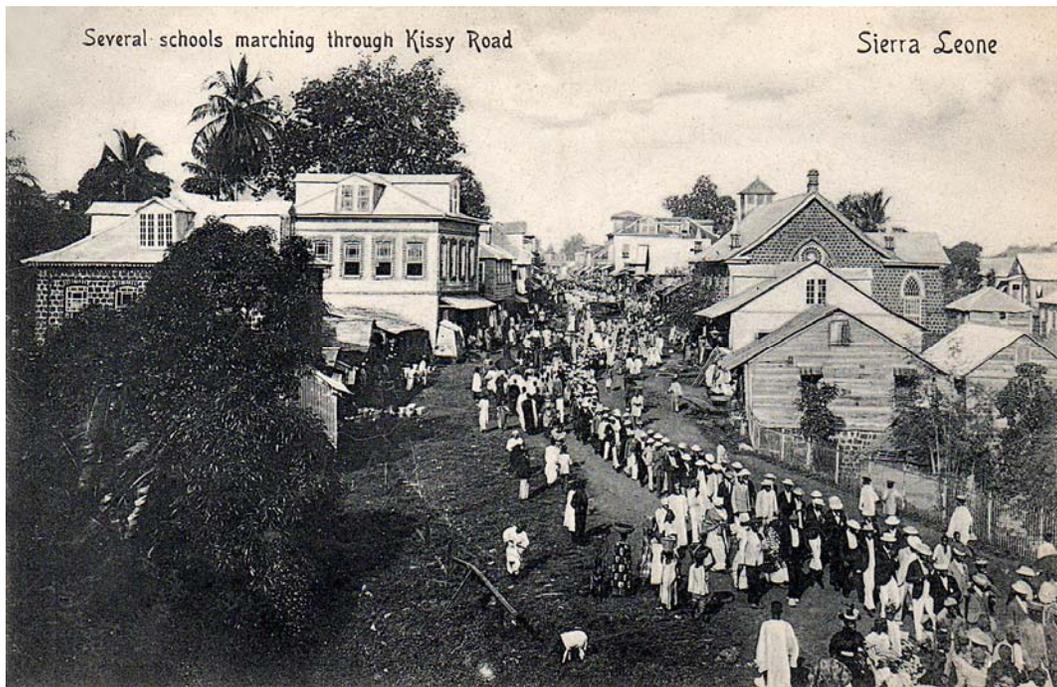


**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



Historic postcard.

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:

Wednesday, 8 December 2010

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

International News

ICTR President Appeals for Solution of Genocide-Acquittals' Relocation / <i>Hirondelle News Agency</i>	Page 3
Press Conference on '2010 Gender Report card' on International Criminal Court / <i>UN News</i>	Pages 4-6
Cote d'Ivoire: ICC Says Probe into Ivorian War Crimes Continuing / <i>Afrique en Ligne</i>	Page 7
Africa: Is ICC Prosecutor Continent's Only Hope for Justice? / <i>The Nation</i>	Pages 8-10
International Criminal Court Looking into Korean Incidents / <i>CNN</i>	Pages 11-12

Hirondelle News Agency

Tuesday, 7 December 2010

ICTR President appeals for solution of genocide-acquittals' relocation

The president of the International Criminal Tribunal for Rwanda (ICTR), Judge Dennis Byron, has called upon the international community to urgently resolve the problem involving relocation of people who have been acquitted by the Tribunal.

"Despite significant efforts by the registrar, three acquitted persons have still not been resettled and remain in safe houses in Arusha. If this problem is not dealt with in a comprehensive, long-term approach, the interests of justice and the rule of law will not be served," he told the UN Security Council on Monday.

Presenting his six monthly report on the ICTR completion strategy, the president cited an example of former Rwandan Transport Minister Andre Ntagerura, saying it has been four years after the confirmation of his acquittal by the Appeals Chamber.

Other genocide-acquittals staying in the safe house are former military officer, Brigadier General Gratien Kabiligi, who was freed in 2008 and a businessman Protais Zigiranyiraso, a brother-in-law of the late president Juvenal Habyarimana, who was cleared in 2009.

The president added that another similar issue which needed urgent attention involved convicted persons who have served their sentences. "These persons are in a legal vacuum, as we can currently see in one case. There will be many persons in this position in the coming years," he cautioned.

