

**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, 17 January 2011

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

Local News

Witness Reports Threats / *Awareness Times* Page 3

International News

Liberia's Charles Taylor Continues to Haunt West Africa / *Africa Review* Page 4

Defense Lawyers Seek Investigations Into United States Government Cables.../ *CharlesTaylorTrial.org* Pages 5-6

US Envoy for Change in Rules for Fair Trial of War Crimes / *The Financial Express* Page 7

Ouattara Says Gbagbo Stalling for Time to Arm Himself / *Voice of America* Page 8

East Africa: Lessons From Nation's Tribunal, Lest We Forget / *The East Africa* Pages 9-13

Convict Seeks Stay of Proceedings After Advocate's Arrest / *Hirondelle NewsAgency* Pages 14-15

Cabinet Yet to Agree on ICC Pullout – Kalonzo / *The Daily Nation* Pages 16-17

US Law School Bags K K Luthra Memorial Moot Court Competition / *The Times of India* Page 18

Witness Report Threats

John Kalawa Conteh, a star witness in the ongoing jailbreak trial at the Magistrate Court No.2, has told the court that he is being threatened with death by prison officers. According to him, he has been given the choice to either testify and lose his life, and maintain sealed lips and keep his life. Following this, Presiding Magistrate Wellington ordered the Acting Director of Prisons Department, Bilo Kamara, to urgently investigate the complaint and present the findings to the court.

Africa Review

Monday, 17 January 2011

<http://www.africareview.com/Analysis/-/979190/1090552/-/klgxfz/-/>

Liberia's Charles Taylor continues to haunt West Africa

By TAMBA JEAN-MATTHEW



Former Liberian President Charles Taylor in the courtroom of the International Criminal Court in The Hague during his ongoing trial. FILE | AFRICA REVIEW |

The name Charles Taylor still sends a cold chill down many a spine in west Africa, five years after the Liberian warlord was hauled off to the International Criminal Court at The Hague.

Taylor, 62, has since 2006 been facing 11 counts for war crimes and crimes against humanity, allegedly committed in neighbouring Sierra Leone during the 11-year brutal war there that ended in 2002.

Many analysts and historians have described the twin fratricidal wars that rocked Liberia and Sierra Leone between December 1989 and April 2003 as worse than the days of the Black Hole of Calcutta and the Gulag of Archipelago, where humanity was devilishly dehumanised.

In Liberia, the Taylor War as it is remembered, killed an estimated 250,000 people and left razed towns and villages in its trail while its offshoot in Sierra Leone left almost an equal number dead and several others maimed for life.

Taylor's ongoing trial has offered some sort of closure for those scarred by the wars. But the prospect that the trial could be discontinued due to a lack of funding and other legal arguments thus setting him free threatens to reignite the terrible memories all over again.

The Taylor case is one of the ICC's more prominent ones, but it only took the appearance of US supermodel Naomi Campbell as a witness to catapult the case into the international limelight.

The news came from leaked diplomatic correspondences from the controversial WikiLeaks website which quoted the prosecutor of the UN-backed court for Sierra Leone, Mr. Steven Rapp, saying that financial constraints could force the court to discontinue the trial.

Taylor's trial, the first such for an African President, is said to be the most expensive in the history of international justice. At one time the Taylor defence was being accorded a monthly budget of \$100,000.

Arrest and detention

If set free, it is widely believed that Charles Taylor would seek retribution against the governments of Liberia's Ellen Johnson-Sirleaf and that of Sierra Leone which were instrumental in setting up the court and the former president's subsequent arrest, detention and trial.

Charlestaylortrial.org (The Hague)

Thursday, 13 January 2011

Liberia: Defense Lawyers Seek Investigations Into United States Government Cables Released By Wikileaks

Alpha Sesay

Defense lawyers for former Liberian president Charles Taylor have filed a motion before Special Court for Sierra Leone judges in The Hague seeking an investigation into leaked United States Government (USG) cables by the whistle blowing website WikiLeaks about Mr. Taylor's trial.

