

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



PRESS CLIPPINGS

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Local News

| | |
|--|--------|
| Sixth Colloquium of International Prosecutors 14-15 May 2011 in Freetown / <i>OTP Press Release</i> | Page 3 |
| Prosecutors Meet in Freetown / <i>Concord Times</i> | Page 4 |
| Sixth Colloquium of International Prosecutors 14-15 May 2011 in Freetown / <i>Sierra Express Media</i> | Page 5 |

International News

| | |
|---|------------|
| Out of The Bush / <i>Hard News</i> | Pages 6-8 |
| Did the U.S. Violate International Law By Killing Bin Laden? / <i>CNN</i> | Pages 9-11 |

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

PRESS RELEASE

Freetown, 11 May 2011

Sixth Colloquium of International Prosecutors 14-15 May 2011 in Freetown

Prosecutors from the world's six international criminal tribunals will meet in Freetown this weekend to look at best prosecution practices and to focus on the necessary steps to close the courts as several of them near the completion of their mandates.

The Colloquium is held regularly, and allows Prosecutors to address issues common among all the international courts and so further the development of international criminal law and practice.

This year's Colloquium will be hosted by SCSL Prosecutor Brenda J. Hollis in Freetown, Sierra Leone. "It is significant that the Colloquium is being hosted by the Special Court for Sierra Leone, since the SCSL will be the first international court to complete its mandate and transition to a residual mechanism," Ms. Hollis said. She noted that the 2005 Colloquium was also held in Freetown, three years after the Special Court's inception.

"In 2005 the Special Court was in the early phases of its mandate, and it was invaluable for us to look to the experience of our sister tribunals," Ms. Hollis said. "Today we are far advanced in considering what comes after the Court closes, in terms of Legacy and Residual Issues. This is an area where we may provide some guidance."

The Colloquium will bring together international and national legal experts, scholars and diplomats, along with local and international civil society and human rights activists. Joining Ms. Hollis from the Special Court's sister tribunals are ICTY Prosecutor Serge Brammertz, ICTR Prosecutor Justice Hassan Bubacar Jallow, International Co-Prosecutor Andrew Cayley of the Extraordinary Chambers in the Court of Cambodia, STL Chief of Prosecutions Daryl Mundis, and the Deputy Prosecutor of the permanent International Criminal Court, Fatou Bensouda.

The Special Court for Sierra Leone will showcase its work toward efficiently and effectively completing its mandate, transitioning to a Residual Court, and its efforts to engage the national government and local population to leave a lasting legacy.

#END

Produced by the
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Visit the Special Court's website at www.sc-sl.org

Prosecutors meet in Freetown

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Host ... Special Court Prosecutor, Brenda

J. Hollis

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Contd page 3

Int'l prosecutors meet in Freetown

From page 1

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Author: SEM Contributor

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Office of the Prosecutor, Special Court for Sierra Leone

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Hard News

Thursday, 12 May 2011

Out of the bush



*It's been nine years since 2002, when one of the most brutal and bloody wars with an army of child soldiers ended. Is Sierra Leone really peaceful today?
Meha Dixit Freetown (Sierra Leone)*

At Lumley in Freetown, the crimson sun splits the ocean's surface into streams of amber and coral while

throbbing waves gush back and forth, leading my mind to reflect on my interaction with former child soldiers in Sierra Leone. It's been almost a decade since the civil war came to an end in the country. A number of former child combatants I spoke with are still facing severe hardships, while there are also those who have reintegrated reasonably well in society. On April 27, this year, the West African state celebrated the 50th anniversary of independence from British rule. In the streets of Freetown, pulsating music filled the air; serene blue, green and white hues ruled the city as everywhere Sierra Leoneans were seen waving the national flag, gyrating to patriotic rhythms.

It made me wonder: It's been nine years since 2002, when one of the most brutal and bloody wars ended, but is Sierra Leone really peaceful today?

Freetown, the capital, appears to be normal and safe to travel around, and so do most parts of the country. Even though most people seem satisfied with the current All People's Congress government headed by President Ernest Bai Koroma, yet, beneath the semblance of peace, discontent seems to be brewing among many young people due to a high rate of youth unemployment. Moreover, with 53 per cent of the 2011 budget financed by grants, Sierra Leone is still largely dependent on aid.

On the positive side, since the end of the conflict in 2002, Sierra Leone has managed to maintain peace. It is opening up to tourism. The country has some of the most spectacular beaches in the world and much to offer to tourists.

