

**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:**

Wednesday, 6 April 2011

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

Local News

Justice Crumbles in Koinadugu District / *Standard Times*

Page 3

International News

Maxwell Kadiri and the Business of Taking Down Charles Taylor / *The Daily Maverick*

Pages 4-5

Delaying Tactics / *Focus on Africa Magazine*

Pages 6-7

Kenya: ICC Says No to 'Delay' Plan / *Nairobi Star*

Pages 8-9

Kenya's Iron Lady Backs ICC Trials For Poll Violence / *Reuters*

Pages 10-11

JUSTICE CRUMBLES IN KOINADUGU DISTRICT

By Joseph Kamanda in Kabala

Even though the government is doing its best to provide access to justice for every Sierra Leonean,

irrespective of geographical location, yet indicators at the Kabala Magistrate Court, Police Station and the Prisons have proved to be different.

...OGI learnt

• PAGE 19

JUSTICE CRUMBLES IN KOINADUGU DISTRICT

FROM PAGE 1

What came out glaringly last Saturday when the Open Government Initiative (OGI) in a series of its usual field trips and Town Hall dialogue meetings discovered that the judiciary in the Koinadugu District seemed to be facing an up hill task evidenced during inspection of both the Kabala Police Station and the District Prisons Division.

Led by the Local Unit Commander, Assistant Superintendent Amadu Deen Sesay, the OGI Director Khadija Sesay and team were taken on what could be referred to as a need assessment tour of the Kabala Police Station, where the team learnt that there are inadequate facilities at the division.

Speaking at a meeting held at the LUC's Office, shortly after the tour of the station, APS Sesay inform the delegation about the appalling detention conditions in cells at the Kabala Police Station, which he said the blame should not be put on his administration. 'We are not giving the

mandate to use mattresses or mats in cells', said ASP Sesay.

He disclosed that there are no cells for female and juvenile suspects saying; 'Since I was transferred to this division less than two weeks ago, I have not had any juvenile matter'.

Further inquiries into the welfare of suspects, ASP Sesay replied; 'There is no provision made for food by the Executive Management Board (EMB) of the Sierra Leone Police and as we can see, food comes from suspects' individual parents and relatives'.

Inspector Alex Mohamed Conteh of the Family Support Unit said he is not receiving much of juvenile cases and family matters. He said all juvenile cases are being channeled to the FSU that is investigating them and later refer them to the appropriate authorities for further redress.

'Most time these matters are giving back to their parents even before completion because there is no space for juvenile suspects in our facility', Inspector Conteh Disclosed

At the District Prisons, the delegation was received by the Regional Director Mr. Shar-Lamin N'gobeh who took the team to the male and female cells, the clinic and the kitchen, where the diet of prisoners was inspected and proved fit for consumption.

The Kabala Prisons is housing 29 prisoners, 3 females, 1 convicted prisoner and 2 on remand, while the male cell is housing 23 inmates in all.

The Regional Director Mr. Shar Lamin said that the prisoners are well taken care of and trained in middle-level man power and various skilled jobs so



that when once they regain their freedom they would always consider the pris-

ons as a correction place and not a home for capital punishments. He called on

government to supply them with medical facility for prisoners.

The Daily Maverick

Wednesday, 6 April 2011

Maxwell Kadiri and the business of taking down Charles Taylor

By MANDY DE WAAL.

Nigerian human rights lawyer, Maxwell Kadiri talks about his role in lobbying to get one of Africa's most violent despots to trial. Charles Taylor's three-year trial recently ended in The Hague, but it is because of the work of countless activists and lobbyists like Kadiri that justice will be realised.



Human rights lawyer Maxwell Kadiri was in the UK when word came that he was wanted by Nigeria's security forces. Why did they want to detain him? Well, it all had to do with a man called Charles Taylor.

“Our involvement in the Taylor litigation began when Taylor received asylum in Nigeria, which basically cost us about four months in exile in the UK. When we started that advocacy it was risky, it was tough and it didn't look like something doable because of the circumstances in which Taylor came to Nigeria in the first place and the support he was getting from the Nigerian

government, based on the terms of his asylum.”

