increasingly encircled.

Bashir, who faces ICC warrants for genocide, war crimes and crimes against humanity in Darfur, has been invited to a summit in Zambia on Wednesday and to attend a festival in Senegal later this month.

ICC statutes dictate that any member country should arrest him if he visits. Bashir is defiant, however, the African Union supports him, and this year he has been to Kenya and Chad, both signatory countries which refused to detain him.

"President Bashir will continue to travel, nobody will be able to restrict him," Sudan's UN ambassador Daffa-Alla Elhag Ali Osman said.

Following ICC complaints and some international pressure, some diplomatic doors have closed, however.

An October summit of an East African group had to be moved from Kenya to Ethiopia, a non signatory, so that Bashir could go. Sudan boycotted an AU-European Union summit in November because of European threats to walk out and a visit to Central African Republic this month never went ahead.

South Africa and Uganda said they would arrest him if he went there.

"He is not under house arrest, he is under country arrest," ICC chief prosecutor Luis Moreno-Ocampo said as court signatory countries met at the United Nations.

"When he is outside, he flies with half the air force because he knows he can be arrested," Ocampo told AFP.

"Bashir will be arrested," added the prosecutor who has insisted that the genocide in Darfur is still going on, but will stand down in 2012 and knows that he may not see the end of this battle while in office.

Ocampo has asked the ICC to inquire about reports that Bashir could attend summit of Great Lakes Region leaders in the Zambian capital on Wednesday, diplomats said.

"Zambia invited him but it is not saying clearly what it will do if he goes. This will be a test of the new trend against Bashir," said one Security Council diplomat. Human rights groups in Zambia have criticised the government for making the invitation.

Zambia is an ICC member, as is Senegal, where rights groups have also opposed a government invitation to Bashir to attend an arts festival.

Bashir "is finding himself a prisoner in his own palace" because of the "dis-invitations," according to Richard Dicker, Human Rights Watch's head of international justice.

"While there is a long way to go to him before he is a prisoner at the ICC or appears at its dock, it suggests a greater isolation for the president of Sudan than I believe he ever expected.

"I think what is necessary is for him to become increasingly a pariah in the international community, among African states, so there is the recognition that his leading role is more of a liability for the people of Sudan," Dicker added.

Unlike the limited-term international tribunals for the former Yugoslavia and Rwanda, the ICC is a permanent court. "It is not going to go out of business," said Dicker. "So whether it is four years or five years or 20 years that warrant will be in place and at some point the conditions will come together for this individual's arrest and fair trial."

Some analysts, though, say the international community is not doing enough to bring Bashir to justice over Darfur, where the UN says at least 300,000 people have died since 2003.

John Prendergast, co-founder of Enough, an anti-genocide activist group, expressed disappointment at the "sporadic and erratic" resolve of the international community despite Ocampo's recent victories.

"There has to be some kind of repercussion for a country that will allow him to visit, especially if they are signatories to the ICC. So the noose seems a little loose still and that could be tightened," he said.

The Nation (Nairobi)

Saturday, 11 December 2010

Kenya: Prosecution a Sure Way of Ending Impunity

Anna Osure

opinion

Nairobi — If the fight against impunity is to be won, all persons suspected of serious crimes should be brought to justice. No legal basis exists for non-prosecution of such persons.

A country recovering from the effects of violence may put in place parallel mechanisms, both judicial and non-judicial, to promote truth telling, accountability and reconciliation.

While the respective mandates, composition and legal framework of the mechanisms may differ, the ultimate goal is to tackle impunity and ensure that there is no repeat of such crimes.

Domestic legal systems often recognise discretionary political concepts such as immunities, amnesties and pardons.

The inapplicability of a blanket amnesty for international crimes is not directly addressed in the Rome Statute of the International Criminal Court.

The Statutes of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia are also silent on the possibility for the Tribunals to recognise amnesty from prosecution for international crimes, but with both Tribunals being the creation of the Security Council, such amnesty would not be granted.

The Statute of the Special Court for Sierra Leone and a quasi-judicial body set up in East Timor expressly prohibit the recognition of amnesties for serious crimes.

There is, however, a crystallising international norm that no amnesty should be granted for crimes under international law, barring future prosecution.

States are under a positive obligation to prosecute alleged perpetrators for crimes against humanity, genocide and war crimes, as well as ensure respect for international humanitarian law and international human rights law.

As such, the recognition of an amnesty for international crimes would be incompatible with international law and would violate the duty to prosecute suspects of international crimes.

I add that no amnesty from prosecution should be granted to alleged perpetrators of sexual violence even where the crime is committed in a context that does not cross the threshold for international crimes.

