

**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.  
Any omission, comment or suggestion, please contact  
Martin Royston-Wright  
Ext 7217

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## Fambul Tok Film Reviewed Abroad

By John Mansaray

**Z**anzibar International Film Festival 2011 has reviewed the Fambul Tok documentary based on detailed events that occurred during Sierra Leone's brutal civil war. A press release from the Zanzibar International Film Festival states that the Fambul Tok documentary in post-civil war Sierra Leone is more brutal to witness but that it's compelling as the opening sequence kept the audience seated in the house of wonders. The narrative follows a young Sierra Leonean as he spreads Fambul Tok (Creole for family talk). It's a grassroots reconciliation council for victims and war criminals, using an old Sierra Leonean cultural ritual of forgiveness to heal the country. Scene of murderers, rapists and their victims (many people whose entire families have been obliterated by massacre) forgiving their abusers was confronting. After an international law blanketed all citizens in legal amnesty, most Sierra Leoneans were forced to return and live in their villages with the people that destroyed their lives. Watching the testimony of victims, many of whom are only now speaking of their traumas, Fambul Tok drove across the country to summon a war criminal back to his home village and face his own family, survivors of a massacre he perpetrated. "After seeing footage of

four ceremonies, I began assuming all former Sierra Leonean rebels are remorseful; the illusion lasted until the sinister scene where 'Captain Savage' aka 'Mr. Die' (the country's most notoriously bloodthirsty rebel), denied he'd ever played a part in war crimes. The leader of the Fambul Tok group sat in awe of his callousness," the press release from the Zanzibar International Film Festival states. Many will feel that showing (yet another) film focusing on African war crimes and massacre defeats the goal of developing African cinema; in continuing to shackle the conti-

ment to themes of violence and poverty, Africa hammers an image of inferiority to herself.

The release went on, "but there was an exception in Fambul Tok breaking the cliché that I feared was going to dominate the film. A central aim of this Fambul Tok movement is to remove Sierra Leone's reliance on international assistance to restore the country and replace the old colonial system with African ones."

In one of the scenes, Africans refused to abide by an external i.e. European system and create their own. The central metaphor of the Fambul Tok ritual is the bonfire around which entire communities

stand eye to eye with former rebels accusing them of their crimes and inviting them to repent.

The film in a story of salvation in Sierra Leone, a country that must be purged of her recent history and somehow resurrected in the ashes of its past.

Childhood friends reconciled years after one had beheaded the other's father in front of him. One only hopes that this peace spreads and African film can remove on from bloody themes.

Until then, Fambul Tok reminds its audience that we are all part of the human family and there's no bad bush to throw a bad child.

University of Ulster

Tuesday, 28 June 2011

### **Justice Teresa Doherty, CBE**



Portstewart judge Teresa Doherty, who has carved out a successful career as an international human rights lawyer, is to receive the degree of Doctor of Laws for services to the promotion of human rights and humanitarian law.

Justice Doherty's legal career at home and abroad has spanned over thirty years. She is currently the Presiding Judge in Trial Chamber 11 of the Special Court for Sierra Leone and is regarded as a leading figure in international human rights law.

She began practicing law in Northern Ireland in the early 1970s before pursuing her career in Papua New Guinea. In 1987 she was appointed as a Principal Magistrate there and the following year, as a judge in the Supreme and National

Courts - the first woman to hold high judicial office in the South Pacific.

Between 1998 and 2003, Justice Doherty worked in private law practice in Northern Ireland and she has served as a Life Sentence Review and Parole Commissioner here since 2002.

From 2003 to 2005, Justice Doherty served as a Judge of the High Court and the Court of Appeal of Sierra Leone at the request of the Commonwealth following the civil war there. In 2005, she was appointed by the UN Secretary General to the Special Court for Sierra Leone, the tribunal dealing with crimes against humanity and war crimes. She has worked and lectured on legal issues in many countries in Asia, Africa, N. and S. America, Australasia and Europe. Justice Doherty has received several awards for her work including a CBE in 1997.

## **Newest ICC Situation Countries and Upcoming ICC Elections**

### **Lybia - Arrest Warrant for Gaddafi and co**



In February 2011, the United Nations Security Council decided unanimously to refer the situation in the Libyan Arab Jamahiriya to the ICC. Following investigation into the violence against civilians and rebels by the Libyan government, ICC Prosecutor, Luis Moreno-Ocampo, requested the Pre-Trial Chamber to issue arrest warrants against Libyan Leader Col. Muammar Gaddafi, his son, Saif Al-Islam Gaddafi, de facto Prime Minister of Libya, and his brother-in-law, Abdulaah Al Sanousi, Head of Intelligence. The Court issued the Warrants of Arrest for alleged crimes committed since Feb 2011, including attacking civilians in their homes, use of live ammunition and heavy artillery to repress demonstrations and against participants in funeral processions, torture, imprisonment and persecution of dissidents in areas under Gaddafi's control. On 27 June, the ICC Pre-Trial Chamber I issued arrest warrants for all three individuals and found reasonable grounds to believe that they are criminally responsible for crimes against humanity of murder and persecution.

