

**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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Tuesday, 28 June 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Standard Times
Tuesday, 28 June 2011

By Abdurahman Mohamed Dirye

General Mohamed (Said) Hirsi Morgan, Somaliland's most wanted man, is mass murderer and yet not a fugitive, he always makes trips to Kenya.

His freedom of travel stems not just UN inability to capture him and hand over to the people of Somaliland who want him to be tried on Hague War Crime Tribunal much like Yugoslavia war criminals, but INTERPOL set him free for unexplained reasons they know.

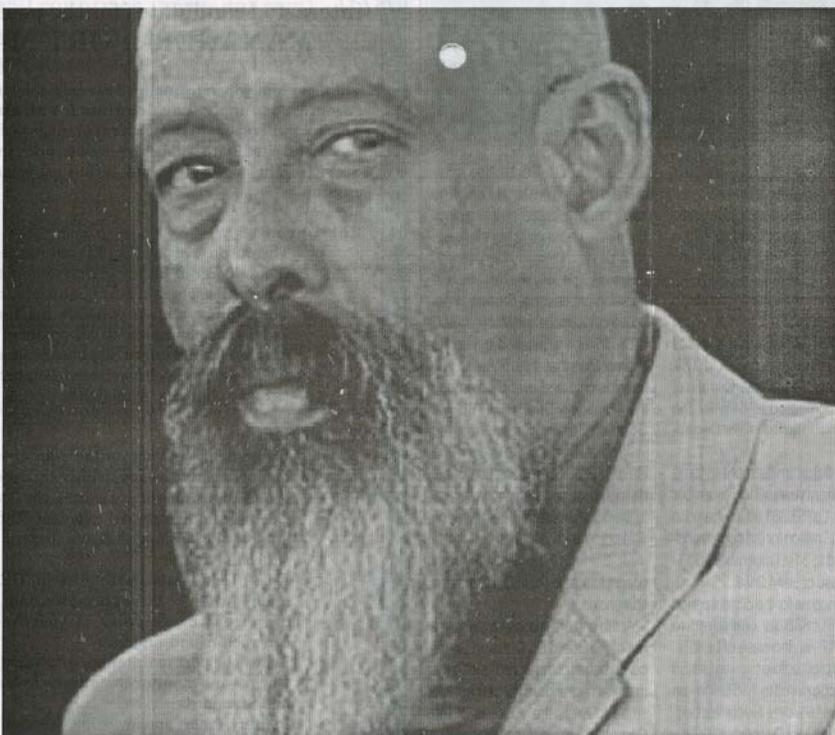
The international justice system is slowly rolling down, in fact, the victims of Morgan's brutality is skeptical whether the international community's funding on his living expenses including been guest at seven star hotels and eating out at Ritz in Kenya, would cease never mind his trial! I know as well as anybody else that international judiciary framework is not completely kosher, so Mr. Moreno-Ocampo of Hague I address to you as African fellow national as well as a victim of Somalia military regime that your obsession with Omer Al-Bashir is taken not only to be politically motivated decision but also offence; therefore, you better drop it and focus fully indicted war criminals such Morgan and his brutes.

Mr. Moreno-Ocampo, you are black as I see on TV but seems to be mentally hijacked. Concentrate those destroyed the native continent.

The crimes, he commanded dur-

Something to Think About

"You are not worth the trouble" Hague War Tribunal reacts to victims in my country



Mohamed Hirsi Morgan

The crimes, he commanded during his reign as a governor of North-western Somalia recently known as Somaliland, was extremely brutal ones: wanton destruction of major cities of Somaliland, pinpointing massive shelling of both air and land against densely inhabited areas without rebel presence and terrorizing civilian population by rolling out evacuees using military tanks as well as burning guiltless people alive. As you see the above picture, Colonel Tuke, another war criminal, is burning a member of Issaaq Clan while smiling. Above all, the forced ululation of brought mothers to Badkha, execution point, while their beloved sons and daughters are summarily executed for simple reason: ethnicity was the bitter reality.

bones of mass graves excavated by the rain

Far from over, you can watch this video clip of Malko Durduro www.youtube.com/watch?v=pUya1jlxvx8 which is mass grave that epitomized the wicked soul of this perpetrator, was unearthed during a rainy season; the dead were youth, mainly secondary school students and businessmen and women chained together and stormed, it is hard to describe the scene in words, as I witnessed this tragedy while a kid and now writing an article about it, tears come out of my eyes, in fact, this was Africa's holocaust but the world ignored. My father had violently died in this barbaric campaign- I

Mohamed Hirsi Morgan

think every one of Issaaq tribe lost one of a beloved family member to this disastrous atrocity.