According to defense lawyers in their motion filed on Monday, January 10 2011, two cables emerging from the US Embassies in Liberia and The Hague respectively suggest that the USG has a specific interest in Mr. Taylor's trial and that sensitive information from within the various sections of the Court have been compromised through agents who are answerable to the USG.

Defense lawyers state in their motion that based on a March 10, 2009 cable from the US Embassy in Liberia, it is clear that the USG wants to keep Mr. Taylor behind bars at all costs.

The defense motion quotes the US Ambassador to Liberia, Linda Thomas-Greenfield, as saying in the cable that "the best we can do for Liberia is to see to it that Taylor is put away for a long time and we cannot delay for the results of the present trial to consider the next steps. All legal options should be studied to ensure that Taylor cannot return to destabilize Liberia."

The second cable from April 15, 2009, according to defense lawyers, "reveals that sensitive information about the trial has been leaked to the United States Embassy in The Hague by unnamed contacts in the Trial Chamber, the Office of the Prosecutor (OTP) and the Registry." A footnote in the motion states that this cable relates to the pace and efficiency of the trial, funding, and personnel issues.

"Based on these cables...and other available information, there is an inescapable and axiomatic concern that the impartiality and the independence of the Court may have been compromised," defense lawyers state in their motion.

The motion adds, "The disclosures in these cables, in no small way, place the integrity of the Court itself on trial, and the Court would have failed...if it is not seen to have been fair, or if it appears that the hidden hand of a third party influenced the proceedings."

Defense lawyers have therefore asked that the Prosecution and Registry be made to disclose any USG contacts "within their respective organs, as well as the nature and extent of the relationship and the information that has been exchanged between the contact(s) and the USG."

If such disclosures are not made by either Prosecution or the Registry, defense lawyers requested that the judges order an independent investigation to determine who the said contacts are and the nature and extent of any relationship they might have with the USG.

Regarding alleged USG contacts inside the Chambers of the Court, defense lawyers in their motion ask the judges to use their inherent powers to commission and independent inquiry "within its own quarters to determine the identity of the contact and the nature and extent of their relationship with the USG."

During the entire period of Mr. Taylor's trial, his lead defense counsel Courtenay Griffiths has constantly told the media that Mr. Taylor is on trial not because of crimes committed in Sierra Leone, but because the USG wants to keep him out of Liberia. Mr. Taylor himself, when he testified as a witness in his own defense, made emphasis on an alleged USG ploy to keep him behind bars. With the USG cables referencing the former Liberian president's trial in The Hague, defense lawyers now say that they have been right to point fingers at the USG as the Western power seeking to keep Mr. Taylor behind bars. Defense lawyers in their motion point to the fact that the USG has been the

highest funder of the Special Court for Sierra Leone and that three of the Court's four Chief Prosecutors to date are American nationals.

"It will be recalled that Lead Defense Counsel [Courtenay Griffiths] submitted during his opening statement that Mr. Taylor was only indicted and arrested because of the USG's interests and pressure," the defense motion states.

It adds, "Mr. Taylor subsequently testified that the USG had a vendetta against him and sought to remove him from power through various means."

Defense lawyers therefore now argue that "[t]he published cables provide further insight into this relationship between the OTP and the USG."

"They also disclose and give fresh insights into what appear to be equally close relationships between the USG and source(s) within Chambers and the Registry, with the clear implication being that the USG has successfully infiltrated all organs of the Court," the motion adds.

In addition to proof that the USG has contacts or sources inside the OTP, Chambers, and Registry of the Court, defense lawyers say that the released cables also point at the USG's desire to ensure that Mr. Taylor does not return to Liberia.

This, they say raises serious doubts about the independence and impartiality of the Court's prosecution of Mr. Taylor.

"Viewed objectively and reasonably, evidence suggests that the indictment and trial of Mr. Taylor...is no more than an extension of US foreign policy interests in West Africa, with there being no connection to any alleged crimes in Sierra Leone," defense lawyers claim.

