

**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**

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Press clips are produced Monday through Friday.  
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Agence France Presse

Sunday, 26 March 2011

### **DR Congo fighters sent to ICC as war crimes witnesses**

KINSHASA — Four former Democratic Republic of Congo militia fighters were transferred Sunday to the International Criminal Court in The Hague to appear as witnesses in war crimes trials, officials said.

The four, who were being held in prison in Kinshasa and are under judicial process, would testify in the trials of militia leaders Thomas Lubanga and Germain Katanga, Justice Minister Emmanuel Luzolo Bambi told AFP.

"They will only be in The Hague for one and a half months maximum and will then come back to Kinshasa," he said, without giving their identities.

An ICC official in Kinshasa said the four left Sunday.

Lubanga, 51, is on trial for using children under the age of 15 to fight for his militia in 2002-2003 in a civil war in the Congo's eastern Ituri region, one of the world's most lucrative gold-mining areas.

Rights groups say inter-ethnic fighting in the area, over land and resources, has claimed 60,000 lives over the past decade.

Lubanga denies the charges. His was the first case tackled by the ICC, which opened his trial in 2009.

The prosecution alleges that militia under his control abducted children as young as 11 from their homes, schools and football fields and took them to military training camps where they were beaten and drugged. The girls were allegedly used as sex slaves.

Katanga is accused of rapes and murders committed in February 2003 during an attack on Ituri's village of Bogoro, during which more than 200 civilians were killed.

Reuters

Friday, 25 March 2011

## **Libya suspects will face justice at ICC: U.S.**

By Aaron Gray-Block

Individuals accused of bombing and shooting anti-government protesters in Libya will end up on trial at the International Criminal Court (ICC) sooner or later, the U.S. ambassador-at-large for war crimes said.

Almost a month after the United Nations Security Council unanimously referred Libya to the ICC, Western powers are enforcing a no-fly zone over the country to protect civilians under attack from troops loyal to Muammar Gaddafi.

"Do I see that there will come a day when individuals responsible for this kind of conduct are in the ICC? Yes, it is not a question of if, it's a question of when," Stephen Rapp, the former chief prosecutor at the U.N.-backed Sierra Leone court, told Reuters on Friday.

ICC prosecutor Luis Moreno-Ocampo, who has said Gaddafi, his sons and key aides could be prosecuted for the violence, said on Thursday he may seek arrest warrants by the end of May.

"We would have to see what the situation was at that time, but I would expect in this case very strong support for ensuring those arrest warrants were executed," Rapp said.

Although some analysts warn the West risks becoming caught up in a drawn-out civil war in Libya, Rapp pointed to the arrests of Serbian President Slobodan Milosevic and former Liberian President Charles Taylor to prove arrests can be made.

Both leaders were later placed on trial in The Hague.

Confronted by ethnic cleansing in Kosovo in 1999, the International Criminal Tribunal for the former Yugoslavia (ICTY) indicted Milosevic in May 1999 while a NATO bombing campaign was in full swing.

"At the time it was not clear how that (arrest warrant) would be executed," Rapp said, but added that Milosevic was later arrested in April 2001. "That did not mean he was arrested immediately, but it clearly signaled that there was going to be consequences in terms of justice in the future."

In Taylor's case, Rapp said when the warrant was unsealed in June 2003, Taylor was still in power in Liberia, but "various pressures and efforts" saw Taylor arrested in March 2006 for crimes committed in Sierra Leone's 1991-2002 civil war.

## DETECTING CRIMES

The ICC, the world's first permanent war crimes court, has battled against a lack of state support, with the United States, Russia and China refusing to sign up to the court and it has struggled to have suspects arrested.

Sudanese President Omar Hassan al-Bashir, for example, is still at large after being charged with genocide in Darfur and some African states have simply refused to arrest him.

Recently the U.S. has started to re-engage with the court, attending recent ICC meetings as an observer.

Rapp said the unanimous Security Council referral of Libya represented a global view the ICC was a key player to achieve accountability for serious human rights violations.

He said the U.S. decision to back the referral re-emphasized a point made by the administration of U.S. President Barack Obama that Washington sees the ICC as a court of last resort which "has a place in ensuring there is accountability."