These are other related info. [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.1999.103.Add.1.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.1999.103.Add.1.En?Opendocument) or <http://web.peaceops.com/archives/173> or <http://worldfreenews.com/apprehending-ratco-mladic-a-reminder-of-a-war-criminal-working-as-jury/>

Radovan Karadzic disfigured his face for fear of international hunters and in order not to be identified and hence brought to justice, unlike Mohamed Hirsi Morgan who strolls along with no fear from claws of international laws as his savage kinsmen guaranteed him to protect



Bones of mass graves excavated by the rain

rest warrant for President Omar Al-Bashir for his war crimes in Darfur, unfortunately, international law does not equally protect people, it pays more attention to certain countries- presumably countries with economic interest- and entirely ignores others like my little country of Somaliland! Why?

Well documented criminals such as Cornel Tuke whose war crime was filmed while burning someone alive in Gabilay of Somaliland got away with it. He was just deported from the US unpunished to a third country! And this expulsion is better than none but would it satisfy the victims? Let us leave readers to judge.

Somaliland accusers allege General Samater, former vice-president and ex-defense minister of war crimes, having served as commander-in-chief as well as operation officer during Hargeisa War; he is believed to be committed savagery and unwarranted brutality to silence a revolution that was raging at the time.

However, as many indicted offenders rarely punished at international war crime courts since Siyad Barre's flight, it seems that world has said to us in loud voice "you are not worth the trouble" are you? And how would you feel if you are wronged Man and your aggressor yet serving as jury to you?! This is the case in Somalia. When will the world bring Morgan and his faithless stooges to justice? Perhaps one century!

Somaliland volunteer and activist currently based in Addis Ababa, Ethiopia, he can be reached at: mrdirye@gmail.com

from international justice. Frustrated the reluctance and unnecessary delay, the victims may take the law into their own hands, having expected to be treated like any other nations: Special Court for Sierra Leone, UN International Criminal Tribunal for the former Yugoslavia, UN International Criminal Tribunal for Rwanda, Ad-Hoc Court for East Timor, and more recently ar-



Colonel Tuke burning innocent

Awoko

Tuesday, 28 June 2011

Tribunal orders Military...

Pay Ex-sojas in full !

Delivering the ruling of the Human Rights Commission of Sierra Leone Tribunal on 235 ex-soldiers referred to as "chronically ill and mentally imbalanced" by the RSLAF/MOD, the Commission recommends that ex-soldiers should be paid their full benefits.

Commissioner Yasmin Jusu-Sheriff Fofana read the ruling that the Tribunal recommends that the RSLAF/MOD take steps in ensuring that the complainants receive the same payments as the wounded in action 1 and 2.

The payment should include the DFID supported package and entitlement to the enhanced disability pension and that the payment should be made by the Government of Sierra Leone and that Ministry of Finance, Defence and NASSIT are to work together to ensure it's done without further delay.

The Tribunal also recommended that the RSLAF/MOD re-issue revised discharge books to the ex-soldiers that makes no reference to the label "chronically ill and mentally

imbalanced" or to fitness for employment.

They should also change medical boards to re-examine the complainants who so request to confirm their current mental health status and should also ensure that ex-servicemen that continue to suffer from mental illness or other illness should continue to receive free medical treatment which should be publicized widely. The Tribunal states that the RSLAF/MOD are reminded that under section 13 of the Human Rights Commission of Sierra Leone Act 2004, the Government should respond publicly within 21 days to the specific case as well as the findings, recommendations and other decision that the Commission may issue as a remedy for a human rights violation. Moreover, section 8(3) of the Human Rights Commission of Sierra Leone Act 2004 provides that any person aggrieved by any decision of the Commission made in a report of investigation into a complaint, may appeal to the Supreme Court against such decision.

War crimes case against Gadafy

THERE'S MANY a slip between cup and lip. As the prolonged hunt for Bosnian Serb Gen Ratko Mladic and the as-yet unsuccessful bid to bring to book Sudan's Omar Hassan al-Bashir have proved, the issuing of an arrest warrant by war crimes courts may seem to be more an act of political symbolism than a real promise of imminent justice. But only to a point. Times are changing.