In view of the above, defense lawyers have sought the judges order disclosure and/or and investigation into the following:

"The identity of the source(s) within the Trial Chamber, Prosecution and Registry who provided the USG with the information in the Cables;

The full nature of the respective sources' relationship with the USG, specifically including an explanation of the context and circumstances in which each of the comments recorded in the Cables were made to representatives of the USG;

Information tending to suggest that the Prosecution has sought or received instructions from the USG regarding any aspect of the Taylor trial; and

A full explanation of the money provided by the USG to the Prosecution, including the amounts of money given and when; the purpose of the funds; how the funds were used; and who the OTP was accountable to in the distribution and use of the funds."

These, defense lawyers say, will be the only way to remove any doubt about the independence and impartiality of the tribunal.

The Prosecution is expected to respond to the defense motion next week.

The Financial Express

Friday, 14 January 2011

US envoy for change in rules for fair trial of war crimes

US Ambassador-at-Large Stephen Rapp has stressed the importance of bringing potential changes to the rules under the International Crimes Tribunal Act of 1973, in order to hold an open and transparent trial of war crimes committed during Bangladesh's liberation war in 1971 that is recognised under international law, reports UNB.

Speaking at a pre-departure press conference at the American Club, he said Bangladesh has decided to prosecute not ordinary crimes, but international crimes of genocide, war crimes and crimes against humanity committed in 1971.

Rapp said it is possible to try people who committed murder, rape, arson and robbery on a massive scale through an international system in compliance with international treaties like the International Convention on Civil and Political Rights and the International Criminal Court (ICC), both of which have been ratified by Bangladesh.

Recalling the passage of the International Crimes Tribunal Act by the Bangladesh parliament in 1973, later amended in 2009, the Ambassador said the rules need to be reformed by incorporating accepted definitions for genocide, war crimes and crimes against humanity, like those set by the ICC and international tribunals in Yugoslavia, Rwanda, Sierra Leone and Cambodia on war crimes.

Rapp, who came to Bangladesh at the invitation of the Foreign Secretary during a meeting in New York last September, repeatedly stressed changing the procedures in compliance with international laws, since a decision has been made to prosecute international crimes.

Referring to his meeting with Law Minister Shafique Ahmed, the Ambassador said he promised the Law Minister that upon returning to Washington, he will send him a memorandum containing his ideas, and some issues that have been raised by the defence attorney, and international organisations like the International Bar Association.

He said the memorandum he will send to the Law Minister may help ensure that "justice is done and seen to be done in the process here."

"If you don't make changes in the procedure, you are not entitled to prosecute international crimes by retrospective law," said Rapp, who served as Prosecutor of the Special Court for Sierra Leone in 2007, leading the prosecutions of former Liberian President Charles Taylor for atrocities committed during the civil war in that country.

Referring to the assistance sought by the government from the US counterpart for training and other materials in such cases, the Ambassador said he had already discussed the matter with some US Senators before his visit and he will raise the matter with Congress for approval.

However, he served a reminder that providing assistance will be easier, if it is clear that the provisions are there to ensure the individuals will be tried in compliance with Article 14 of the International Convention on Civil and Political Rights.

Voice of America
Monday, 17 January 2011

Ouattara Says Gbagbo Stalling for Time to Arm Himself

Ivory Coast President-elect Alassane Ouattara says President Laurent Gbagbo, who refuses to give up power and acknowledge losing the November election, is stalling for time to arm himself.

Mr. Ouattara told VOA that Mr. Gbagbo is looking to buy weapons and ammunition and recruit mercenaries and militias. He rejected a Gbagbo appeal for negotiations, saying there is nothing to talk about.

The president-elect said the will of the Ivorian people cannot be negotiated, adding that Mr. Gbagbo lost the election and must go.

Mr. Ouattara said if pressure does not work, Mr. Gbagbo should be removed by force.

A Gbagbo spokesman said Sunday that new European Union sanctions do not intimidate his government. The spokesman said the world relies on Ivory Coast for cocoa and that the country can get what it needs from some other place besides the EU.

The United States already has frozen Mr. Gbagbo's U.S. assets and barred Americans from doing business with his government.

Mr. Gbagbo insists he won the November 28 presidential election. The international community recognizes Mr. Ouattara as the winner.

