

**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:

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Press clips are produced Monday through Friday.
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The Exclusive
Tuesday, 12 July 2011

5 Face Special Court

By Ayodele Deen-Cole

Five former AFRC/RUF fighters will appear before the Special Court for Sierra Leone to plead to charges of contempt. Hassan Papa Bangura aka Bomblast, Samuel Kargbo aka Sammy Ragga, Ibrahim Bazy Kamara, Santigie Borbor Kanu aka 55 and Eric Senessie are all accused of attempt to interfere with prosecution witnesses.

Four of them will appear before Justice Teresa Joherty. Hassan P. Bangura and Samuel Kargbo personally while Ibrahim Bazy Kamara and Santigie B. Kanu aka 55 will join via video link from Rwanda.

Bazy faces three counts; two for at-

tempting to bribe witnesses to recount statements given in the AFRC trials while another one for disclosing the name of a private witness. And the three other accused all face two counts of attempting to bribe witnesses to recount statements.

Eric Senessie will face the court on a nine-count order in lieu of an indictment. And also nine counts of attempting to induce prosecution witness in the Charles Taylor trial currently before the court in The Hague. All accused fighters will be getting legal representations with assistance from the Special Court. All of them face a fine of Le 2 million or seven years imprisonment. And in some cases both fines and jail terms.

'BOMBLAST' AND FIVE OTHERS TO FACE COURT FOR CONTEMPT OF COURT

Court Indicts Five for Contempt, Alleges Interference With Witnesses

PRESS RELEASE

Freetown, Sierra Leone, 7 June 2011

Five persons have been served with "orders in lieu of an indictment" charging them with contempt of court under Rule 77(A) of the Rules. They are alleged to have interfered with Prosecution witnesses who testified in two separate trials before the Special Court.

Two convicted former leaders of the Armed Forces Revolutionary Council, Ibrahim Bazy Kamara and Santigie Borbor Kanu (AKA: "Five-Five"), were given the indictment at Rwanda's Mpanga Prison, where they are serving lengthy sentences for war crimes and crimes against humanity.

Charged with Kamara and Kanu are Hassan Papa Bangura (AKA: "Bomblast") and Samuel Kargbo (AKA "Sammy Ragga), resident in Sierra Leone. All four are charged with two counts of attempting to bribe a witness to recant his previous testimony.

Kamara faces an additional count of disclosing the name of a protected witness, "in knowing violation of an order of a Chamber."

In a separate order, the Trial Chamber charged Eric Senessie on nine counts of attempting to induce Prosecution witnesses in the Taylor trial to recant testimony they gave before the Court. No arrest warrants have been issued. All of the accused have sought guidance from the Special Court's Defence Office on obtaining counsel. The "orders in lieu of an indictment" followed separate independent investigations ordered in March 2011 by the Trial Chamber to determine whether allegations raised by the Prosecution provided sufficient grounds to instigate contempt proceedings.

The orders direct that the Accused be prosecuted by independent counsel. Both cases will be heard by Trial Chamber II Presiding Judge Teresa Doherty.

If convicted, the Accused could face prison sentences of up to seven years, fines of up to two million leones (approximately \$500), or both.

The date and venue for the hearings has not yet been announced.

ECOWAS Chief Judges Commend Community Court

Fifteen Chief Judges of the Economic Community of West African States (ECOWAS) have commended the establishment of the region's community court.

By Pasco Temple

The judges, including Sierra Leone's Justice Umu Hawa Tejan Jalloh on July 6th applauded the work of officials of the court in the area of regional integration, noting that its existence has not only significantly contributed to improving respect for not only the rule of law in the sub-region but also for community law in West African States. The Judges also called for reforms to enable more citizens' gain access to the court, consolidate gains as an institution and strengthen its judgment delivery, to enable it play a greater role in the attainment of the objectives of the community.

Assessors described the theme of the celebration, "The Community Court of Justice, ECOWAS: An assessment of Ten Years of Service to Community Law and Perspectives," as very appropriate.

The thematic conference, which was chaired by Rtd. Major General Yakubu Gowon, Former President of the Federal Republic of Nigeria, it saw legal luminaries including Professor Dodzi Koroko, Femi Falana, Professor Tawfiq Ladan, Academics, representatives of Nigerian Bar Association, West African Bar Association, the regional courts of South African Development Community, the Court of Justice of the Economic and Monetary Community of Central Africa, and others.

Nigerian Bar Association saluted the

leadership of the Court for steering the affairs of this principal judicial organ of the community in the last ten years and for making significant judicial in-roads in upholding the rule of law, protecting citizens against impunity, lawlessness and the violations of their fundamental human rights guaranteed under both international and domestic human rights regimes.

"This is a demonstration of our community courts capacity to ensuring that respect for basic human and environmental rights remains a fundamental value in ECOWAS Community Law and Practice."

According to Dr. Major General (Rtd) Yakubu Gowon, "the court has worked assiduously to realize the objective of encouraging African leaders to be more committed to serving the people and for individuals and governments, organizations to resolve differences without recourse to brute force.