The fact that something looks improbable isn't a factor that's likely to stop Kadiri, an associate legal officer for the Africa Programme of the Open Society Justice Initiative, part of the Open Society Foundations. Founded by investor and philanthropist George Soros, the work done by the Africa Programme is aimed at ensuring accountability for international crimes, stemming corruption, addressing abuses related to national security and championing human rights. Based at the Open Society's Abuja office, Kadiri confesses that getting Taylor extradited and tried for war crimes initially seemed improbable. “It didn't seem like something that would come to pass, but starting with a little effort we were engaged in building up support from colleagues around the continent. Today it is gratifying to see Taylor have his day in court in The Hague and for some of his victims of the Sierra Leone crisis to see what he is experiencing now.”

The 22nd President of Liberia, Taylor is Muammar Gaddafi's protégé and was trained in the art of guerrilla warfare from the Libyan president - who is currently busy fighting a popular military revolt against his 42-year rule. Like Taylor, it looks as if Gaddafi may face an international court for crimes against civilians, with human rights lawyers saying thousands have been killed in Libya since the uprisings began in February.

After learning from Gaddafi, Taylor founded the National Patriotic Front of Liberia and launched a Liberian coup funded by Libya. By 1990 he controlled most of Liberia. When the civil war ended six years later, Taylor stood for office and was voted in despite a macabre campaign slogan that went: “He killed my ma, he killed my pa, but I will vote for him.” Many think the only reason Taylor won the 1997 Liberian elections was because of fear of renewed war if he didn't, and the haunting spectre of the violence that had only just ended.

But Taylor was hardly a peaceful president and his focus shifted to the Sierra Leone civil conflict, blood diamonds and recruiting child soldiers for rebels in Sierra Leone. After two years of rule a rebellion grew against Taylor, who

ironically was at peace talks in Ghana when he heard word that he had been indicted by the special court for Sierra Leone for war crimes.

Taylor scuttled back home to Liberia, and fled to Nigeria when a deal was struck by the United Nations, the US and the African Union to extradite him from his home country. The charges against him were five counts of war crimes that included murder, terrorising civilians and cruel treatment, five counts of crimes against humanity that included murder, mutilation, rape, sexual slavery and enslavement and one count of serious violations of international humanitarian law for using and recruiting child soldiers.

The true extent of Taylor's depravity is difficult to chronicle, but a disturbing photomontage from AFP chronicling the madness will suffice where words fail.

"My boss, Chidi Odinkalu, and I had meetings in the UK about the same time as the Nigerian government became quite uncomfortable with our involvement in the Taylor saga. The security agents sent word round all their units to track us down for detention and interrogation and we weren't sure where that was going to end. Word reached us and our colleagues that they had put out notices for us as wanted persons."

Kadiri's UK colleagues refused to let the pair return home, fearing the worst, and instead started to lobby the Nigerian government for assurances of their safety. At the time Soros' Open Society was supporting economic initiatives driven by President Obasanjo. Soros personally used this leverage to firmly urge Obasanjo to understand that the human rights lawyers were doing the right thing. "Soros, in correspondence with the president, was able to put it very firmly on the table that the staff members of the Open Society were aligned with issues that the institution was meant to champion and, as such, were acting well within their rights. He confirmed we had made the right judgement calls and that Obasanjo shouldn't be whipping us into line.

"It was tough because this was a five-day trip turned into a four-month visit, so it was psychologically challenging. We also had a lot of other ongoing initiatives on the Africa Programme that we had to find a way to get going despite the challenges we were having. Eventually the Nigerian government came to the realisation that it was a futile exercise to pursue and that it wasn't in the government's interest to hound its citizens over what was a clear case of an ex-head of state who had also killed lots of Nigerians in the context of the Sierra Leonean and Liberian conflicts."