West Africa's central bank says it is blocking Mr. Gbagbo's access to Ivory Coast's assets and is giving that power instead to Mr. Ouattara.

African Union leaders have been meeting to discuss a solution to the standoff. The West African regional bloc ECOWAS threatens military action if Mr. Gbagbo does not step down.

The United Nations says at least 247 people have died in violence since the November 28 election.

The East Africa
Monday, 17 January 2011

East Africa: Lessons From Nation's Tribunal, Lest We Forget

Nairobi — It is now almost 17 years since more than 800,000 Tutsis and their Hutu sympathisers were killed in Rwanda during three of the most shocking months of murder, torture and rape, while the rest of the world averted its collective eye.

As the horrific details seeped into the public domain over the years, a range of emotions have gripped the world, from guilt to shock to disbelief.

But words cannot begin to describe the mental anguish that continues to be experienced by the surviving victims.

While complete closure may forever be elusive, some measure of healing can be gained by the victims from the ongoing judicial process at the International Criminal Tribunal for Rwanda (ICTR).

It would be foolhardy to suggest that the 1994 massacres occurred in a vacuum, for the background of political, economic and social events that preceded and followed is too complex to be ascribed to the events of a single year, or even a single decade.

And for the rest of the world, a lesson; it would be rash to pat ourselves on the back and pretend that the set of circumstances that came together in Rwanda are unique.

Before Rwanda, there was Yugoslavia and closer to home, recent events in Kenya have taught us how even in the seemingly most stable of countries, neighbour can turn against neighbour.

The Rwandan trials at the ICTR are instructive to the EAC region.

In particular, for Kenya, now flirting with the idea of a local tribunal to try the perpetrators of its 2008 post-election violence, the successes and failures of the ICTR are of great interest.

For starters, it is clear that a tribunal has far wider reach than the ICC, which confines its prosecution to those most responsible -- the planners and financiers of genocide and crimes against humanity.

A tribunal, as we have seen in Rwanda, can and will go after more than just a few top individuals.

It is important to keep in mind that there is a big difference between a local tribunal such as the one Kenya is considering, which may be more vulnerable to political interference and altogether too close to the issues, and an independent international tribunal such as the ICTR, which enhances the perception of due process and fair trial.

So far, ICC Hague trials have been championed as the major solution for Kenya, while in the Rwanda case, the search for justice and peace was broad-based - involving an international tribunal, People's Courts (Gacaca), security sector reforms, and economic reforms.

Challenging impunity

The ICTR slogan, "Challenging Impunity," speaks to the deterrent function of the trials as much as it does to the retributive.

The tribunal's mandate and jurisdiction is concisely defined; the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in Rwanda, and Rwandans responsible for genocide and other such violations committed in the territory of neighbouring states, between January 1, 1994 and December 31, 1994.

While the ICTR's jurisdiction is confined in space and time, its deterrent effect is intended to spread wide and imprint an unforgettable message; that those suspected of bearing the greatest responsibility for atrocities committed can and will be called to account.

In the years since it begun its work, the ICTR has been much more than a court.

It is an institution that is contributing to the evolution of international law.

In addition to the Statute of the International Tribunal for Rwanda, the tens of cases tried by the tribunal continue to set legal precedent.

It is a challenge to the world to take responsibility for its global citizens.

Countries from all corners of the world have some involvement in the process.

With the seat of the tribunal in Arusha, judges from St Kitts & Nevis, Pakistan, Jamaica, Tanzania, Norway, Guyana, Turkey, Italy, China, Senegal, United States, Madagascar, Russian Federation and Sri Lanka; the current prosecutor from Gambia; the Deputy Prosecutor from South Africa; ad litem judges and defence lawyers from several countries, the ICTR has truly earned its international status.

Besides, several countries have contributed to the arrest of suspects, or have agreements to conduct trials or enforce sentences.

In addition to its legal function, the ICTR is an historical archive, memorialising the events of 1994 in perpetuity.

The case documents tell a tale that forms a dark part of human history; a reminder to future generations, for those who forget history are doomed to repeat it.