Earlier on the day, the Tribunal Acting Deputy Registrar, Pascal Besnier, had told the Hirondelle News Agency that western countries were hesitating to host genocide-acquittals as their presence may threaten public order. He pointed out, however, that the Tribunal was efficiently dealing with the matter.

FK/ER/GF

© Hirondelle News Agency

UN News

Tuesday, 7 December 2010

Press conference on '2010 gender report card' on international criminal court

Source: United Nations Department of Public Information (DPI)

Even with the lack of reparations, or even basic services for women victims of conflict-driven violence, justice for women was "still an afterthought", Anne Marie Goetz, Chief Adviser on Governance, Peace and Security at the United Nations Development Fund for Women (UNIFEM), said today.

"If anyone doubts the importance of the work of the Women's Initiatives for Gender Justice, let's remember the rapes this summer in the DRC [Democratic Republic of the Congo] — conflict-inspired rapes that go on all the time," she said at a Headquarters press conference to launch the 2010 Gender Report Card on the International Criminal Court.

Ms. Goetz said it was "shocking" to learn from the report — penned by the Women's Initiatives for Gender Justice — about the still-low number of women witnesses and the pattern of rejecting the value of their testimony. It was all a reminder of how critically important it was to insist on justice for war crimes, she said, adding that UNIFEM was happy to have been associated with the launch of the Gender Report Card, an example of "excellent civil society activism".

She went on to point out that sexual violence against women in conflict had not even been understood as a war crime until relatively recently, and activism inside and outside the courts had contributed to remedying that. Women's Initiatives for Gender Justice was one of the best examples of systematic, serious, even scientific, analysis of the situation. For its part, UN Women would be an important actor in the United Nations system, but there was a long way to go, she cautioned, noting that even when women stood up to testify, they needed enormous support, and that less than 4 per cent of the violations they talked about concerned sexual violations in conflict situations.

Accompanying Ms. Goetz were Brigid Inder, Executive Director of Women's Initiatives for Gender Justice; Amira Khair, Women's Initiatives Sudan Programme Officer; Maria Solis Garcia, Board Member; and Nanette Braun of UN Women, who moderated the event.

Ms. Inder explained that Women's Initiatives was an international women's rights organization advocating for the prosecution of gender-based crimes while working with the women most affected by armed conflicts under review and investigation by the International Criminal Court. Such conflicts affected Uganda, Democratic Republic of the Congo, Sudan and the Central African Republic. The 2007/2008 post-election violence in Kenya had led to another investigation by the Court, and a further probe had been opened in Kyrgyzstan following the violence there in 2009.

The 2010 "report card" was the sixth produced annually, Ms. Inder said, adding that it reviews all major judicial developments, including the opening of investigations, announcements of arrest warrants, witness-protection issues, assistance to victims and outreach activities, among others. It also reviews the International Criminal Court's institutional development and its overall progress towards maturity as an international public institution for justice. The report basically summarizes all major substantive developments related to the Court.

She said monitoring and critiquing the International Criminal Court was one strategy employed by Women's Initiatives to advocate for gender-inclusive justice and promote the inclusion of women in shaping international criminal law, as lawmakers, practitioners, decision-makers, participants and

beneficiaries of the justice process. The international Court was a relatively new institution, having functioned for just seven years, and it was still developing its own benchmarks and processes, she acknowledged, touching on a few "firsts" for 2010.

For the first time, charges of genocide had been confirmed against an indictee, she noted, saying they included acts of rape and sexual violence; the first trial in relation to crimes committed in the Central African Republic had begun; the first witnesses had provided testimony in relation to sexual violence charges; the first expert witness had addressed gender-based crimes before the Court, in relation to the Lubanga case and the gender dimensions of the enlistment and conscription of child soldiers, and three participating victims had also been allowed to testify; an all women-bench had presided over a trial; and, for the first time, the Prosecutor had exercised his "proprio motu powers" by opening an investigation in relation to the post-election violence in Kenya.

It had also been a year of firsts for States parties, Ms. Inder said, highlighting the crucial decision to treat the crime of aggression as a crime accountable before the International Criminal Court. Four more States had become Parties to the Rome Statute, bringing to 114 the total number of adherents. However, progress was seriously lagging in terms of participation by women victims, she said, pointing to their significant under-representation on the Court, as detailed in the report. The Court had recognized more men than women as victims "in every situation and in each case", she said, adding that no women had been recognized in relation to two of the three Sudanese cases for which victims' applications had been received. Additionally, twice as many men as women on average had been recognized in the Democratic Republic of Congo and Uganda cases.