Since 2007, when he came to power, Koroma has been on a drive to attract investment. The International Monetary Fund (IMF) predicts the country's GDP to grow at 5.2 per cent in 2011 and 6 per cent in 2012. Further, a number of former child combatants have been reintegrated in society, and many of them have been accepted by their families and communities. Joe Turay from the organisation Caritas Makeni notes that around 80 per cent of the former child combatants have been reintegrated in society; in many cases they can hardly be identified as 'ex-combatants'.

Abdul K, who was forcibly recruited by the Kamajors during the civil war at the age of seven in Moyamba, says that after his release he was accepted by his parents and neighbours. Sylvenius, who was forced to join the notorious Revolutionary United Front (RUF) in Moyamba when he was seven, says that after the war, although his mother and neighbours accepted him, they seem to be uncannily afraid of him.

The war, which began in 1991, caused much destruction to this stunningly beautiful country and its people. The war began with the RUF being formed in 1988 to liberate the country from the despotic one-party rule that had left the masses marginalised. Ironically, the RUF degenerated into a brutal outfit which was responsible for forcibly recruiting children as young as five years of age and amputating the limbs of civilians across the country.

The RUF was supported by two equally infamous and dictatorial characters - Liberia's Charles Taylor and Libya's Muammar Gaddafi - and its first members were trained in Libya. Other groups which forcibly recruited children include the Armed Forces Revolutionary Council (AFRC) and Civil Defense Force (CDF), popularly known as the Kamajors (mostly in the south).

To rehabilitate and reintegrate former combatants, including former child soldiers, the Disarmament Demobilisation and Reintegration (DDR) programme was set up in the country. DDR had a specific provision for the reintegration of child soldiers in mainstream society. (According to international law, a 'child soldier' is any person under 18 who is part of any kind of regular or irregular armed force or armed group, in either combat or non-combat roles.)

I wanted to interact with former child soldiers to learn about their experiences during the war and their plight today. It took me to a number of districts such as Kono in the eastern province, Bombali, Tonkolili and Port Loko in the northern province, and Moyamba in the southern province. Other than Freetown (western rural and western urban) where I interacted with around 50 former combatants (mostly former child soldiers), my interviews with former child soldiers in the provinces - Bombali, Kono and Moyamba - were arranged by Fambul Tok, a leading organisation which focuses on community reconciliation and peace-building.

Almost 70 former combatants including girls (mostly child soldiers) were interviewed across Sierra Leone. The crux of the interviews included war experiences of child soldiers and their post-conflict reintegration in society, and whether their families and communities accepted them after the war since a lot of these children were forced to commit atrocities such as arson, killings or amputating the limbs of their 'enemies'. Some were even made to kill their own parents, and other members of their families and community.

Some of the former child soldiers had been abducted by the RUF, and some by the AFRC or the Kamajors. Almost all of them had been forcibly recruited. Many had similar experiences of war and post-war reintegration, but with diverse perspectives of the DDR process. Some went through DDR, while others had escaped from armed militias before this process began. Many (especially girls) opted out of the DDR process due to stigma. Some girls like Balu, interviewed at Makeni, were not ashamed to go through the DDR.

Some parents did not allow their children to participate in DDR. Mohammad Bah, known as the 'Dogman', was forcibly recruited at Kenema by the AFRC. His parents did not allow him to disarm because of the stigma. Also, many in the provinces could not enroll in the DDR programme since they were required to travel to cities due to absence of DDR centres in a number of villages. Further, only those combatants who had guns could go through DDR even though some child soldiers who were part of armed militias did not own guns and were therefore unable to enter DDR. In the DDR process, there were hardly any girls; a number of girls could not enter the process because they did not have a gun to hand over for the DDR.

Many former child combatants who were interviewed by me were not happy with the DDR, while others were satisfied with it due to various skills-training programmes. Anthony Brima from the Public Works Department (PWD), Pademba Road, says that he went through DDR in 2002. It helped him learn mechanic skills for almost one year, but he could never concentrate on the skills because he "was hungry". He says he never received any stipend during the skills-training programme, which the former child soldiers who entered the DDR programme were entitled to. Brima narrates that DDR was a serious programme, but some of the people who headed it were not sincere.

Mohamed Conteh from Pademba Road, who went through the DDR process, says the staff at Bo gave his stipend to his group commander, but the latter never gave him the money and no assistance was provided to him in getting a job. This is what the majority of former child soldiers had to say. Conteh points out that the only benefits he received from DDR were a tool-kit and four months' skills training in mechanics. Some of the skills-training programmes were not sustainable.

Aminata Turay was just 10 when she was forcibly recruited by the RUF in Kono district. In 2002, she disarmed in Kono and for around one year and six months she learnt soap-making through the DDR programme. She no longer engages in soap-making since it is very expensive. Despite that, she feels it was effective because "now she is out of that life and was able to learn a skill through the DDR programme". It is important to note that some of the child soldiers did receive financial assistance during the skills-training programme.