Rapp added the swift referral and resulting ICC investigation had sent a deterrent signal to Gaddafi loyalists.

"Even if you don't deter him (Gaddafi), you deter others," he said. "There is certainly evidence that individuals are declining to act on Gaddafi's side to commit these crimes, or to be complicit in them and the numbers of people committing atrocities against their own people are diminishing."

But he warned that rebels fighting Gaddafi could also be prosecuted for war crimes at the ICC if they commit, for example, reprisal killings of captured snipers.

Forces acting to impose the no fly zone will not be liable to ICC prosecution, however, but would instead face trial in their own country if they commit intentional crimes against civilians, Rapp said.

Referring to the waves of pro-democracy movements reshaping the Arab and North African political landscape as "exciting times," Rapp said the deterrent signal from the referral and ICC probe could also have an effect outside of Libya.

"Whether it encourages protests that depends on what grievances there are in a particular country, but it discourages reaction to democratic awakening through official violence," Rapp said.

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# The Standard

Saturday, 26 March 2011

## Africans gear for top ICC jobs as Ocampo exit nears from international court

By John Oywa

The International Criminal Court is undergoing interesting institutional changes with analysts saying that its next Chief Prosecutor could come from Africa.

With African legal experts now dominating most departments at The Hague-based court, it is apparent that it has been trying to shake off the tag of being anti-African even as some African leaders continue to accuse it of 'selective justice'.

The court is shopping for a new chief prosecutor to replace Luis Moreno Ocampo, whose term is about to end and the search team could be training their eyes on Africa.

Last week's appointment of Kenya's Lady Justice Joyce Aluoch to preside over the hearing of the Darfur genocide case at The Hague is just but the latest appointment of Africans to high profile positions in key departments at the court.

Lady Justice Aluoch, who was formerly Kenya's Court of Appeal judge, was appointed an ICC judge in January 2009, becoming the first Kenyan to hold such a position.

She was picked by her peers at the court to hear the Darfur cases facing Abdalla Banda Abakaer and Saleh Mohammed. Sudanese President Omar Al- Bashir has a warrant of arrest over the same case in which he and his allies are linked to the deaths of close to two million people in the troubled Darfur region.

The ICC has become a hot political subject in Kenya after it summoned six individuals, among them top government officials, to answer charges of crimes against humanity in connection with the post-election violence that resulted in the deaths of more than 1,000 people and displacement of thousands of others.

The six — Head of the Civil Service Francis Muthaura, Finance Minister Uhuru Kenyatta, suspended Higher Education Minister William Ruto, former Industrialisation Minister Henry Kosgey, former Police Commissioner Hussein Ali and radio journalist Joshua Sang — are expected to appear before the judges on April 7 and 8 to be read the charges.

An informal session at the United Nation's Security Council last week rejected Kenya's bid to have the cases deferred, saying the trials would pose no threat to local and international security. Kenya has also been toying with the idea of pulling out of the Rome Statute that binds it in supporting the ICC activities.

A shuttle diplomacy mounted by Vice-President Kalonzo Musyoka to lobby UN Security Council members to support Kenya's bid has guzzled more than Sh70 million.

Legal and security experts say the ICC has absorbed more African staff in the past few years in what they say could be a deliberate aim of giving the court more presence and acceptance in Africa.

Last month, the court appointed Phakio Mochochoko, a Lesotho national, to head the International Criminal Court's Jurisdiction, Complementarily and Co-operation Division (JCCD) in the Office of the Prosecutor (OTP). Apart from the African staff in the OTP, currently five of the ICC's 18 judges are African. Two of these, Judges Daniel David Ntanda Nsereko and Joyce Aluoch, come from Uganda and Kenya, which have cases before the ICC.

Notably, the first vice-president of the ICC, Judge Fatoumata Dembele Diarra, is Malian. In addition, of the 288-registered defence counsel, 78 are African.

Also in top position at the ICC is Deputy Prosecutor Fatou Bensouda from the Gambia.

Observers point out that Africans therefore form an integral part of ICC staff even as many African Union member countries are threatening to pull out of the Rome Statute.