Late in March 2006, Obasanjo agreed that Taylor could be taken into custody, but when Taylor caught wind of these plans, he fled from his seaside villa in Nigeria. He was arrested while trying to cross into Cameroon and taken to The Hague where he was tried by a UN-backed court. The trial lasted three years and drew to a close in March this year. A verdict is expected later this year and, if found guilty, the 62 year old, who is the first African ruler to face an international tribunal, is likely to be jailed in the UK.

"It is important to take on what seems like impossible causes. Most of us who are in the activist community are at some level in a privileged position compared to lots of our contemporaries who are downtrodden. The reality is somebody has to do something about the elites in our society or else they will just continue to ride roughshod over the entire community," says Kadiri. "With the belief in a good cause and that you want to give it your all - even if the support doesn't come and it means that you will go down in the process - at least you know you will have done what your conscience and professional judgement tells you is a good battle to fight." DM

Delaying Tactics

There is an attempt to defer possible International Criminal Court cases against six men linked to Kenya's post-election violence. But, as Gitau Warigi writes, this has more to do with politics than justice

OCAMPO'S LIST

In December 2010, the prosecutor at the International Criminal Court, Luis Moreno Ocampo, named six high-profile Kenyans – from both sides of the political divide – who he accused of being behind the violence that followed the disputed 2007 elections. Some 1,200 people died in the trouble and more than 500,000 fled their homes:

Supporters of Prime Minister Raila Odinga:

William Ruto – a former minister of higher education and one of the most influential people in the Rift Valley, where the worst violence took place. Member of the Kalenjin community.

Henry Kosgey – a former minister of industrialisation – chairman of Odinga's Orange Democratic Movement. Member of the Kalenjin community.

Joshua arap Sang – reporter and executive of radio station, Kass FM. Hosted morning shows on a Kalenjin-language radio station during the post-election violence.

Supporters of President Mwai Kibaki:

Uhuru Kenyatta – deputy prime minister and finance minister. The son of Kenya's founding president. Like Kibaki he is a member of Kenya's Kikuyu community – the country's largest ethnic group.

Francis Muthaura – head of civil service and cabinet secretary. A right-hand man of Kibaki. From the Meru community which is closely linked to President Kibaki's Kikuyu group.

Hussein Ali – Was police chief during the violence and made his name for cracking down on Nairobi's Mungiki sect. From Kenya's ethnic Somali community which was not directly linked to the trouble.

Information from bbc.com/africa

It may have been a warm January day in Nairobi but the official welcome of Christian Wenaweser, a political ambassador of the International Criminal Court (ICC), could not have been frostier.

He had come to Kenya to seek assurance that there would be continued co-operation between the court and the coalition government over the case against six high-profile Kenyans alleged by the ICC prosecutor, Luis Moreno Ocampo, to have been behind the violence that followed the disputed 2007 elections. But this was not forthcoming.

Wenaweser's visit came at the climax of a high-profile diplomatic offensive by Kenyan Vice-President Kalonzo Musyoka who was traversing Africa on express orders from President Mwai Kibaki. His mission: to lobby for support to get the United Nations Security Council to vote for a deferral of the six Kenyan cases before the ICC.

Despite lukewarm enthusiasm locally and active hostility from civil society, the campaign was very successful. The high point was when the Africa Union heads of state summit in Addis Ababa adopted a resolution of deferral which will now be forwarded to the UN Security Council for consideration. This is what Wenaweser was hoping to avoid.

To be sure, Kibaki is not concerned about the cases involving two suspended cabinet ministers – William Ruto and Henry Kosgey. Nor is he going to lose any sleep over the plight of Joshua arap Sang, a presenter with a Kalenjin vernacular radio station. They are not his natural allies.

The president is, in fact, entirely fixated with the predicament of Deputy Prime Minister Uhuru Kenyatta, the son of independence leader, Jomo Kenyatta. He is also worried about the case of his closest confidante Francis Muthaura, a secretary to the cabinet and that of the former police commissioner, Hussein Ali.

The case against these three is that they allegedly organized retaliatory attacks against the initial perpetrators of the massacres.