The gender breakdown of victims was "simply out of kilter" with the crime-base of the conflicts, as documented by a variety of sources, she said, attributing that in part to women's limited access to the range of media and information sources upon which the Court relied to reach affected communities. "We are urging the Court to pay attention to that," she stressed.

Touching on matters relating to the Court's substantive prosecutions, she noted that 40 per cent of charges for gender-based crimes had been dismissed in cases for which confirmation hearings had been held, with judges mostly citing insufficient evidence. Several judicial decisions had questioned the quality of the filings, the sufficiency of the evidence, and the linkage between the charges and elements based on the evidence presented.

Ms. Inder recalled that in the Lubanga trial, the first case before the Court involving sexual violence against girl soldiers, the charges had never been brought because they had not been prioritized in the original investigations. Compounding that, the Prosecutor had proposed a 50 per cent reduction in investigation days for 2011. "We are concerned that a reduction in investigation days could signal the Office of the Prosecutor intends to, or may simply lapse into, an over-reliance on media sources and other secondary material," she warned.

Turning to the trial of Jean-Pierre Bemba — former Vice-President of the Democratic Republic of the Congo and the most senior political figure to appear before the Court — she said the case was important because evidence of sexual violence and charges of gender-based crimes comprised a significant part of the Prosecution's case. The trial would involve the largest number of witnesses for sexual violence in any case before the Court, she said, noting that Mr. Bemba faced charges of rape and murder as war crimes and crimes against humanity, as well as pillaging as a war crime. However, more than half the charges of gender-based crimes in that case had been dismissed, Ms. Inder said, owing to an interpretation by the judges which departed from 10 years of practice and jurisprudence in international tribunals and national courts regarding cumulative charging for crimes of sexual violence.

Ms. Khair added that since 2005, when it had begun its work in Sudan, Women's Initiatives had focused on supporting women affected by the Darfur conflict, in accordance with the relevant Security Council resolutions.

Ms. Garcia said that each year, the Gender Report Card represented women worldwide, including Latin American women, and was a tool to measure the response of judicial systems to femicide, sexual violence and all gender-based violence suffered by women in the region. Referring to a speech yesterday by the President of Colombia, she said it was "a contradiction" to hear a country defending itself against all violence suffered by women.

To a series of questions concerning the legal position on rape and out-of-wedlock sex in Sudan, Ms. Khair said work was under way to reform the law in question, but women were denied access to justice and medical treatment, and, because they were suffering in conflict areas, they "can't go and complain".

Asked how it was possible to produce the requisite four witnesses to rape, she said that, in Sudan, everything possible was done to learn about a rape case from neighbours. In Sharia, or Islamic law, rape was separate from adultery, and even the Government was trying to get rid of that law.

Ms. Inder added that it would not be possible to reform the law in Sudan without reforming the whole women's agenda and advancing women's rights. Sudan needed a political discourse, which would eventually support a parliamentary discourse.

Replying to another question, she said Women's Initiatives focused on countries under investigation by the International Criminal Court, so it was limited to that extent. It needed the Prosecutor to "move from being sometimes a little more around sound bites and headlines [to] around substance and impact".

Concerning the case against Mr. Bemba, she said there had been a factually strong and compelling opening by the Prosecution at the start of the trial, and several witnesses and victims would testify about issues of sexual violence. The case was "one to watch; a very significant case", she added.

Afrique en Ligne

Wednesday, 8 December 2010

Cote d'Ivoire: ICC says probe into Ivorian war crimes continuing

International Criminal Court says probe into Ivorian war crimes continuing - The International Criminal Court (ICC) has confirmed that an investigation into war crimes and crimes against humanity, committed in Cote d'Ivoire, were continuing, a factor likely to pile further pressure on incumbent President Laurent Gbagbo, PANA reported Tuesday.

Cote d'Ivoire is not a signatory to the Rome Statute, creating the ICC, but in 2007, the authorities there accepted that the Court could have jurisdiction in the country.

The preliminary investigations reportedly target Simone Gbagbo, wife of President Gbagbo, and Guillaume Soro, a former rebel chief.