Indeed, it may be argued that DDR in Sierra Leone, when it came to the rehabilitation and reintegration of former child soldiers, had mixed results. However, Bangura, former DDR project officer, believes that DDR was successful to a large extent, although it was short-lived and not well-organised or well-financed. Several civil society organisations point out that "DDR was done in a hurry".

According to one of the UN's women staff, DDR was quite well-organised. However, like Bangura, she says there are no monitoring mechanisms to assess the former child combatants' post-conflict situation. Former combatants have almost diffused within the community. She says that DDR was 60 per cent successful because there is no more fighting and there is peace in the country.

Post-war community acceptance was a major challenge. Florella Hazeley, Sierra Leone Action Network on Small Arms (SLANSA) coordinator, points out that not enough was done to prepare the community to accept the former combatants. And a lot of them cannot go back to their communities. Many child soldiers could not reunite with their families or reintegrate in their community for various reasons - some were not accepted by their families or communities, while some found it difficult to reconcile and live with their families and communities. Hence, they left the provinces to find work in Freetown and landed up doing odd jobs.

Some organisations such as Talking Drums, through various media, including soap operas and radio programmes, have helped in building trust between the former child combatants and the community. While disarmament was successful, demobilisation and, especially, reintegration programmes had a number of flaws - skills training mostly lasted only a few months and the reintegration period too was short-lived.

Nonetheless, it is remarkable that Sierra Leone, like a number of post-conflict countries in Africa and elsewhere, did not slip back into conflict. Hazeley explains: "For me, it is the resilience of Sierra Leoneans, including the former combatants, which brings hope. Besides, they are war-weary."

Please also read, *Dark Liquid Continent*, November 2010, <http://www.hardnewsmedia.com/2010/11/3734>

CNN

Wednesday, 11 May 2011

Did the U.S. violate international law by killing bin Laden? David Scheffer, former U.S. Amb. at Large for War Crimes Issues, weighs in

Posted by: Jay Kernis - Senior Producer

ONLY ON THE BLOG: Answering today's four OFF-SET questions is **David Scheffer**, the Mayer Brown/Robert A. Helman Professor of Law Director, Center for International Human Rights, at Northwestern University School of Law.



Scheffer, the U.S. Ambassador at Large for War Crimes Issues from 1997 to 2001, is author of the forthcoming book, "All the Missing Souls: A Personal History of the War Crimes Tribunals." (Princeton University Press.) He teaches international human rights law, international criminal law, and corporate compliance and the social mandate.

Today's news: Relatives of Osama bin Laden want proof that the terrorist leader is dead and are calling for an investigation into how he was killed, according to Jean Sasson, an author who helped one of bin Laden's sons write a memoir. "They just really want some answers, and they would just really like to know what exactly happened, why they weren't called," said Sasson, who worked with Omar bin Laden to write a memoir entitled "Growing Up bin Laden."

Her comments come a day after a statement was provided to The New York Times from Omar bin Laden and his brothers - "the lawful children and heirs" of the notorious al Qaeda leader. The statement argued that if bin Laden has been "summarily executed," "international law" might have been "blatantly violated" and that U.S. legal standards were ignored. The statement cites the trials for late Iraqi President Saddam Hussein and late Serbian strongman Slobodan Milosevic, but Osama bin Laden didn't get a "fair trial" or "presumption of innocence until proven guilty by a court of law."

Did the United States violate international law by killing bin Laden? (What does Article 51 of the United Nations charter say? What kind of protections do leaders of international terrorist organizations have?)

Whether the United States violated international law in the killing of Osama bin Laden depends not only on how one defines what has been going on since September 11, 2001, but also how this particular operation was carried out on Pakistani territory.

The popular and patriotic narrative is that the United States is at war with Al Qaeda; Osama bin Laden commands Al Qaeda; thus under the law of war bin Laden is a legitimate target for a lethal assault regardless of his personal situation (armed or unarmed, awake or sleeping) at any particular time.

If one assumes that any of the hundreds of U.S.-guided drone attacks on Pakistani territory against Al Qaeda leadership are legal, then firing an assault weapon point-blank at bin Laden in his Pakistani home and thus minimizing civilian casualties should be legal as well.

The more complicated view is that bin Laden is under federal indictment for terrorist attacks against U.S. civilians and government personnel on U.S. territory and at diplomatic and military targets in various parts of the world—attacks that violate federal antiterrorism law—and as a matter of law enforcement should be captured and brought to trial, preferably before a federal criminal court in the United States.