The ICC tug-of-war has provoked another savage bout of infighting within Kenya's shaky coalition government. The Kibaki



SIPON MANAWA/GETTY IMAGES

wing of the coalition, the Party of National Unity (PNU), is spearheading the deferral campaign and has even instigated a motion in parliament to have Kenya withdraw entirely from the Rome Statute, the treaty that underpins the ICC.

The rival Orange Democratic Movement (ODM) faction, led by Prime Minister Raila Odinga, is pulling in the opposite direction and has insisted the country's obligations to the Rome Statute be upheld.

Whatever the debate, this is in fact about politics rather than justice and it is threatening to destroy the political settlement that ended Kenya's post-election crisis. Kenyatta and Ruto have been saying they will be candidates in the 2012 presidential election when Kibaki's tenure comes to an end. An indictment by the ICC would almost certainly end these ambitions.

The foremost beneficiary would be Odinga, already being prejudged by opinion polls as the 2012 presidential frontrunner. Yet the ICC matter is hurting the ODM leader almost as much. It has intensified the long-running feud between Odinga and Ruto.



Protesters at a demonstration in Nairobi as they launch a campaign aimed at collecting 1 million signatures in support of the International Criminal Court

Those who are backing Ruto have been driven into a marriage of convenience with the PNU, and specifically Kenyatta, with the sole intention of stopping the prime minister's political ambitions dead in their tracks.

Improbable as it sounds, a whispering campaign that Odinga somehow wrote the list of targets for Ocampo, is spreading among both Kenyatta's and Ruto's core supporters.

The other silent beneficiary of the ICC ruckus is the vice-president, but he has opted to play his cards more tactfully than his bitter foe Odinga. With

an eye on 2012, he has deliberately chosen to be the face of the government's anti-ICC campaign.

By doing this Musyoka is making a critical investment, drawing on potential supporters in the areas that Kenyatta and Ruto control. The expectation is that he will reap the rewards come election time. If indeed the ICC was to put Kenyatta and Ruto out of political circulation, then Musyoka may

be looked upon kindly for his efforts.

So far, the question of his sincerity is being delicately side-stepped. What is beyond doubt is that if this previously implausible alliance between Kenyatta, Ruto and Musyoka ends up fronting a joint candidate – who the vice-president fervently hopes will be himself – the numbers they can call up will easily overwhelm Odinga. Already, that is apparent in parliament where the ODM's dominance has been eroded with the defection of Ruto's allies.

The person who could end up paying the highest price over the ICC imbroglio is Kibaki himself. He is the person the victims of the post-election violence of early 2008, including thousands of displaced families who to date remain in makeshift camps, look to for restitution and justice.

According to opinion polls, Kenyans support the ICC's push to punish the perceived perpetrators. Kibaki's uncharacteristically unsubtle campaign to forestall

any ICC trials has left the victims pained and disillusioned. More so as they see the president hobnobbing with characters like Ruto in whose area most of the violence and destruction was carried out.

Meanwhile, the ICC business remains unfinished, with Ocampo suggesting that the court's decision on indictments, barring any eventualities, could come very soon.

Kenya's lobbying has gone a notch higher to target UN Security Council members. However, there is no guarantee the council will heed Kenya's and the AU's deferral request. Under ICC rules, a deferral is permissible if a state party guarantees that it has established a credible and independent judicial process to try the crimes in question. The state party must also demonstrate that it is singularly committed to prosecuting those crimes.

Kenya has yet to demonstrate a commitment on either front. If anything, attempts to create a special tribunal to try the cases arising from the post-election mayhem have failed twice in the Kenyan parliament.

Gitau Warigi is a political columnist with the Sunday Nation newspaper and an online editor with africareview.com

Nairobi Star (Nairobi)

Wednesday, 6 April 2011

Kenya: ICC Says No to 'Delay' Plan

Nairobi — The International Criminal Court yesterday dismissed an application by Kenya asking it to convene a conference to be attended by the government, the Ocampo Six and the court.

The ICC Pre-Trial Chamber also threw out a request by the Kenya government seeking to be given time to address the three judges before the Ocampo Six make their initial appearance.