The tribunal's principle role, however, continues to be the quest for justice on behalf of the victims of the 1994 genocide in Rwanda, and to this end the arrests, trials, conviction and sentencing of the guilty.

International co-operation

The banning of the death penalty by Rwanda's parliament and co-operation with Interpol have been instrumental to the successful arrest and extradition of fugitives.

In June 2007, Rwanda's parliament voted to end capital punishment to smooth the transfer of suspects from countries that refuse to extradite people to nations that practice the death penalty.

Later that year, Interpol created the Rwandan Genocide Fugitives Project with the objective of apprehending the people wanted by ICTR.

Numerous fugitives have since been arrested, among them former Minister for Planning Augustin Ndirakobuca -- on September 17, 2007, in Germany. His case is currently being heard.

Others include former Deputy Governor Dominique Ntawukulilyayo, arrested on October 17, 2007 in France; former mayor Grégoire Ndahimana, arrested on August 10, 2009 in the Democratic Republic of Congo (DRC); former Youth Minister Callixte Nzabonimana, arrested on February 18, 2008 in Tanzania; and Captain Idelphonse Nizeyimana and Pastor Jean-Bosco Uwinkindi, arrested on October 5, 2009 and June 30, 2010, respectively, in Uganda. The two are in custody awaiting trial.

Fifty-two cases and counting

The ICTR has completed the trial of 52 cases. Of these, there have been 36 convictions, eight acquittals and eight cases pending appeal.

Seven of those convicted have been released after completing their sentences.

Another 21 cases are in progress, while two are awaiting trial and two have been transferred to the national jurisdiction of France.

Ten indicted suspects are still at large. It is interesting to note that all but one of the suspects indicted by the ICTR are men.

Pauline Nyiramasuhuko, former Minister for Women Affairs and president of the National Assembly, is the first woman to be indicted by an international court for genocide and crimes against humanity. Her case has been on trial for close to 10 years now.

Besides the expected government and military cases tried and still on trial at the ICTR, there have been some unlikely cases that go to show the tribunal is not just a court for the powerful and mighty in government.

These include the media cases, the trial of a famous musician, and the trial of a witness who was induced by a defence investigator to change his story and lie to the appeals chamber.

These cases are worth studying, particularly in Kenya where one of the named ICC suspects is a media man and where some potential witnesses have already begun changing their stories.

The media case

The power of the media, for good or evil, is indisputable.

The ICTR trial and sentencing of three former media bosses for their role in the 1994 massacres goes down in history as a lesson on media accountability, and a potential deterrent to those who would use the media to cause harm.

As the ICTR states in its judgment in this case, "the power of the media to create and destroy fundamental human values comes with great responsibility. Those who control such media are accountable for its consequences."

The case raises important issues on where the line is drawn between freedom of speech and hate speech and between hate speech and incitement to commit genocide.

At trial, all three were found guilty of several counts relating to genocide and crimes against humanity.

Ferdinand Nahimana and Hassan Ngeze were sentenced to life in prison in 2003, while Jean-Bosco Barayagwiza was given a 35-year sentence.

Nahimana and Barayagwiza were both founding members of Radio Télévision Libre des Mille Collines (RTLM) and members of the station's steering committee and held supervisory responsibilities.

Nahimana also played an active role in determining the content of RTLM broadcasts.

Ngeze, the founder and editor-in-chief of Kangura newspaper wrote many articles and editorials that the trial chamber found "openly evidenced his genocidal intent."

In November 2007, the Appeals Chamber partially allowed appeals against conviction for all three men.

Nahimana's sentence was reduced to 30 years, Ngeze's to 35 years and Barayagwiza's to 32 years.

The complexity of the issues in this case is underscored by the fact that of the five judges, four wrote partial dissenting opinions.

In his dissent, Judge Meron argued that hate speech that does not incite the listeners to violent actions is not criminal.

Just a musician

Among the cases that have stood out is the trial and conviction of well-known Rwandan composer and singer Simon Bikindi, accused of writing lyrics that incited killing in the 1994 genocide.

The songs were repeatedly broadcast on radio, accompanying anti-Tutsi propaganda.