## Kenya - "The Ocampo Six"



Kenya's 2007 presidential elections resulted in widespread violence in which more than 1300 people were killed and 600,000 displaced from their homes. On 15 December 2010, ICC Prosecutor, Luis Moreno-Ocampo, requested the Court to issue summons to appear for six Kenyan citizens to face justice for massive crimes. The first case involves members of the Orange Democratic Movement (ODM), the opposition party at the time of the elections. The Chamber found reasonable grounds to believe that the three accused are criminally responsible for the crimes against humanity of murder, forcible transfer of population, and persecution. The second case involves members of the Party of National Unity (PNU), the incumbent party at the time. The Chamber found reasonable grounds to believe that the three accused are criminally responsible for the crimes against humanity of murder, forcible transfer, rape, persecution, and other inhumane acts. In April 2011, six accused members of the ODM and the PNU voluntarily appeared before Pre-Trial Chamber II following summons to appear. Confirmation of charges hearing will begin on 21 September.

## Côte d'Ivoire - Gbagbo and Quattara Supporters Implicated in Investigations



The ICC Prosecutor Luis Moreno-Ocampo has requested for an authorization to open an investigation into crimes allegedly committed in Côte d'Ivoire since the 2010 presidential elections. Post-election violence ensued when incumbent President Laurent Gbagbo refused to hand over the presidency to his opponent, Alassane Quattara, recognized by the majority of the international community as the winner of the presidential elections. Significantly, supporters of President Quattara's ruling government could be implicated in this investigation. According to a report referred to by the Prosecutor, there is reasonable basis to believe that both pro-Gbagbo and pro-Quattara forces committed crimes falling under the jurisdiction of the ICC. At least 3000 persons were killed, 72 persons disappeared and 520 persons were subject to arbitrary arrests and detentions. Over 100 cases of rape have been reported, although the actual number of incidents is believed to be higher.

If the judges grant the authorization to open an investigation in Côte d'Ivoire, it would be the first ICC case in a non-state party to the Rome Statute where the State has accepted the jurisdiction of the Court. President Quattara in a letter to the ICC Prosecutor reconfirmed his wish for the Office of the Prosecutor to conduct investigations into crimes committed since the 2010 presidential elections noting that the domestic judiciary is not in the best position to try post-election violence cases.

## ICC Elections - Who Will Be the Next ICC Prosecutor?

In December 2011, one of the most important elections in the Court's history will take place. The Assembly of States Parties (ASP) will elect the next prosecutor of the ICC. In addition, six new judges and other officials will be elected. The outgoing judges are Fatoumata Dembele Diarra (Mali), David Ntanda Nsereko (Uganda), Elizabeth Odio Benito (Costa Rica), Sir Adrian Fulford (United Kingdom), Sylvia Steiner (Brazil), and Bruno Cotte (France). The current ICC Prosecutor, Luis Moreno-Ocampo's nine year tenure will end in June 2012. The ASP has established a Search Committee to identify potential candidates for the next ICC Prosecutor.



The African Union (AU) has expressed its wish to see an African become the next ICC Prosecutor. Views differ on the desires of the AU. On the one hand, a compelling case can be made for an African Prosecutor in view of the fact that all cases currently before the ICC originate from Africa. It would dispel the perception that the ICC is targeting Africans. On the other hand, one could question the desirability of an African candidate given the AU's stance, and indeed that of many African States against the ICC. Bill Pace of the CICC has pointedly observed, "There's no requirement that there should be regional rotation on the position of the Prosecutor. There's no requirement that the Prosecutor should come from the region where most of the situations that the court is dealing with are occurring." Be that as it may, the indisputable front-runner for the position seems to be the current Deputy Prosecutor, Gambian Born Fatou Bensouda, who among other merits would bring continuity.

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 THE HAGUE - ZEESTRAAT 100, 2518 AD, THE HAGUE, THE NETHERLANDS  
 PRETORIA - 287 SKINNER ST. PRETORIA, TSHWANE. METRO CITY. P.O. BOX 392. UNISA 0003

## SOS Children's Village (Canada)

Thursday, 30 June 2011

### **17 Years Later, Rwandan Children Feel Effects of Genocide**

29/06/2011 - The lingering effects of the 1994 Rwandan genocide continue to be felt among the country's children, particularly the one million orphans and vulnerable children living in the country.