A senior research fellow at the Pretoria-based Institute for Security Studies (ISS), Otilia Anna Maunganidze says Mochochoko's appointment is an achievement for Africa's efforts to combat impunity.

"More importantly, it is an opportunity to improve Africa's ailing relations with the ICC and the ability of African governments to work with rather than against the court," says Maunganidze. The JCCD is a core component of the ICC consisting of lawyers, analysts and experts on international cooperation.

She says that while the ICC's staff profile is an indication that African countries are committed to the work of the court, there has been a sharp rise in negative attitudes towards the ICC in recent times. In August last year, Kenya came under heavy criticism after it failed to arrest Bashir when he attended a ceremony to promulgate Kenya's new constitution in Nairobi. As a signatory to the Rome Statute, Kenya was expected to arrest and hand in Bashir to the ICC.

Maunganidze says that whereas several of the concerns raised by African governments and civil society about the work of the ICC are valid, there was growing concern that the AU's attitude suggests an attempt to delay justice.

Agence France Presse

Wednesday, 23 March 2011

### **Prosecutor seeks six years in German 'Nazi guard' trial**

German prosecutors Tuesday said John Demjanjuk, 90, should serve six years in jail for helping to kill 27,900 Jews during his alleged time as a Nazi death camp guard, as the trial neared an end.

Summing up in the high-profile war crimes case, expected to be one of the last of its kind, prosecutor Hans-Joachim Lutz said Demjanjuk had participated willingly in the Holocaust during a six-month stint as a guard.

"Armed with a weapon, he transported the victims from the wagons, undressed them and led them into the gas chambers," Lutz told the court in Munich, southern Germany. "He participated willingly in the murder of 27,900 Jews."

There is "no reasonable doubt" of Demjanjuk's involvement in the crimes committed at the Sobibor camp in Nazi-occupied Poland during March and September 1943 when he was alleged to have been there, added the prosecutor.

Ukrainian-born Demjanjuk, who was deported from the United States in May 2009, where he worked for decades as a mechanic, denies the charges against him.

A verdict in the case could come as soon as May 12, although there have been several delays, due mainly to Demjanjuk's poor health.

Wearing his now familiar blue baseball cap and sunglasses, the accused was wheeled into the courtroom, accompanied by two medical staff, to hear the prosecution's case.

He appeared relaxed and joked with one of the medics. He listened to proceedings sitting up on a stretcher, covered in a white sheet.

He did not react when the prosecutor called for the six-year sentence. Ulrich Busch, his lawyer, said he would demand his client walk free.

Lutz said he could have called for anything between three years and 15, which constitutes life in Germany.

He said one of the main reasons for a shorter sentence was that Demjanjuk had already served time in Israel, accused of being "Ivan the Terrible", a particularly sadistic Nazi guard at another camp, Treblinka.

Demjanjuk was released after the Israeli Supreme Court established they had the wrong man.

Also counting in his favour was "definitely the fact that he did not report voluntarily for duty in a death camp", Lutz added.

A member of the Red Army, Demjanjuk fell into German hands as a prisoner of war in 1942.

"The accused was at first a victim of German aggression. Then he became a perpetrator with his participation in the mass murder of Jews," said Lutz.

"It's not about passing off German guilt for the mass murder committed by the SS onto someone else."

The trial, which began under intense media spotlight in November 2009, has focused on two central questions: was he a guard at Sobibor and if so, was he in a position to have refused to take part in the Nazi death machine?

Lutz charged that Demjanjuk was convinced by Nazi racist ideology.

"He was aware that the victims suffered physical and mental torture [...] in addition he adopted the Nazi ideology of genocide," he said.

"At the same time, he did not flee the camp, although he had the opportunity to do so."

The accused has said nothing during the trial, often appearing asleep, sometimes emitting small groans.

Constantly at his side are his medical team and a Ukrainian interpreter.

However, his lawyer has read out three statements on his behalf.

Demjanjuk's son, also called John, slammed the sentencing demand.

"For any prosecutor, much less a German one, to ask him to suffer even one day for the crimes of Germans and its coerced POWs is a grotesque political manipulation of the legal system," he said in an emailed statement.

"They can ignore the historical facts but they cannot change them," he said, adding the trial would "come back to haunt Germany for many years".

(Source: AFP)