Yesterday, as the International Criminal Court (ICC) issued warrants for the arrest of Muammar Gadafy, one of his sons, and his intelligence chief, the trial also opened in Cambodia of the four most senior surviving members of Cambodia's murderous Khmer Rouge three decades after their "year zero". A reminder to Gadafy, among others, that although international justice is slow and lumbering, we no longer live in an age when the ultimate impunity of tyrants is taken as a given.

Within the past few weeks Mladic was hauled in to face genocide charges before the UN tribunal for former Yugoslavia, Egypt's military put Hosni Mubarak on trial, Ivory Coast announced it would hand over deposed strongman Laurent Gbagbo to the ICC, and the Tunisians filed charges against exiled former ruler Zine al-Abidine Ben Ali. Proceedings are also under way against former president of Liberia Charles Taylor at another UN tribunal (his lawyer recently rhetorically demanded that justice should be applied equally to all, asking why Gadafy was not in the dock).

The ICC is not itself endowed with the means to arrest Gadafy and depends for the effectiveness of its writ on the goodwill and co-operation of states in a position to do so. That co-operation may not be forthcoming. Though the prosecution was initiated by the UN Security Council, some of those involved in the UN-mandated military operation in Libya may question if the warrant will contribute to Gadafy's willingness to depart early, or prove an obstacle, a reason for clinging on.

While the ICC has rightly considered purely the judicial merits of the case – it has established a prima facie case against the three of crimes against humanity for the "pre-determined" killing of protesters – a demand by Gadafy for amnesty and free passage to, say, Saudi Arabia may form part of an eventual deal to effect transition. At that point the Security Council may decide pragmatically that the greater good may require the warrant to go unenforced. Until then, however, it should remain in force, part of the panoply of measures that increase the political isolation of an illegitimate regime and a megalomaniac butcher of his own people.

Ultimately, however, that choice may not have to be made. Gadafy's military position is weakening by the day. Defections are sapping his inner circle, while yesterday there were reports that rebels have advanced to within 80 kilometres of Tripoli, and a senior UN official spoke of the conflict starting to shift in favour of the insurgents. Three of his ministers are said to be in Tunisia for secret talks. The weaker Gadafy's hand, the less he can demand – day by day eventual arrest and trial may actually become a more probable outcome.

Gaddafi need not fear the ICC

The International Criminal Court (ICC) in The Hague issued an arrest warrant for Libyan leader Moammar Gaddafi on Monday afternoon. Judges have ruled that there is enough evidence that the actions of Gaddafi's regime, in

quelling public demonstrations, has resulted in hundreds of civilian casualties. Nevertheless, Gaddafi can be rest assured that he would still be able to travel abroad.

By Thijs Bouwknecht

"Why is Moammar Gaddafi not in court?" said Charles Taylor's lawyer Courtenay Griffiths, pointing to the empty chair next to his client's. During his closing statement in March at the Special Court for Sierra Leone, Griffiths pointed out that international law is "selective and politicised." "Did you not hear that this Court would not get any money from Tony Blair's government if Gaddafi were to be indicted?" The lawyer reminded the judges again that Taylor and other rebels have been trained by Gaddafi in Libya. The Libyan leader also sent money and weapons to Liberia and Sierra Leone.

Gaddafi would not have to stand trial for crimes in Sierra Leone: his warrant is for the harsh suppression of Libya's public uprising. That is, if it were up to ICC chief prosecutor Luis Moreno Ocampo. He accuses the Libyan leader, one of his sons and his brother in law of crimes against humanity for persecuting members of the opposition. The three men have also been accused of giving soldiers Viagra in order to rape women, the prosecutor said. Ocampo conducted the investigation in high gear and was able to get his arrest warrant from the ICC judges on Monday.

Little to fear

But does Gaddafi really need to worry? Not particularly. First of all, he claims that he wants to fight until he dies. But even if he survives his country's revolution, the road to The Hague would still be a long one. Ocampo does not have police officers who can arrest Gaddafi. That job would fall on the shoulders of the future Libyan leaders. If Gaddafi should stay in power, he only needs to carefully chart his international travels. All United Nations members are obligated to carry out the

arrest warrant. However, if Gaddafi makes sure he still has some good friends, he can continue to make plenty of trips abroad.