In a statement Monday announcing the commencement of investigations into North Korea's possible war crimes after its recent shelling of the South, the ICC Prosecutor Luis Moreno-Ocampo said the Court was also conducting "preliminary examinations into the situation in Cote d'Ivoire".

"The Prosecutor is mandated to conduct preliminary examinations for the purpose of determining if the Rome Statute criteria for opening an investigation are met," the Court said.

Other situations under preliminary examination by the Office include Afghanistan, Colombia, Guinea, Georgia, Honduras, Nigeria and Palestine.

In 2006, a UN panel recommended that politicians obstructing the return to peace in Cote d'Ivoire be tried at the ICC, several days before the ICC announced it had commenced a probe.

The Nation (Nairobi)

Tuesday, 7 December 2010

Africa: Is ICC Prosecutor Continent's Only Hope for Justice?

Mwaura Samora

Nairobi — The announcement last week by International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo that he intends to make public the names of the suspected masterminds of the 2007 post-election violence has sent the country into a spin.

Scenes of chest-thumping bravado and accusations across the political divide, triggered by the rather unpalatable prospect of losing political kingpins to The Hague, are now the order of the day. But Mr Moreno-Ocampo insists that there is no turning back, and that no amount of political gimmickry will derail his mega-tonne justice train.

To those unlucky or unruly enough to be in his gun sights, the Argentine is a constant source of dread and sleepless nights. But for the masses affected by the post-electoral turmoil, Mr Moreno-Ocampo is a saviour, a man in whose hands they believe they can safely keep their hopes for justice. Attempt to condemn

Little wonder, then, that there has been a spirited attempt by many suspected villains across the continent to condemn and label the ICC and its erstwhile prosecutor as enemies of Africa's style of governance and justice.

During the ICC Review Conference held in Kampala in June this year, accusations against the court by various delegations raised eyebrows around the world, with some even calling its processes "anti-Africa". Rwanda President Paul Kagame, one of the strongest opponents of the court, once termed the ICC a "vehicle of neo-colonialism, slavery, and imperialism".

Weak judicial systems

The 2006 dismissal of potential cases against US actions in Iraq and the apparent inaction by the ICC on situations in other hotspots outside Africa have also been cited by those accusing the court of applying selective justice. International law experts, however, cite weaknesses in Africa's legal systems as the major cause of the big number of situations being referred to the ICC.

Which is why many in civil society lobby groups, the media, and a large section of the general public have welcomed the growing number of referrals to The Hague as a sign of the continent's commitment to international criminal justice and a desire to weed out the strangling culture of impunity.

Established in 2002 through the Rome Statute as a permanent tribunal to prosecute individuals for genocide, crimes against humanity, and war crimes, the ICC is the last resort for many, even though its authority ranks below that of national courts. This means proceedings are initiated through referrals by a state party, the prosecutor, or the UN Security Council.

As of March 2010, 30 African countries had acceded to the Rome Statute, although only a handful had amended their domestic laws to accommodate its provisions.

A strong pointer to the weaknesses of Africa's judicial systems -- or its love for the machete -- is that most of the situations the court has been investigating since its inception concern conflicts in northern Uganda, The Democratic Republic of Congo, Sudan, and the Central African Republic. Of the ICC's 15 warrants of arrest issued, 11 are for individuals from Africa.

Suspects in custody at The Hague are former DR Congo warlords Thomas Lubanga, Germaine Katanga, Mathew Chui, and Jean-Pierre Bemba, and former Liberian strongman Charles Taylor. Other wanted suspects still at large include Sudan leader Omar al-Bashir and his humanitarian affairs minister Ahmad Harun, Janjaweed militia

commander Muhammad Rahman, the Lord's Resistance Army's (LRA) Joseph Kony, and four of his senior deputies.

The perceived failure by the court to investigate corporate entities accused of fuelling conflict in Africa is one of the issues that many opponents of the court have cited in their allegations of selective justice.

A UN report released in October 2002 accused 85 companies of supplying arms to the Ugandan and Rwandan armies and 25 militia groups in DR Congo. Although the ICC was quick to issue warrants of arrest against Congolese and LRA warlords, critics say it has done or said nothing against these firms, most of them still operating in the Great Lakes region.

"If those indicted have committed any crime, surely they must face the consequences of their actions," says Lord Aikins Adusei, a West African political commentator. "But it will also be an incomplete justice if those supplying the weapons and bankrolling the conflicts are allowed to go unpunished."