Despite the certainty with which proponents of either view argue their respective policies, the fact is that the United States has been pursuing both agendas for almost a decade: waging war and enforcing antiterrorism law. The Afghan and Iraq wars and various military strikes in Pakistan and Yemen testify to the logic of a war.

The stack of federal indictments against Osama bin Laden and his fellow terrorists, the apprehension of indicted fugitives, and various hearings and prosecutions in federal courts despite the tug of Guantanamo and its tainted military commissions, demonstrate that federal criminal law is alive and kicking, although sometimes under great stress.

But on May 1st in Abbottabad, the war agenda trumped the law enforcement agenda without any clear explanation of why an indicted fugitive (Osama bin Laden) could not have been captured and prosecuted as an international terrorist or, for that matter, as a war criminal.

According to CIA Director Leon Panetta, the Navy Seal 6 team acted under a “kill order” and under rules of engagement permitting bin Laden to be captured alive if he unambiguously showed his will to surrender. I think the outcome—his killing—might have been the same but with much stronger legal grounds if the order had been reversed: “Capture bin Laden but kill him if necessary.”

It is so dangerous to second guess the courageous actions of the Navy Seal 6 team. But I suspect that instead of an order to fire immediately on bin Laden to kill him, the alternative “capture but kill if necessary” order would have afforded the commando with his finger on the trigger a split second to decide whether bin Laden could be safely captured or was likely resisting capture and posing a threat, thus necessitating the kill option.

Special operations teams have captured, rather than killed, war criminals for many years in the Balkans and in Africa for trials before international criminal tribunals and so the skills exist at least to attempt apprehensions. Even then, the question arises whether a shot to the head rather than to the leg (as was accomplished with bin Laden’s wife a second or two earlier) was actually necessary to neutralize the threat but prevent a live capture.

At least the United States could have rightly said to the world, “Our intention was to bring Osama bin Laden to justice before a court of law but that opportunity did not present itself under the circumstances presented to us at that moment and in that situation.” As it now stands, that “kill order” represents the clear U.S. intention and it rendered the federal indictments that always presume an attempted capture, meaningless.

Article 51 of the U.N. Charter states that nothing in the “Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”

The Obama Administration’s strongest argument is that the assault on bin Laden was an inherent act of self defense in the war against Al Qaeda and that the Security Council has not taken any measures that would countermand that action. The fact that Pakistani sovereignty had to be violated in order to carry out the act of self-defense remains mired in what kind of secret or other understandings the United States has had over the years with Islamabad about the drone attacks and other actions against Al Qaeda and the Taliban on Pakistani territory.

Leaders of international terrorist organizations have the full protection of due process and the right to criminal trials if they are being pursued by law enforcement agencies acting to enforce criminal indictments. Just like any police operation, however, law enforcement officers will seek capture of suspects while also defending themselves. However, when a terrorist organization falls under the law of war, for example, in an armed conflict with one or more governments, then that kind of protection may be trumped by the terrorists’ combatant status and all the risks that entails in the theater of war.

That remains the paradox of Al Qaeda and its leaders (including the late bin Laden), who were under both federal indictment and were targeted leaders of a combatant force in hostilities described as a war by the U.S. Government.

In the view of international lawyers, did bin Laden declare war on the United States? Did he commit war crimes?

One can easily interpret bin Laden's statements and actions over the decades as effectively a declaration of war against the United States. I doubt many judges would construe the combined evidence very differently. Bin Laden could have been prosecuted for war crimes, particularly the War Crimes Act of 1996 in federal courts, but to do so might have undermined the prosecutor's ability to successfully prosecute him on separate terrorism charges under U.S. law.

Do bin Laden's sons have any standing when they point to the trials of Saddam Hussein and Slobodan Milosevic?

We have demonstrated in the last two decades the ability to investigate, track, capture, prosecute, and often convict major war criminals, including Saddam Hussein and Slobodan Milosevic (who died before the Yugoslav Tribunal's judgment), for atrocity crimes that actually took more lives than those attributable to Osama bin Laden's orders.

That process continues today in the international and hybrid war crimes tribunals. It is not surprising that some will argue that an apprehension and trial of bin Laden was just as plausible as it has been for so many war criminals brought to justice since 1995. But even if that argument is made, the precise facts of what transpired in bin Laden's home on May 1 remain critical in arriving at any accurate conclusion.

Is the assassination of bin Laden likely to have an impact on international law?

I think it will sharpen the debate about how to manage such "take down" operations in the conflated environment we so often find ourselves in today: a violent and uncertain terrain bordered by the law of war on one side and by federal antiterrorism and international criminal law on the other side.