The three judges, Ekatarina Trendafilova, Hans-Peter Kaul and Cuno Tarfusser unanimously agreed that the court was "keen to expedite proceedings and avoid any unnecessary delay".

On Kenya's third request that the court finds the issues of the Ocampo Six inadmissible, the judges asked Prosecutor Luis Moreno-Ocampo and the lawyers defending the six to give their views on the matter by April 28, after which the court will make a ruling.

Judge Kaul who had entered a dissenting opinion in the past however added a declaration to the ruling that read: "I wish to clarify that my concurrence with this decision of the Chamber is limited to the purposes of the present decision and is without prejudice to my Dissenting Opinion of 15 March 2011 entitled "Dissenting Opinion by Judge Hans-Peter Kaul to Pre-Trial Chamber II's 'Decision on the Prosecutor's Application for Summons to Appear for William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang'", in which I have found that the "[International Criminal Court] lacks jurisdiction *ratione materiae* in the situation in the Republic of Kenya, including in the present case".

Back in Nairobi, parliamentary business was yesterday thrown into disarray as The Hague anxiety hit the House.

Key Bills promised by President Kibaki when he reopened the House two weeks ago are yet to be tabled in Parliament in the third week of sitting.

There was no business, forcing the House to adjourn one and a half hours earlier than the 6.30pm Commonwealth hour mark.

Former police commissioner Hussein Ali yesterday quietly left the country for The Hague where he will appear before the Pre-Trial judges on Friday.

The former police boss has kept a low profile since his name was mentioned last year. He was at the JKIA before 6.30am and left at 8am aboard a KLM flight to Amsterdam.

Close associates of the retired Army general wanted him to leave without being noticed since he does not want unnecessary publicity.

The Postmaster General Ali's lawyers Evans Monari, Ken Ogeto and Gerishom Ottachi had departed on Monday night to prepare ground for their client.

They will be teaming up with international lawyer John Philpot of Canada in preparing a strong defence for the former police commissioner who is accused of having failed to protect innocent civilians from Mungiki attacks in Naivasha.

Deputy Prime Minister Uhuru Kenyatta, Civil Service boss Francis Muthaura, Eldoret North MP William Ruto and Kass FM journalist Joshua Sang were expected to fly out last night at 10pm.

It was not clear when former Industrialisation minister Henry Kosgey was to jet out.

A group of 20 people including activists and local journalists were denied visas to travel to The Hague by the Dutch embassy in Nairobi.

The 20 failed to submit a statement of their sponsor which is said to be an NGO associated with a PNU strategist.

The same NGO facilitated some local journalists to travel to Addis Ababa last year during the AU Heads of State summit where Kenya's deferral was discussed.

One of those who missed the opportunity said they had presented their travel documents including return tickets of Sh120,000 each.

Kenyans living in the Netherlands are planning a demonstration in support of the ICC process to coincide with the first appearance of the suspects on Thursday.

Chairman of the Association of Kenyans Living in Netherlands Joash Maiyo told the Star that the demo which has been hyped through Facebook would take place in the morning before William Ruto, Henry Kosgey and Joshua Sang appear at the court.

Uhuru, Muthaura and Ali will appear in court on Friday.

Maiyo, who spoke to the Star at Almere City, 20 minutes drive from Amsterdam, said the plan is to ambush the delegation of Kenyan MPs and suspects trooping into the court with the intention of affirming their support for the court's work.

"We want to face the big entourage arriving here and basically talk the truth to them. We want to tell them that they are wasting money coming over here at the expense addressing the real issues back at home," Maiyo said.

There are about 7,000 Kenyans living in the Netherlands.

Maiyo however said "the demo is not being supported by all Kenyans here, some are inactive, some are opposed to it and some are simply not interested".

In Parliament, Gwasi MP John Mbadi took the Deputy Leader of Government Business Amos Kimunya to task demanding that he should explain the failure by the House Business Committee to forward Bills for debate in the house.