There are also claims that the fact that major world powers are not bound by the Rome Statute considerably dents the authority of the ICC to act as an impartial centre for justice.

The US, China, and Russia, all permanent members of the UN Security Council, are not signatories, which makes the court toothless in situations where the three are involved. This is evident in the lacklustre approach to situations in the Middle East and Asia, where each member of the council has vested interests.

Hague Invasion Act

To protect its soldiers against any future action by the court, the US Congress passed the American Servicemembers Protection Act (ASPA) in 2002. Dubbed the "Hague Invasion Act" by opponents, the legislation not only prohibits any form of military aid to countries that have ratified the statute (exceptions granted), but also empowers the US president to use military force to free American soldiers held by the ICC.

To further advance what human rights activists have termed a "two-tier system of international justice", the world's biggest democracy has been coercing nations to sign the controversial Bilateral Immunity Agreements (BIAs), which bar signatories from surrendering American nationals who have committed major crimes to The Hague.

Although President Obama has removed the sanctions to the BIAs, his administration is yet to formalise a policy decision on either the ICC or the bilateral agreements.

The few African nations -- like Kenya and Malawi -- that refused to sign the repressive BIAs were penalised by drastic cuts or withdrawal of military funding. Reports indicate that around 100 countries, mostly economically vulnerable Third World nations, are party to these agreements.

But, apart from lifting the BIA sanctions, the current American administration has softened the country's stance on the ICC by sending delegations to the court's annual meeting of the Assembly of States Parties in The Hague in 2009 and the Review Conference in Kampala earlier this year. And, on both occasions, US representatives expressed their country's desire to cooperate with the court.

"After 12 years, I think we have reset the default on the US relationship with the court from hostility to positive engagement," said State Department Legal Adviser Harold Koh of the future of US-ICC relations in light of the Kampala Review Conference. "In this case, principled engagement worked to protect our interest, to improve the outcome, and to bring us renewed international goodwill."

In a move that might significantly shift the paradigms of international justice, member states at the ICC Review Conference in Kampala agreed to add the crime of aggression to the list of the court's prosecutable offences. Expected to come into force in 2017, the amendment will give the prosecutor or a state party the authority to initiate an aggression case where the UN Security Council fails to take action.

Probably piqued by politicians' claims that The Hague's actions may destabilise regions, Mr Moreno-Ocampo has, on numerous occasions, emphasised that his investigations follow legal rather than political possibilities. And he

repeated this assurance during the National Dialogue and Reconciliation Conference in Nairobi last week, saying he was not interested in the cause of the Kenyan violence, but the alleged perpetrators.

This tricky balancing act, made worse by wily politicians and their supporters, points to the winding path through which Mr Moreno-Ocampo and his team must manoeuvre to rid their court of any iota of susceptibility to politicisation.

In Kampala last June, for example, the sharply divided Kenyan delegation clearly manifested the ODM-PNU coalition rifts in plenary sessions, where they differed on almost every issue despite being presumed to represent the collective position of the nation over the ICC.

Investigate Museveni

During the same gathering, a Ugandan opposition leader called on the ICC to investigate the country's president, Yoweri Museveni. While presenting his evidence to the prosecutor, Mr Olara Otunnu, head of Uganda Peoples Congress Party, said President Museveni should be investigated for crimes committed in Kampala, northern Uganda, and the DR Congo.

This came even as the Lord's Resistance Army leader Kony refused to negotiate any peace deal until the warrants against him and four of his top aides are dropped. But the LRA might be headed for the gallows if a recent plan by President Obama to disarm the group materialises.

However, for many, it was the ICC's warrant of arrest against Sudan President Omar al-Bashir a year ago that proved it had the guts to go after the "big fish". Charged with genocide, war crimes, and crimes against humanity in Darfur, al-Bashir made history by becoming the first sitting head of state to be indicted by the ICC.

But the African Union reacted swiftly by convening a gathering in Libya, where members voted against the directive, with Senegal calling on all African countries to withdraw their ICC membership en masse as a sign of protest. The request was not granted, and, instead, several African countries have since declared their will to implement the arrest warrant.

Although the Sudan leader has dismissed the indictment as the antics of a "white man's court" designed to destabilise Africa, the dragnet is rapidly closing in on him. And, although countries like Kenya and Libya have allowed the wanted head of state within their borders, he has already been excluded from the Olympics in Beijing, the World Cup in South Africa, and the African Union heads of states summit in Kampala.