The Security Council has recognised sexual violence as a serious security issue. The maintenance of international peace and security remains threatened as long as women are insecure. Sexual violence

Women need to be protected by the State from violence and abuse, while perpetrators must be sanctioned.

For this reason, crimes committed against women and in particular sexual violence commonly used as a tactic of conflict and to destroy women physically and psychologically ought to be included among crimes that should never benefit from any form of amnesty.

Human rights advocates tend to focus on justice and emphasise on truth commissions, reparations and developing an accurate historical account as key elements in their prescription for healing.

Those who work in conflict resolution emphasise dialogue and initiatives that assist disputing parties to coexist.

Professionals on both sides, however, recognise the importance of strengthening institutions, especially protection mechanisms, demonstrating agreement that accountability for crimes committed is a prerequisite for reconciliation, an end to impunity and non-recurrence of serious crimes.

The rejection of amnesties for serious crimes and the cooperation of States to ensure prosecution of alleged perpetrators is the only way forward to break the cycle of impunity.

When those in power are seen to be above the law, the ordinary citizen will not have faith in the rule of law as a fundamental necessity in a democratic country.

Ms Osure is a lawyer and Deputy Head of Legal Aid and Detention matters at the International Criminal Tribunal for the former Yugoslavia; annaosure@gmail.com. The views expressed herein do not necessarily reflect those of the ICC or UN

BBC Online

Friday, 10 December 2010

Rwanda genocide archive unveiled



Thousands of documents and photos are going on display

An archive of Rwanda's genocide is being unveiled in the capital, Kigali.

Thousands of documents, photographs and audio-visual recordings have been collected from survivors, witnesses and perpetrators of the 1994 genocide.

An estimated 800,000 people were killed in 1994, most from Rwanda's Tutsi ethnic group.

The initiative is the work of the Rwandan government and the UK-based Aegis Trust, which works to prevent crimes against humanity.

All across the country there are chilling memorials, like the one at Nyamata Church, close to Kigali.

But BBC East Africa correspondent Will Ross says the archive is a new way of learning about the events of 1994, some of which will be available online.

Places where the atrocities took place have also been mapped using the GPS satellite system.

Our correspondent says the idea is that as Rwanda develops and the landscape changes, the evidence of where the atrocities took place will not be erased forever.

However, the genocide remains an extremely contentious issue, he says.

It is illegal to dispute the government's official version of the events of 1994.

Critics of President Paul Kagame say he has used laws relating to the genocide to oppress his opponents and to maintain a firm grip on power.

The Phnom Penh Post

Sunday, 5 December 2010

Lemonde offers parting thoughts

Emilie Boulenger and James O'Toole



Photo by: AFP

In a picture taken on February 17, 2009, French investigating judge at Cambodia's UN-backed war crimes court, Marcel Lemonde (L), talks to journalists during an interview at the Extraordinary Chambers in the Court of Cambodia (ECCC) on February 17, 2009.

Marcel Lemonde stepped down last week from his position as Co-Investigating Judge at the Khmer Rouge tribunal. Along with his Cambodian counterpart You Bunleng, Lemonde was responsible for directing investigation in the tribunal's first and second cases. After more than four years in the position, Lemonde has been succeeded by German judge Siegfried Blunk and has returned home to France. In written responses to questions submitted by *The Post*, he discussed his experience at the court and his thoughts on leaving.

What was a typical day for you during the investigation phase?

There would be many meetings. A lot of reading as well. In fact, the day could be very different depending on the tasks of one member of staff or the other. The Office of the Co-Investigating Judges is composed of about 60 people, whose roles are very various and complementary.

While the lawyers were busy, with the help of analysts, examining the evidence, conducting essential legal research to answer the demands of the parties or preparing the text of the Closing Order, investigators were in the field interviewing witnesses or identifying crime sites.

Amongst all this activity, the responsibility of the judges was the ability to distinguish the main issue from the minor and especially to ensure that nobody panicked (as sometimes the risk would arise, given the difficulty of the enterprise).

What do you feel are the greatest successes you had and the greatest challenges you faced?

The simple fact of being able to complete the investigation despite all the obstacles was in itself a huge success. I think one does not always appreciate the tremendous difficulties that we faced.

[Case 002] itself was enormous, extraordinarily complicated and compounded by the structure of the Tribunal, which has a permanent disadvantage since every decision must be discussed, negotiated and formalised jointly; moreover, the context is not always favorable, it is an understatement. If we add to this the need to work in three languages and the fact that the international lawyers from the various sections of the court have different legal backgrounds, we have an idea of the full significance of the result that we achieved.

What was the most personally surprising thing you discovered over the course of the investigation?

I do not know if we can speak of “discovery”, but the reconstruction at Tuol Sleng was particularly memorable. Having [former Tuol Sleng prison chief Kaing Guek Eav] and former detainees, face to face, on the scene where the events had taken place, was very moving. Indeed, I am sorry that this investigative action was not used more widely during the trial.