While the 100-day killing spree that was the Rwandan genocide has been over for about seventeen years. The consequences of the ethnic violence in the spring of 1994 are still confronting children in Rwanda today.

Between April and June of 1994, 800,000 Rwandans, most of whom were Tutsis, lost their lives in acts of ethnic cleansing perpetrated mostly by Hutus. The division between the two ethnic groups can be traced back for centuries. However, tensions intensified during the Belgian colonial period wherein a divide-and-rule strategy favoured the Tutsis for having more "Caucasian features."

Resentment built among the Hutus and these tensions boiled over several times, culminating in the 1994 genocide following the death of the Rwandan President Juvenal Habyarimana (a Hutu), when his plane was shot down on 6 April 1994.

Dealing with aftermath of widespread participation in the genocide has proved challenging for orphans and vulnerable children from judicial, social and economic perspectives.

After the genocide, an International Criminal Tribunal for Rwanda (ICTR) was set up to administer justice and deal with the truth and reconciliation of the divided Hutu and Tutsi population. The ICTR, designed to prosecute persons responsible for serious violations of international law during the genocide and reinforce peace in the region, has completed 88% of its casework at the trial level. It is scheduled to complete this work in 2012, said Judge Khalida Rachid Khan, President of the ICTR, to the UN Security Council earlier this month.

Rwanda has the highest prevalence of orphaned children and child-headed households in the entire world. The majority of the country's one million orphans lost their parents in the genocide. Other have lost their parents to AIDS or to the post-genocide judicial processes that have seen their parents imprisoned for life for participating in the atrocities. The country is home to an estimated 42,000 child-headed households raising 101,000 children.

The ICTR, ad hoc tribunal, is similar to those set up in other cases of mass human rights abuses, such as the post-civil war Special Court for Sierra Leone and the post-apartheid Truth and Reconciliation Commission in south Africa.

Ensuring that children of people prosecuted by the ICTR do not suffer for the "sins of the father," so to speak, is important for the wellbeing of the children, who may also suffer from stigma, poverty and orphanhood.

According to the United Nations' (UN) *Lessons from Rwanda*, some 100,000-250,000 women were raped in the genocide. This sexual violence brought devastation to Rwanda on the large and small scales in the form of increased national HIV transmission as well as in the physical and psychological trauma suffered by the individual women and their families.

Though Rwandan AIDS orphans continue to face stigma in the schools and communities, the government has taken concrete steps to provide health services to children affected by HIV and AIDS. Still, one of the biggest remaining challenges is the lack of accurate and complete data, particularly in hard-to-reach rural populations.

Still, as few as half of the children affected by AIDS are getting the help they need from government and non-governmental actors. Even fewer children are getting comprehensive support including food assistance, health care and education.

**Security Council extend terms of judges at UN tribunal for former Yugoslavia***ICTY courtroom*

The Security Council today extended the terms of judges serving on the United Nations tribunal created to try perpetrators of the worst crimes committed during conflicts in the former Yugoslavia in the 1990s to ensure that the court is adequately staffed to complete its work.

In a unanimous resolution, the Council decided to extend the terms of office of eight permanent judges at the International Tribunal for the former Yugoslavia (ICTY) who are members of the trial chambers until 31 December 2012 or until the completion of the cases to which they are assigned.

The terms of nine *ad litem* judges – who are limited to particular cases – were also extended until 31 December 2012 or until the completion of the cases to which they are assigned.

The Council “reiterates the importance of the International Tribunal being adequately staffed to complete its work expeditiously and calls upon relevant United Nations bodies to intensify cooperation with the Secretariat and the Registrar of the International Tribunal and to take a flexible approach in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time calls upon the International Tribunal to renew its efforts to focus on its core functions,” said the resolution.

It called on all States, especially those that emerged from the collapse of the former Yugoslavia, to intensify cooperation with and to render all necessary assistance to ICTY, particularly in the arrest of Goran Hadžić, a key war crimes suspect who remains at large.

The Council commended States that have concluded agreements for the enforcement of sentences of those convicted by ICTY or have otherwise accepted such convicts to serve their sentences in their territories, and urged countries to renew their commitment to the enforcement of sentences and to positively consider requests from the tribunal in this regard.

It also urged States that have not concluded agreements for the enforcement of sentences of ICTY convicts to consider entering into such pacts.