He could, for instance, visit Omar Al Bashir. The Sudanese president has been on Ocampo's most wanted list since 2009. Bashir's arrest warrants, including for genocide in Darfur, have at the most limited his freedom of movement. Nevertheless, there are still a number of countries he can go to. Shortly after the warrants were issued, he went on a pilgrimage to Mecca. His Libyan friend is very welcome in Khartoum. Gaddafi already supported Bashir in 2009 in his struggle against the ICC, and went as far as trying to persuade fellow African Union countries to give up their membership.

'Sexy'

It irritates Ocampo endlessly that some people see the ICC as wanting to be a 'sexy' court. In fact, in his battle against lawlessness Ocampo can do little else but complain and appeal to the UN Security Council and state governments. He has yet to obtain the success he had hoped achieve since 2003. The judges in The Hague have not yet given their verdict to anyone, and the biggest villains are still at large.

Congolese senator and former Vice President Jean Pierre Bemba has so far been the only big fish caught by the Court. However, the case against the multi-millionaire is a complex one, and very "politically tinted," according to insiders.

Minor warlords should be the ones fearing the ICC. Besides Bemba, three other Congolese rebel leaders are in court, divided into two cases. They were presented to Ocampo on a silver platter. Troublemaker Thomas Lubanga Dyilo was already incarcerated in Kinshasa for a while, and his opponents Germain Katanga and Matthieu Ngudjolo Chui were handed the same fate. But even in Congo these cases remain arbitrary: notorious warlord Bosco Ntaganda still plays tennis in Goma, while he is also on Ocampo's wanted list. But President Joseph Kabila needs the Terminator – Ntaganda's nickname – to strike a balance against Rwandan Hutu rebels in the eastern side of the country, and has subsequently promoted him to the rank of general. Again, Ocampo is left empty handed.

At the centre of politics

In May, an upbeat Uhuru Kenyatta sang Kenya's national anthem on the steps of the ICC. The vice president – along with five other Kenyans – has come to The Hague to deny that he had anything to do with the political violence following the country's general elections in 2007. This is typical of political games in international law. Kenyatta has put himself up as a presidential candidate, following the footsteps of his father Jomo Kenyatta. If the judges should find him innocent, the whole episode would most likely win him more votes. This shows that the ICC's Argentinean prosecutor has a tough job. Ocampo has been asked to work independently, and yet he is at the centre of the political arena. The interference of the UNSC does not make the Libyan case any easier.

The ICC has been an unwilling puppet of political leaders. It is not uncommon for political rivals to accuse one another of genocide, and to try to play out their differences in front of the court. Whether or not crimes are handled by the ICC also seems to be a political choice. Besides the UNSC, governments – meaning its

political leaders – can request the prosecutor to conduct an investigation. This occurred in Uganda, Congo, the Central African Republic, and – most recently – in Ivory Coast. At face value, this seems to be a good thing. However, Yoweri Museveni, Joseph Kabila and Bozize also fear for their own hides. All three leaders are trying to halt ICC investigations. Alassane Ouattara also wanted to send only rival Laurent Gbagbo to The Hague.

'African Criminal Court'

While the ICC claims to be a global court, reality points to a different direction. Similar to Libya and Sudan, great powers like China, Russia and the US do not recognise the ICC's jurisdiction. None of these countries want to hand over their sovereignty. This seriously dents the credibility of international criminal law, and is used as fodder for critics and African leaders who speak of an 'African Criminal Court'. After all, all the ongoing cases at the ICC are tied with Africa. The fact that Ocampo independently started an investigation in Kenya has put fuel to the fire. Critics accuse the West of judicial colonialism and arbitrariness. "Why doesn't Ocampo travel to the Palestinian territories or to Iraq?" they ask cynically.

It is a job in itself for the ICC to explain its mission. It boils down to the fact that it may only intervene in countries that have signed the Statute of Rome, and do so when there are no other legal tools left. Thus, ICC judges always have to scrutinise whether member states are able to conduct a credible investigation into war crimes, crimes against humanity or genocide. If nothing happens, then the ICC can initiate an investigation. The UNSC can intervene in non-member states such as Sudan and Libya.

Fresh start

Gaddafi will not be held responsible for crimes during Sierra Leone's civil war between 1991 and 2002. One would think that large scale crimes against humanity would never exceed their statutes of limitation. While indeed they don't, the founders of the ICC decided in 1998 in Rome that no old crimes would be taken into consideration. This would have made a fresh start impossible. It did lead to the fact that the ICC could only handle crimes committed after July 1, 2002, which was the day the court opened its doors.