What is the status of the investigation in cases 003 and 004, and when do you expect these investigations to be finished?

It is now a question for my successor.

You directed these investigations on your own following a loss of support from You Bunleng, who had initially authorised the investigations. Do you have any idea why You Bunleng withdrew his support? Have you spoken to him about this in any detail beyond what was released publicly in your letters to one another?

Judge You Bunleng publicly explained his position. It is not for me to add anything to his statements, but he may, if he so wishes. As for our exchanges, fortunately, we did not only communicate by official letters! For four and a half years, we discussed matters daily and our few disagreements never had the slightest impact on our personal relationship.

Some observers have floated the possibility of remanding Cases 003 and 004 to national courts as a compromise with the government, which has expressed opposition to these cases. Do you have an opinion on the efficacy of such a move?

In my view, a judicial decision can only be taken by a judge. It will be up to the judges to decide what action to take in the cases before them. This leaves little room for the notion of “compromise”.

Do you feel that the Case 002 defence teams are working to undermine the tribunal?

Obviously I will not comment on the strategy of the defence. However, I can talk about the responsibility that places on commentators. “I have a dream”: I dream that one day we will read positive comments on the extremely difficult work that has been done at this tribunal and we will be reminded that the judgment of the Khmer Rouge leaders constitutes a historic moment, that no one would have imagined 10 years ago.

I have a dream that it will be possible to stop talking about this court in an exclusively negative way, as if the only thing to remember is that there is corruption in Cambodia or that some politician or other makes inflammatory and legally incorrect speeches.

Were you surprised by the allegations from your former staffer Wayne Bastin [who said in an affidavit last year that Lemonde had instructed investigators to find more inculpatory than exculpatory evidence]?

Yes.

Is there anything about this particular staff member that would cause him to attack your work or the work of your office?

I do not intend to comment [on] this lamentable episode, except to say that in a few years, all this will seem pretty insignificant.

Do you think we will ultimately see trials in Cases 003 and 004?

I do not know if we will see trials, but I know that that decision is only up to the judges. The co-investigating judges and, possibly, the judges of the Pre-Trial Chamber, will have to answer a number of issues: Is the procedure regular? Are the suspects part of “those most responsible”? Is there sufficient evidence against them? And so on.

Other considerations must not contaminate these purely judicial questions. The tribunal must obviously be independent and impartial: of course independent of the Government of Cambodia, as we are reminded regularly, but also independent of the media and NGOs, something we hear less often but is equally important and in no way less difficult.

One selling point for the court has been that it will serve as an example to local jurists and local courts. Have you observed this phenomenon yourself, and do you think it will ultimately hold true?

For more than three years, young Cambodian lawyers have worked daily within the court. It seems obvious to me that they learned something. Also the judges, prosecutors, lawyers have used a new way of working for them. This will leave a legacy, no doubt. But, of course, the rule of law is not built in a day and it will take time to perceive the effects of this influence.

What are the difficulties, or possible advantages, in having trials 30 years after the fact?

The disadvantages are obvious: Some actors or key witnesses are dead, others are elderly, do not remember or do not want to remember (because they are afraid of being victims of reprisals or being prosecuted themselves); whole libraries have been written, all are “pre-judgments,” judges must be able to make independent decisions without being beholden to what has been written previously, while at the same time not being ignorant of it.

That being said, experience shows that the passage of time may also have its advantages: It is now possible to tackle some issues which, some years earlier, would have been taboo. In any case, it is clear for the various actors of the court that a particular responsibility weighs on them: They must renounce the sophisticated pleasures of unnecessary debate and do everything to ensure that justice must finally be done as soon as possible.

Are you satisfied with the court’s caseload of, at most, 10 suspects?

I am not aware of such a decision.... More seriously, a judge does not need to be satisfied or dissatisfied with the number of accused. He must simply apply the law, calmly, meaning independently and impartially.

In this case, the law provides that the Tribunal judges the senior leaders and those most responsible, which is therefore necessarily a small number of people, unlike the tribunal for the former Yugoslavia, for example, where they also judge those lower down or less responsible.

What do you think will be the legacy of the tribunal?

There are several levels. First, as to the Khmer Rouge regime, the investigative Case File has brought new knowledge and better understanding of what happened. More generally, the judicial process has initiated debate within Cambodian society.

In terms of influence on the functioning of the Cambodian justice system and strengthening the rule of law, it is too early to draw lessons; we are now trying to sow something, which may be reaped in several years.

Finally, with regard to international justice, this court has been a unique experience, which unfortunately could not come to its appointed end because the actors are unfamiliar with the procedural system they are supposed to apply. In addition, some do not have a strong desire to familiarise themselves with this system.