The Bills listed by Kibaki included the Supreme Courts Bill 2011, IEBC Bill 2011, Independent Commissions Bill, and Commission on Revenue Allocation Bill, the Salaries and Remuneration Commission Bill, the Kenya National Human Rights and Equality Commission Bill, the Ethics and Anti-Corruption Commission Bill and the Public Service Commission Bill.

"What is the House Business Committee doing because it is sad that bills are not being brought before the House," Mbadi said.

But Kimunya said the HBC will ensure the bills are brought before the House explaining that the Bills were ready for tabling.

"We have had a meeting as HBC to discuss this matter and we have agreed that they will be tabled," Kimunya said.

The clerk's office was forced to line up two private members' bills on government business day after HBC failed to provide adequate business for debate.

With 41 MPs abroad and Kenyans focused on what is happening at The Hague, it is unlikely that meaningful debate will take place in Parliament this week.

Reuters

Tuesday, 5 April 2011

Kenya's Iron Lady backs ICC trials for poll violence



By James Macharia

NAIROBI (Reuters) - A local tribunal would not be a credible mechanism to try Kenyan post-election violence suspects because the wealthy political elite would manipulate the court, Kenya's "Iron Lady" Martha Karua said on Monday.

Six top suspects are due at the International Criminal Court (ICC) later this week, a move that has intensified infighting in the fractured coalition government as many members, including President Mwai Kibaki, want local trials.

Karua, known as the Iron Lady for tackling all comers in a male-dominated political landscape, was the only lawmaker who stood against a tide of members of parliament who voted to pull Kenya out of the ICC. She said the summonses were a signal to leaders that they cannot hide from taking responsibility for their actions.

"I'm sure the tribunal they have in mind is not a credible mechanism," Karua, a presidential aspirant at next year's election and one of a handful of Kenyan ministers who have quit their posts on principle, told Reuters in an interview.

"They would rather that the process was within their control, that you determine who is your judge, who is your prosecutor ... so, when you hear local tribunal, they do not mean a credible local tribunal," she said.

The deadly fighting broke out after main challenger Prime Minister Raila Odinga accused incumbent President Kibaki of robbing him of victory in late December 2007 elections.

More than 1,220 people died and 350,000 were displaced, severely denting the east African country's reputation for stability in a turbulent region.

A peace deal signed by Kibaki and Odinga to end the fighting said those responsible for violence would face justice, and the cases were eventually taken up by the ICC after lawmakers shot down a proposal to set up a local court to try the cases.

Latest opinion polls show most Kenyans back the ICC trials.

"RICH BOYS CLUB"

Karua grabbed headlines with her vociferous defence of Kibaki's disputed 2007 election victory. Her standing rose further after she quit as justice minister over diverging views on reforms.

Karua, who once walked out on Kenya's former President Daniel arap Moi at a public function, has since criticised Kibaki for doing little to resettle those uprooted by the fighting, many of whom still live in tented camps that litter the Rift Valley.

"This is a government of the rich, by the rich, for the rich. It is a total distortion of democracy and we as Kenyans must resist this ... it's a rich boys club," she said.

Key among the suspects are Finance Minister and Deputy Prime Minister Uhuru Kenyatta, son of Kenya's founding father Jomo Kenyatta, and William Ruto, the Higher Education Minister who has been suspended to fight a corruption case.

Kenya's wealthy and powerful ruling class is backing a Kenyatta-Ruto ticket to succeed Kibaki and block Odinga from the presidency he covets, say analysts. Some political commentators say Kibaki is also trying to block the cases to protect his own legacy.

"The fact that the ICC has issued summons is a signal to the six, and to all of us in leadership, that even if a country shields offenders, international processes can still get you," said Karua, a lawyer by training.

"We are used in Kenya, at least a section of the elite, to manipulating the courts," she said.

"We have seen corruption trials that go in circles and end up thrown out or are paralyzed forever. Whether the six are convicted or acquitted is not the issue, it is that due process and justice is not only done, but seen to be done."

(Editing by David Clarke and Ralph Boulton)