This rule works out in favour of Calixte Mbarushimana, the Rwandan who was arrested last year for allegedly leading a band of rampaging Hutu rebels in eastern Congo out of the safety of his Paris apartment via telephone and the internet. He won't have to answer for his alleged role in the 1994 genocide in Rwanda, of which he is accused of by courts in Rwanda and France.

International justice is sluggish and very expensive. It is often neither effective nor adequate. The court says that it is there for the victims of large scale human rights violations. Sometimes, however, the court takes a long time to get into action. For example, Ocampo in 2005 had arrest warrants out for Ugandan rebel leader Joseph Kony and four other prominent leaders of the Lord's Resistance Army. One of them has since been murdered, but Kony is currently still wreaking havoc in the jungles of DR Congo, Sudan and the CAR.

Far from my hometown

Even in the event that a trial is finally realised, victims often feel that it is something which is happening at such a distance from their lives. While the court is not bound to The Hague, until now no hearings have been held close to the crime scene. How many Congolese have enough money to travel to The Hague? Which African has the luxury to be in possession of a Schengen visa in order to enter The Netherlands? The spaces available for the public in the court are always eerily empty. Whether it has to do with Rwanda, Cambodia, the former Yugoslavia or Sierra Leone, international justice silently moves past victims. It won't be much different if Gaddafi should ever make it to The Hague.

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Bloomberg

Tuesday, 28 June 2011

Qaddafi's South African Lawyer Says ICC Doesn't Have Jurisdiction in Libya

By Nasreen Seria

The International Criminal Court has no jurisdiction in Libya as the country never signed or ratified the treaty that created the body, said Themba Langa, a South African lawyer representing Libyan leader Muammar Qaddafi and his government.

Qaddafi has immunity as head of state based on international customary law, Langa said in an e-mailed statement from Johannesburg today.

Voice of America

Monday, 27 June 2011

Civil Society Groups: Support Justice for Gravest Crimes

Joe DeCapua



Photo: Reuters

International Criminal Court's chief prosecutor Luis Moreno-Ocampo (file photo)

Civil society groups are urging African nations to show support for the International Criminal Court (ICC) at the AU summit in Equatorial Guinea.

Some 125 organizations in more than 25 African countries issued a report Monday called *Observations and Recommendations on the ICC*. It calls on African member countries of the ICC to "support justice for the gravest crimes."

The AU, however, has called for a delay in the ICC prosecution of Sudanese President Omar al-Bashir for alleged war crimes, crimes against humanity and genocide. It has also called for a delay of an investigation into Kenya's post-election violence. That has stirred some controversy. Now, the ICC has issued arrest warrants for another African leader, Libya's Moammar Gadhafi.

ICC and Africa

"I think African civil society takes very seriously the responsibility that many of us feel to protect victims of serious international crimes and to drive an initiative to promote accountability and an end for impunity for these crimes," said Anton du Plessis of the International Crime in Africa Program at South Africa's Institute for Security Studies in Pretoria.

African civil society has voiced its support for the ICC on previous occasions, as well.

"It's not the ICC itself that these African civil society groups are supporting. It's just a continental effort to end impunity for these crimes that ravage the continent so regularly and in such devastating ways," he said.

Accountability

The report, in part, gives the groups a voice in calling for justice.

Du Plessis said, "The question of accountability for these crimes is not something which is completely controlled by the governments themselves. That civil society do own some of the space and are very interested in making sure that African governments stick to the commitments, which they themselves proclaim as part of the African Union, particularly Article 4H of the AU Constitutive Act."

In part, that article calls for "respect for democratic principles, human rights, the rule of law and good governance" and "respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities."

AU

"I think when we speak of Africa or the AU we need to remember that African states were at the forefront of creating the International Criminal Court. Currently, Africa is the biggest regional block represented on the ICC, with, I think, 32 African states as parties to the treaty. And African countries, many of them, have fought their own human rights struggles and have set very important precedents internationally as human rights defenders," he said.

Du Plessis said there may be a perception of an AU "backlash" against the court.

"Of course, Africa has been on the receiving end of international criminal justice with seven situations currently before the ICC at this stage," he said.

African governments themselves had asked the ICC to act in most of those cases, for example in the DRC and Uganda. But the arrest warrants for President al-Bashir have caused some tension between the AU and the international community. Reaction regarding Mr. Gadhafi is just beginning.