What do you mean when you say it “could not come to its appointed end”?

When I say that “the experience (not “the court”) unfortunately could not come to its appointed end”, I’m thinking of the internal logic of the procedural system. For example, in the Duch trial, the case file was probably not used as efficiently as it could have been.

Where the trial phase is as lengthy as the investigative phase, it means that the system has not been fully applied. The main justification for a written investigation, which is necessarily rather long, is that it allows for the trial to focus on the core issues and therefore results in a more expeditious trial phase.

Much has been made about the dangers of political interference at the tribunal. Is this something you ever observed in the course of your work, and is it a concern for you as the process moves forward?

I can only speak for myself. I defy anyone to show a single decision that I made, which would not have been my own decision, taken freely, in good conscience. More generally speaking, is there any matter for concern? I often had reason to say that it would obviously have been much simpler to organise a purely international trial abroad, but I always added that it would have made no sense for the Cambodian people, who are clearly those most interested.

The condition for this trial to be useful is that it takes place in Cambodia, with the participation of Cambodians. By accepting to come and work in that Court, the international judges have chosen to do whatever they can to demonstrate that it is possible to organise a fair trial, respecting international standards, here in Cambodia. It is more difficult than to easily admit defeat and declare that this would be impossible, but it's also much more interesting.

What role do you think the court has played in the lives of Cambodians?

30,000 people attended the hearings. This never happened in any other international tribunal, and it is not nothing. The first consequence is that public debate was initiated in Cambodian society, a debate that had never taken place before and which is essential for the future of this country.

UN News

Thursday, 9 December 2010

Secretary-General stresses global responsibility to prevent genocide



The exterior of the Tuol Sleng Genocide Museum, Phnom Penh, Cambodia

9 December 2010 – Secretary-General Ban Ki-moon today stressed that the prevention of genocide is a global responsibility, stating that when States fail to protect their populations, the international community must step in and act.

“We all know the principle: each State has the primary responsibility to protect its own people. However, when states require assistance, the international community must be ready to help,” Mr. Ban said in a message to a seminar on “A Framework for Genocide Prevention” that was delivered by Under-Secretary-General for Political Affairs B. Lynn Pascoe.

“And when States manifestly fail to protect their populations, the international community must be ready to take action,” he added.

Mr. Ban emphasized the need to first understand the causes and dynamics of genocide in order to prevent the scourge.

“We need to understand what kinds of environments may encourage genocide, and which structural and operational factors can leave a population vulnerable or, alternatively, help to protect it.

“We also need to understand the different kinds of measures that can be taken to prevent tensions between groups from escalating into genocidal conflicts,” he said.

Promoting such understanding is one of the main roles of the Office of the Secretary-General’s Special Adviser on the Prevention of Genocide, which was set up in 2004 in recognition of the international community’s collective failure to prevent or stop past genocides.

The Office is tasked by the Security Council with collecting and assessing information on situations that might lead to genocide.

It is also mandated to advise the Secretary-General and, through him, the Security Council and make recommendations to prevent or halt genocide, as well as to liaise with the UN system on preventive measures and enhance the UN’s capacity to analyze and manage information on genocide or related crimes.

The current Special Adviser is Francis Deng of Sudan, who appointed to the post in 2007 by the Secretary-General to succeed Juan Mendez of Argentina.

The 9th of December is the anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, and Mr. Deng used the occasion to remind States of the contemporary relevance of the treaty.

“Many of the recent violent conflicts that have erupted have their roots in long-standing grievances between ethnic, religious, national or racial groups, the groups that are protected by the Convention. Individuals, and entire groups, have been targeted based purely on their identity,” Mr. Deng said in a statement.

“While conflict is not a pre-requisite to genocide, peaceful resolution of these conflicts, and prevention of the conflicts that threaten to erupt in the coming year, is essential to ensure that they do not escalate into genocidal violence,” he added.

At the heart of the 1948 Convention is the commitment to protect vulnerable populations from mass violence. In the 2005, Member States meeting at the UN World Summit reiterated this commitment and expanded its reach with the concept of the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

Edward Luck, the Special Adviser of the Secretary-General who focuses on the responsibility to protect, called the Convention “the cornerstone of the legal structure that frames the principle of the responsibility to protect.”

He noted that “the critical operational synergies between genocide prevention and the responsibility to protect” and commended the Secretary-General’s efforts to establish a joint office to address the whole range of atrocity crimes.

“Too often,” he commented, “lesser crimes against human dignity are allowed to escalate into full-scale genocide. Early and sustained efforts at prevention – at the individual, community, national, regional, and global levels – are essential to break this destructive chain and to build tolerant and prosperous societies.