**Hariri murder: UN tribunal issues arrest warrants**

*Rafik Hariri is widely credited with getting Lebanon back on its feet after the 15-year civil war*

Four arrest warrants have been issued by the UN-backed tribunal investigating the 2005 murder of Lebanon's former Prime Minister Rafik Hariri, Lebanon's state prosecutor said.

Mr Hariri's son, Saad, welcomed the indictments and described them as a "historic moment" for Lebanon.

Local reports say the warrants name senior members of the Shia militant and political group Hezbollah.

Hezbollah has repeatedly denounced the tribunal and vowed to retaliate.

Divisions over the Special Tribunal for Lebanon (STL), based in the Hague, have thrown the country into political turmoil and sparked fears of sectarian unrest.

The Lebanese cabinet is meeting on Thursday to agree its policy towards the tribunal.

Rafik Hariri and 21 others were killed in February 2005 in central Beirut when a huge bomb went off as his motorcade passed by.

Hezbollah has criticised and attempted to discredit the tribunal, claiming it is a plot involving the United States, Israel and France.

## Hirondelle News Agency

Wednesday, 29 June 2011

### **ICTR now satisfied with Rwandan judiciary system**

More than two years after refusing to transfer to Rwanda five cases of genocide suspects on grounds that the accused may not receive fair trial, the International Criminal Tribunal for Rwanda (ICTR) issued on June 28 a decision authorizing the transfer of Jean Uwinkindi's case.

However, the decision is not final as the 60-year old Pentecostal pastor has the right to appeal.

The decision is important as the ICTR refusal to refer cases to Rwanda was so far a decisive argument for western countries to reject Kigali's repeated requests to extradite genocide-suspects living in Europe.

In November 2010, ICTR Chief of the Prosecution Hassan Bubacar Jallow declared that he was now satisfied with Rwanda's legal reforms and then asked for three new transfers, including Jean Uwinkindi's.

The historic ruling issued on June 28 was the result of various submission and discussion presented before the Chamber by several key players and amici curiae including the government of Rwanda, Human Rights Watch, the International Association of Democratic Lawyers, the International Criminal Defence Attorney Association, the Kigali Bar Association and ICTR prosecution on the other side.

"The Chamber is satisfied that the judges of the Supreme Court and High Court of Rwanda are qualified and experienced and that they have the necessary skills to handle the case at issue (Uwinkindi's trial) if transferred," reads part of the 59-pages decision.

"The Chamber expressed its solemn hope that the Republic of Rwanda would actualize in practice the commitments it made in its filings about its good faith, capacity and willingness to enforce the highest standards of international justice," the ruling states.

One would wonder what has motivated the Chamber to grant this application now as opposed to five other similar requests submitted in the past. The decision elaborates : "The Chamber noted that Rwanda had made material changes in its law and had indicated its capacity and willingness to prosecute cases referred by ICTR adhering to internationally recognized fair trial standards enshrined in the ICTR Statute and other human rights instruments."

But that notwithstanding "The Referral Chamber is persuaded to refer this case after receiving assurances that a robust monitoring mechanism provided by ACHPR (African Commission on Human and Peoples' Rights) will ensure that any material violation of the fair trial rights of this accused (Uwinkindi) will be brought to the attention of the President of the Tribunal forthwith so that remedial action, including revocation, can be considered by the Tribunal, or if applicable by the Residual Mechanism.'

Responsibilities of ACHPR as stipulated by the Chamber include monitoring on full time basis progress of the referred case, detention conditions to ensure that they match with the international standards and indicate in general any violation of the fair trial rights of the accused.

"We welcome the decision. The office of the Prosecutor is satisfied. The Chamber agrees with the prosecution that Rwanda is now willing and able to prosecute cases according to the international standards," Richard Karegyesa, ICTR Chief of the Prosecution told Hirondelle News Agency on Wednesday.

Hassan Bubacar Jallow announced earlier this month that he was about to request the transfer of five other cases to foreign countries. "Transferring cases to other countries is crucial if we want to meet our deadlines", he said before the UN Security Council.

The pastor is alleged to have committed the offences between April 6 and May 1994 in Kanzenze commune, Kigali Rural prefecture (Central Rwanda).

He was born in Rutsiro commune, Kibuye prefecture (west Rwanda) in 1951. According to the indictment, he is individually responsible for genocide and extermination because he allegedly planned, instigated, ordered, committed or otherwise aided and abetted in the preparation or execution of such crimes.

Uwinkindi was arrested on June 30, 2010 in Uganda as he was coming into the country from the neighboring Democratic Republic of Congo (DRC) and was transferred to the seat of ICTR in Arusha, Tanzania on July 2, 2010.

NI/GF

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