Justice can move slowly

"Libya and Sudan are interesting situations because both of those were actually referred to the International Criminal Court by the U.N. Security Council because they were considered by the council to threats to international peace and security," he said.

In both cases, the ICC wants to prosecute sitting heads of state.

"That is essentially where serious issues of sovereignty come into play and also the traditional notions of heads of state immunity are questioned. So, these two

decisions by the Security Council have created a lot of disquiet in Africa, particularly on the role of the International Criminal Court," he said.

Du Plessis does not expect a quick solution to these matters.

"Justice for these crimes does take time and don't think we should have too many expectations that this will be handled in a matter of months. I think that's one thing to recognize. The second one is that international criminal justice plays itself out in an incredibly complex and ever changing political environment. And that political environment needs sensitive navigation," he said.

The indictment of President al-Bashir in 2002, he said, is an example of that.

"We just never know where things are going to be down the line after the arrest warrant today was issued for Ghadafi, but as international criminal justice has shown in the cases of others...that justice is patient and it's vitally important that we don't try and rush the process too much at this stage, he said.

The civil society report also calls on African ICC states "to ensure the election at the end of 2011 of the most qualified candidate as the next ICC prosecutor through a fair and merit-based process."

Nowlebanon.com

Tuesday, 28 June 2011

Geagea says Hezbollah cannot ignore the STL

Lebanese Forces leader Samir Geagea said on Monday that Hezbollah cannot declare that it has nothing to do with the Special Tribunal for Lebanon (STL), noting that the Shia party had been represented in the previous cabinet that approved Lebanon's commitment to the international tribunal investigating the 2005 assassination of former Prime Minister Rafik Hariri.

“The STL is not some kind of ‘barber shop’ that anyone can enter and leave whenever he wishes to,” a statement issued by Geagea's office quoted him as saying.

“[Playing] with the STL will lead to strife and will place Lebanon in conflict with the Arab and international community,” he added.

The LF leader also said that the main parties that form the cabinet are Syria from one side and Hezbollah from the other, and “this is not a secret that shouldn't be revealed.”

He added that March 14's opposition to this cabinet “will be constructive and democratic.”

The new Lebanese cabinet—headed by Prime Minister Najib Mikati—was formed on June 12 after almost five months of deliberations between the March 8 parties.

Before bringing down Saad Hariri's cabinet in January, Hezbollah had been pressing him to disavow the STL, which is probing the 2005 assassination of former PM Rafik Hariri and likely to implicate members of the Shia group.

-NOW Lebanon

Reuters

Tuesday, 28 June 2011

Tunisia joins international war crimes court

UNITED NATIONS — Tunisia, whose demonstrations inspired the so-called 'Arab Spring' uprisings across the region, on Friday became the first North African state to join the International Criminal Court (ICC).

Tunisia is the 116th country to sign the Rome Statute, which established the world's first permanent war crimes court in The Hague. Having signed the necessary documents to join the ICC, Tunisia will become a party to the treaty on September 1, which will subject it to the court's jurisdiction.

"The ICC welcomes Tunisia's accession as a decision to join the international community's efforts to put an end to impunity for the perpetrators of the most serious crimes of international concern -- genocide, war crimes, crimes against humanity and aggression," the ICC said on its website.

It said Tunisia, whose 'Jasmine Revolution' earlier this year inspired pro-democracy demonstrations and uprisings across North Africa and the Middle East, was the first North African country and the fourth member of the Arab League to become an ICC member.

"Its accession highlights the ICC's role as a key actor in the field of international criminal justice at a time of dynamic changes for the region," the ICC statement said.

Other Arab and Muslim states have been suspicious of the court, concerned that it is a tool of the Western powers.

ICC judges are expected to announce on Monday whether they will issue arrest warrants for Libyan leader Muammar Gaddafi, his son Saif al-Islam and his intelligence chief, brother-in-law Abdullah al-Senussi, over the government's crackdown against anti-government protesters.

Even though Libya is not a party to the ICC, the U.N. Security Council referred the violence in Libya to the court in February. ICC chief prosecutor asked ICC to indict Gaddafi, his son and Senussi for crimes against humanity in May.

Analysts say that the Arab Spring and the Security Council's referral of Libya could mark a pivotal shift in support for the ICC. [ID:nLDE72R0XW] Another Arab country that is considering joining the court is Egypt, diplomats say.