Bikindi was arrested in The Netherlands in July 2001 and transferred to the Tribunal.

He was found guilty of Direct and Public Incitement to Commit Genocide based on his exhortations to kill Tutsi through a public address system on the main road between Kivumu and Kayove in June 1994.

However, the prosecution was unable to prove that he had any complicity in the dissemination of his songs to incite genocide, although the tribunal found that he composed two of his songs, Nanga Abahutu (I hate the Hutu) and Bene Sebahinzi (Sons of the father of the cultivators) with the specific intention of disseminating pro-Hutu ideology and anti-Tutsi propaganda, and thus to encourage ethnic hatred.

In December 2008, he was sentenced to 15 years in jail, with an entitlement to credit for time served in detention.

His appeal was dismissed and he continues to serve his sentence. In June 2011 he will have served 10 years since his arrest.

Double victim?

The GAA case is unique in that it is the only one involving a former witness as a defendant.

It also set a precedent as neither the ICTR nor the International Criminal Tribunal for Former Yugoslavia (ICTY) had previously rendered judgements in which a conviction or sentence for giving false testimony had been imposed.

GAA, known by that pseudonym because he was a protected witness who had previously testified for the prosecution in a different trial, pleaded guilty to giving false testimony under solemn declaration and to contempt of the Tribunal. He was sentenced to nine months in prison in December 2007.

GAA had testified in the trial of Jean de Dieu Kamuhanda, but on appeal, he recanted his testimony, stating that he was not present at Gikomero Parish on April 12, 1994 and did not witness the actions of Jean de Dieu Kamuhanda at the time of the massacre that day as he had previously testified.

GAA confessed that his false testimony was induced by an investigator on Kamuhanda's defence team who offered him 1,000,000 Rwandan francs, which he complained was never paid.

The court noted with regret that no indictment was issued against Léonidas Nshogoza, the investigator who offered the inducement to the farmer and genocide survivor in return for changing his story. GAA has since served his sentence and been released.

Co-operation by the Government of Rwanda with the ICTR and the cordial relationship between the two has been crucial to advancing the work of the tribunal.

Without the co-operation of governments, international courts would have a hard time.

Government co-operation is often needed for the arrest and surrender of suspects and the acquisition of evidence and witness testimony.

But it can also be a double-edged sword where the international courts seek to prosecute members of the same government; how to maintain co-operation without compromising the duty to prosecute?

How close a relationship can an international court forge with a government without being perceived to be, or actually being, compromised?

There is also a very real danger that governments may use the courts to settle political scores back home, and punish their vocal critics.

Take American lawyer Peter Erlinder, a lead defence counsel in the Military 1 case at the ICTR and a critic of President Kagame's regime, who was arrested and charged in Rwanda with Genocide Denial in May 2010 when he travelled to Kigali to defend opposition presidential candidate Victoire Ingabire against the same charges.

Erlinder's articles, written in the US and published on the Internet, expound on his theory that there can be no genocide in the absence of conspiracy.

Denying the 1994 genocide is a crime in Rwanda.

In a piece published in the *Jurist* titled *Rwanda: No Conspiracy, No Genocide Planning... No Genocide?* he questions whether the 1994 murders in Rwanda can properly be called "Genocide" given that all of the top Rwandan military officers were found not guilty of conspiracy or planning to commit genocide.

While Erlinder was released in June 2010 on medical grounds after a hue and cry was raised in the United States, Madame Ngambire remains in prison.

What's more, the Genocide Denial law can not auger well for forthright testimony by witnesses at the ICTR.

Getting it right

As the ICTR begins its 17th and perhaps final year, 10 judgments involving 21 defendants are still pending at the trial level.

The ICTR estimates that these judgments should be completed by the end of 2011.

There is no denying that justice has been a long way coming. The first trial at the ICTR begun in January 1997.

Since then the tribunal has tried 52 cases in 10 years, an average of five cases a year.

The tribunal has spent \$1.4 billion, and still counting, clear proof that international justice does not come cheap.

The challenges the ICTR faces are bound to affect the pace of the proceedings.