Before making the bold move against the Sudanese supremo, Mr Moreno-Ocampo had been criticised by human rights groups for his cautious approach to states like Rwanda and Uganda.

Friendly countries

But after the move, Mr Antonio Cassese, a former president of the International Criminal Tribunal for the former Yugoslavia who chaired the United Nations Commission of Inquiry on Darfur, criticised Mr Moreno-Ocampo for charging al-Bashir with genocide and issuing a public warrant of arrest. This, Mr Cassese argued, made it easy for the Sudanese leader to avoid arrest by travelling only to friendly countries.

"If Moreno-Ocampo intended to pursue the goal of having al-Bashir arrested, he might have issued a sealed request and asked the ICC's judges to issue a sealed arrest warrant, to be made public only once al-Bashir travelled abroad," Mr Cassese wrote in an article published by SudaneseOnline.com in July 2005.

But, to many, that does not matter. What matters is that the wheels of justice have begun to turn, no matter how slowly. And no one could sum that hope better than the prosecutor general of Rwanda, Mr Martin Ngogo.

"There is not a single case at the ICC that does not deserve to be there. But there are many cases that belong there, that aren't there.

CNN

Monday, 6 December 2010

International Criminal Court looking into Korean incidents

By the CNN Wire Staff



Damaged buildings on South Korea's Yeonpyeong Island on December 3, 2010 following a North Korean artillery attack.

STORY HIGHLIGHTS

- A preliminary investigation will determine whether a probe will be opened
- The international court is looking into the sinking of a South Korean ship in March

- The court also is probing the shelling on Yeonpyeong Island last month

(CNN) -- The International Criminal Court has opened a probe into the North Korean shelling of Yeonpyeong Island last month and the March sinking of a South Korean warship, allegedly by a North Korean submarine, to evaluate if the incidents constitute war crimes, the court said Monday. "The office of the prosecutor has received communications alleging that North Korean forces committed war crimes in the territory of the Republic of Korea," the court said in a written statement. "The prosecutor of the ICC, Luis Moreno-Ocampo, confirmed that the office has opened a preliminary examination."

A preliminary investigation will determine if the criteria are met for opening an investigation under the Rome Statute, the court said. That statute set up the court and governs it.

North Korean forces launched an artillery barrage that killed four people on South Korea's Yeonpyeong Island on November 23. Pyongyang accused the South of provoking the attack, which also injured 18 people, because shells from a South Korean military drill landed in Northern waters. In March, 46 South Korean sailors died when the warship Cheonan sank in the Yellow Sea. South Korea, as well as an international investigation conducted by South Korea, U.S., Swedish, British and Australian officials, have blamed a North Korean torpedo for sinking the ship. North Korea has denied culpability.

The International Criminal Court, located in The Hague, Netherlands, has had jurisdiction over "war crimes, crimes against humanity or genocide" committed on South Korean territory since 2003, the statement said.

South Korea is a signatory of the Rome Statute and has been a party since November 2002, although it did not take effect in South Korea until February 2003, the court said. North Korea is not a party to the treaty; neither is the United States.

The court investigates and prosecutes those accused of crimes including genocide, crimes against humanity and war crimes.

Other preliminary investigations are being conducted into situations in Afghanistan, Colombia, Ivory Coast, Guinea, Georgia, Honduras, Nigeria and the Palestinian territory, the court said. Investigations are taking place into situations in the Democratic Republic of Congo, Northern Uganda, Sudan's Darfur region, the Central African Republic and Kenya.

It is unclear what might happen if the court decides prosecution is warranted. The ICC has no police force and relies on countries who are party to the Rome Statute to turn suspects in.

In March 2009, the International Criminal Court issued an arrest warrant for Sudanese President Omar al-Bashir on charges of war crimes and crimes against humanity in Darfur in western Sudan. However, al-Bashir has thus far managed to evade custody. Several ICC signatory countries have not cooperated in arresting him. The African Union has warned against his arrest, claiming it will destabilize Sudan.

Jean-Pierre Bemba Gombo, a former vice president in the Democratic Republic of Congo, went on trial last month in the ICC. Prosecutors allege Bemba led a militia in attacks on civilians in the Central African Republic between October 2002 and March 2003.