"In this regard, all of these years, the court has been in the forefront of the promotion of the rule of law and the defence of human rights. As we are all aware, ten years in the life of an individual or an institution is a landmark. When that landmark is fulfilled and filled with achievements inspite of all odds, it calls for celebration, such as we are doing today."

Special; Tribunal for Lebanon

Tuesday, 12 July 2011

STL Press release: “Don’t be a victim twice” / Victims’ participation in STL proceedings

The Victims’ Participation Unit of the STL has today opened applications for victims to participate in the proceedings before the Tribunal. This follows the confirmation of an indictment by the Pre-Trial Judge on 28 June 2011.

Through this process the voices of victims will be heard. They will be able to fully participate in the trial before the Tribunal, which will seek the truth behind the attack on 14 February 2005 and also serve justice.

Individuals who have suffered physical, mental or material harm can apply to participate in the proceedings as victims by completing the application form on the STL Website. Since the confirmed indictment relates to the attack on 14 February 2005 that killed the former Lebanese Prime Minister Rafiq Hariri and 22 others, only those who were affected by that attack may participate at this stage. The victims’ application process is entirely confidential. Once the Pre-Trial Judge approves the application, the victim is entitled to a number of rights similar to those of the Prosecution and the Defense; such as calling and cross-examining witnesses, submitting evidence, and filing motions, with the approval of the judges.

Unless the judges rule differently, victims shall only participate in the proceedings through a lawyer. The Tribunal could, under certain conditions, cover all of the victims’ legal costs if they are unable to afford them.

The Special Tribunal for Lebanon cannot award compensation to victims for the harm they suffered. However, if one or more accused persons are convicted, the Tribunal shall provide victims with a certified copy of the judgment, which they may present before national courts in order to seek compensation.

The Victims’ Participation Unit is responsible for assisting the victims participating in the proceedings related to the attack on 14 February 2005 and any other attack (s) over which the Tribunal will have jurisdiction. A Lebanese telephone hotline has been set up to answer victims’ questions.

To contact the Victims' Participation Unit, call:

Nairobi Star (Nairobi)

Monday, 11 July 2011

Kenya: ICC Gives 14 Witnesses Lifetime Protection

Matthews Ndanyi

Fourteen witnesses who will testify before the International Criminal Court have been put on lifetime protection and will not return home to Kenya after the trials. The witnesses along with 56 members of their families have been allocated safe homes in European countries.

Eight witnesses so far confirmed for lifetime protection are from Rift Valley while six are from Central Kenya. Six other witnesses including two from Nairobi and one from Western province are still considering their status.

Confirmation hearings for the cases against the Ocampo Six are expected in September this year. The six suspects who Ocampo wants charged are Deputy Prime Minister Uhuru Kenyatta, Eldoret North MP William Ruto, Civil Service boss Francis Muthaura, former Police chief Gen Hussein Ali, Tinderet MP Henry Kosgey and radio journalist Joshua Sang.

The Ocampo Six are facing charges of crimes against humanity for involvement in the violence that followed the disputed election of December 2007. "We have negotiated for lifetime protection and we will not be returning home because that will be too risky", a key witnesses told The Star from his hideout abroad. Two other witnesses confirmed they were in the same position.

The witness said they had also declined the possibility of the ICC trials being held in Kenya or a neighbouring country for security reasons. For security reasons he said even their other relatives in Kenya did not know the location of their hideouts.

He confirmed that they were ready to give evidence in the confirmation hearings at the ICC in September. The witnesses are due to soon sign for the lifetime protection with the ICC and host countries. The witnesses from Central Kenya denied claims that they were coached to implicate the suspects named by Ocampo.

The witness said they relied on the office of the ICC Chief Prosecutor Louis Moreno Ocampo to ensure their lives were protected during and after the trials. "We know the risks involved and we have informed the ICC about all our concerns. They have put in place good mechanisms for our protection and we are ready for the process", he said. The ICC Witness Protection Unit is still working on finer details on how the witnesses will live comfortably abroad.

Plans are underway to enroll their children to schools and engage the other family members in some form of employment but under tight security. Some witnesses have already visited the ICC at The Hague in Netherlands to familiarize themselves with the chambers and to confirm the evidence they are likely to give before the court.

So far no witness considered credible by the ICC has dropped out or withdrawn their evidence which also includes recorded material obtained during the poll violence that left more than 1,300 Kenyans dead.

George W Bush should be prosecuted over torture, says human rights group

Human Rights Watch claims Obama administration 'failing to act on evidence', and also names Cheney and Rumsfeld in report



George W Bush, whose administration is accused by Human Rights Watch of authorizing use of torture. Photograph: Christopher Furlong/Getty Images

A US human rights group has called on foreign governments to prosecute George W Bush and some of his senior officials for war crimes if the Obama administration fails to

investigate a growing body of evidence against the former president over the use of torture.

The New York-based Human Rights Watch said in a report released on Tuesday that the US authorities are legally obliged to investigate the top echelons of the Bush administration over crimes such as torture, abduction and other mistreatment of prisoners. It says that the former administration's legal team was part of the conspiracy in preparing opinions authorising abuses that they knew to have no standing in US or international law.