Translation of documents; interpretation of testimony between English, French and Kinyarwanda, transport of witnesses from all parts of the world; and the unavailability of witnesses are all factors that make for a prolonged process.

As to whether the process has been worthwhile, the formula to calculate the reasonable cost of justice for the calculated deaths of close to one million and the suffering of many more has yet to be discovered.

Perhaps this is a situation where getting it right is more important than getting it over with.

As to the most important benefit, the strong message to those who would plan the torture and extermination of civilians, that they will face justice and could spend the rest of their lives in prison, the value is priceless.

In assessing the success or failure of this and any other international court, a measure of realism is necessary.

While an international tribunal may fulfil the objectives of retribution and deterrence, it is not a fix-all solution.

Reconciliation, advancement of democracy and institutional reforms are all issues that a country must work on itself.

Hirondelle news agency

Saturday, 15 January 2011

Convict seeks stay of proceedings after advocate`s arrest



International Criminal Tribunal for Rwanda (ICTR)

Genocide-convict Aloys Ntabakuze has revisited the debate on the arrest of his American lead counsel, Peter Erlinder, by requesting for permanent stay of proceedings in his appeal against life imprisonment sentence rendered by the International Criminal Tribunal for Rwanda (ICTR) two years ago.

However, the prosecution vehemently opposes the request by the former Rwandan army officer, submitting that what he was trying to advance to support his current move had already been conclusively determined by the Appeals Chamber in its decision dated October 6, 2010.

In this new development, Ntabakuze has filed what he called 'Exceptional public motion for permanent stay, to uphold the rule of law and appearance of justice in proceedings before the Appeals Chamber.'

He is seeking for stay of proceedings for his case, claiming he would not get a fair trial following threats to personal safety, arrest and subsequent prosecution of his lead counsel, Erlinder, by the Rwandan government.

"The appellant is deprived of a fully effective representation, violating his right to a fair trial. This case has arrived at the regrettable, but irretrievable, position that a permanent stay of proceedings is the most appropriate course of action open to the Chamber, to uphold (its) integrity and the ICTR itself," Ntabakuze said in his motion published on the ICTR website.

However, the prosecution seeks dismissal of the motion.

"The appellant's request for a permanent stay of proceedings of the appellant's case is unwarranted and his motion should be dismissed in its entirety. The prosecution requests the Appeals Chamber to find that the appellant's right to a fair trial would not be impeded," it submitted.

The prosecution states that the appellant was attempting to relitigate issues which have already been adjudicated by the Appeals Chamber after going through several documents, including those the appellant has relied upon in supporting the present motion.

According to the prosecution, the Appeals Chamber had reviewed the documents involved before the arrest of Erlinder and found that, except for one item, all others constituted private commentary by the counsel on the case rather than words or written statements made in the course of representation of the appellant.

Final determination of the debate is yet to be delivered.

Erlinder was arrested in Rwanda on May 28, 2010 and was later charged with genocide denial. He went to Rwanda to defend opposition leader Victoire

Ingabire of unregistered political party, the United Democratic Forces (UDF-Inkingi), who wished to run for president alongside President Paul Kagame, and ended up being charged with genocide denial.

Rwandan prosecution said Erlinder would be summoned any time to face prosecution and if he would jump bail and not respond to the summons, it would use the Interpol to track him down for his arrest.

SOURCE: THE GUARDIAN

The Daily Nation (Kenya)

Sunday, 16 January 2011

Cabinet yet to agree on ICC pullout – Kalonzo

Vice President Kalonzo Musyoka on Sunday revealed his that recent blitz across the continent to mobilise support for Kenya's withdrawal from the International Criminal Court had been directly sanctioned by President Kibaki, though the Cabinet is yet to meet and ventilate on the matter.

He dismissed claims that the Cabinet sat down to agree on Kenya's pullout from ICC as reported by a section of the media recently.

"Cabinet has not sat down to agree on the resolution by MPs through a motion passed in Parliament to pull the country out of ICC," he said.

He however said that Kenya's withdrawal from the ICC had nothing to do with the growing speculation of a possible mass withdrawal of all African signatories from the Rome statutes.

"It should be understood that Kenya's efforts to get the country back from ICC does not mean that we are campaigning for the whole of Africa to pull out of ICC," he said.

The Vice President made the remarks on Sunday at the Highlands Bible College, Kericho, during the installation of Bishop Rev. Robert Kipkemboi Lagat to head the Africa Gospel Church, Kenya.

Former President Daniel Moi, Deputy PM and Finance Minister Uhuru Kenyatta, ministers Hellen Sambili, Franklin Bett and Samuel Poghiso as well as suspended higher Education Minister William Ruto attended.

Others were MPs Isaac Ruto (Chepalungu), Joyce Laboso (Sotik), Kiema Kilonzo (Mutito), Rev. Daniel Muoki (Mwala), Benjamin Lagat (Ainamoi), Charles Keter (Belgut), Joshua Kutuny (Cherangany) among others.

Kalonzo also reiterated government's commitment to ensuring that all that all the Internally Displaced Persons (IDPs) in the country are resettled this year.

Vice President Kalonzo Musyoka said that everything is being done to ensure that all IDPs are resettled so that they can concentrate on development activities like the rest of Kenyans.

"In fact I will tomorrow (Monday) God willing I will tour Mau and Kuresoi areas to assess the situation and will be joined by Zakayo Cheruiyot, MP for Kuresoi among other leaders," he said.

The Vice President said it is through unity and teamwork that problems facing the country among them IDPs, famine and drought that is ravaging some parts of the country can be confronted.

Mr. Musyoka at the same time called on Kenyans to embark on healing and reconciliation if accelerated development has to be realized in the country.

He said there is need for leaders to forget the past and ensure that this year is dedicated for peace and reconciliation for the sake of peace and stability.

The VP who is also the Minister for Home Affairs emphasized on the need for Kenyans to regard each other as brothers and sisters as the only way to end the negative ethnicity in the country.

“ I think time for healing is now. Let us dedicate 2011 as year of healing and reconciliation,” he said.

Mr. William Ruto and Kenyatta emphasized on the need for Kenyans to live harmoniously among themselves and with their neighbours for the sake of peace and stability.

They said plans were underway to resolve the problem of Mau squatters among other IDPs in the country.

Mr. Ruto hailed the role played by churches in the development of education, saying it is only through education that the problems facing the country could be solved.

Speaker after speaker called on the need for leaders to work together for the sake of peace and stability if accelerated development has to be realized.

The Times of India

Monday, 17 January 2011

<http://timesofindia.indiatimes.com/city/delhi/>

US law school bags K K Luthra Memorial Moot Court Competition

NEW DELHI: George Washington University, Law School, USA, has won the 7th K K Luthra Memorial Moot Court Competition, 2011, held this year in the capital. National Law School, Dwarka, New Delhi, bagged the runners-up title.

Organized by the Campus Law Centre, Faculty of Law, Delhi University, this exclusive criminal law moot court competition began on January 14 to 16. The final was held on Sunday. This year's moot problem focused on impeachment of judges of the International Criminal Court and the final round was judged by Justice Badar Durrez Ahmed, Justice Mool Chand Garg and Justice Mukta Gupta of Delhi high court.

In his address during the prize distribution ceremony, chief guest Justice B Sudershan Reddy of the Supreme Court said lawyers have a duty towards society and also have the responsibility of working for the welfare of the society - citing the example of Sahid Bhagat Singh, who fought against the injustice meted out to Indians by the British Raj. He said, now young lawyers and law students prefer corporate firms instead of the rigours of practice in regular courts.

Last year, 43 institutions from India and abroad had participated in the competition, but this year this number increased to 48 - including NLSIU, Bangalore; NALSAR, Hyderabad; GLC, Mumbai; Symbiosis Society's Law College, ILS, Pune; University of Warwick, UK; and The George Washington University Law School.

Read more: US law school bags K K Luthra Memorial Moot Court Competition - The Times of India
<http://timesofindia.indiatimes.com/city/delhi/US-law-school-bags-K-K-Luthra-Memorial-Moot-Court-Competition/articleshow/7300193.cms#ixzz1BIEYUBXB>