Besides Bush, HRW names his vice-president, Dick Cheney, the former defence secretary, Donald Rumsfeld, and the ex-CIA director, George Tenet, as likely to be guilty of authorising torture and other crimes.

The group says that the investigation and prosecutions are required "if the US hopes to wipe away the stain of Abu Ghraib and Guantánamo and reaffirm the primacy of the rule of law".

HRW acknowledges the broad allegations are not new but says they should be given fresh attention because of growing documentary evidence with the release of previously classified papers, admissions made in books by Bush and others, and from a leaked International Committee of the Red Cross report that details illegal practices by the former administration.

The author of the HRW report, Reed Brody, says the issue also deserves renewed scrutiny because the Obama administration has all but abandoned its obligations. "It's become abundantly clear that there is no longer any movement on the part of the Obama administration to live up to its responsibilities to investigate these cases when the evidence just keeps piling up. Just this year we have the different admissions by President Bush that he authorised waterboarding," he said.

HRW says Bush and his senior officials are open to prosecution under the 1996 War Crimes Act as well as for criminal conspiracy under federal law.

"There is enough strong evidence from the information made public over the past five years to not only suggest these officials authorised and oversaw widespread and serious violations of US and international law, but that they failed to act to stop mistreatment, or punish those responsible after they became aware of serious abuses," it said.

Among the accusations in the report are that Bush approved waterboarding, ordered the CIA secret detention programme and approved illegal abductions of individuals delivered to foreign countries for torture, known as renditions.

The report described Cheney as "the driving force behind the establishment of illegal detention policies and the formulation of legal justifications for those policies" including torture. Rumsfeld is said to have "approved illegal interrogation methods that facilitated the use of torture by US military personnel in Afghanistan and Iraq", and Tenet "oversaw the CIA's use of waterboarding", and that the agency also "disappeared" detainees by holding them in incommunicado detention in secret locations.

HRW says an investigation should also examine roles played by Bush's national security adviser, Condoleezza Rice, and the then attorney general, John Ashcroft, and administration lawyers in crafting the legal justifications for torture.

HRW calls on foreign governments to act if the US fails to. "Under international law any country has jurisdiction over torture and war crimes," said Brody.

The organisation noted that over the past two decades an increasing number of countries, particularly in Europe, have applied universal jurisdiction laws in prosecuting individuals responsible for crimes in Rwanda, the Balkans and Africa. The US itself used the principle of universal jurisdiction to prosecute "Chuckie" Taylor – son of former Liberian dictator Charles Taylor, now on trial before an international tribunal – for torture in Liberia.

Asked if foreign leaders, such as Bush's ally, Tony Blair, were also vulnerable to prosecution, Brody said there was a difference between political responsibility and criminal liability for directly ordering abuses. But he said that the political complicity of some European countries makes it necessary for them to act.

Global Research

Tuesday, 12 July 2011

Protecting Israeli war crimes. Nuggets from a Nut House: From Netanyahu to Mladic

By Prof Edward S. Herman

The nuggets keep piling up as the United States continues its course toward the abyss, pulling the rest of the world with it. Imagine, 29 standing ovations for Benjamin Netanyahu's May 24th speech by the members of the U.S. congress, who once again displayed their loyalty to a foreign state, their contempt for international law, their racism, and their support of Israeli apartheid and serious ethnic cleansing. Joseph Biden has stated publicly that he is "a Zionist" and that both when a member of the Senate and as Vice President helping Israel was his highest priority ("the center of my work as a United States Senator and now as vice president of the United States.").

It is now routine for U.S. politicians to openly pledge allegiance to Israel, and they readily turn over large resources to Israel at the same time as they are reducing them for U.S. citizens. (This applies fully to President Obama, who bragged to AIPAC that "Because we understand the challenges Israel faces, I and my administration have made the security of Israel a priority. It's why we've increased cooperation between our militaries to unprecedented levels. It's why we're making our most advanced technologies available to our Israeli allies. And it's why, despite tough fiscal times, we've increased foreign military financing to record levels. That includes additional support – beyond regular military aid – for the Iron Dome anti-rocket system.")

The U.S. political leadership is also guilty of protecting Israeli violations of international law, war crimes, state terrorism, and disregard of UN resolutions and court decisions, including consistent support for Israel's systematic dispossession (ethnic cleansing) operations. How indignant these politicians (and the mainstream media) were over dispossession and ethnic cleansing in civil war-ridden Yugoslavia in the 1990s, and what a contrast with the standing ovations for ethnic cleansing carried out inside the tail that wags the flea-ridden dog! The words, behavior and actions of the fleas, if done in support of an Arab-dominated state, would be found immoral, in violation of anti-terror laws, and treasonous. The racist double-standard here is breathtaking.

Similarly, it is striking to see how the rule of law has been rendered so clearly inoperative in other matters supposedly bearing on "national security." It is notable how readily and completely a leader like Obama, an expert on constitutional law, and one who had so explicitly committed himself to return us to that promised land, has followed in its abandonment in what Tom Engelhardt aptly calls a "post-legal" state. ("Are We Living in Post-Legal America?," TomDispatch.com, May 30, 2011). This is applicable across the board: no prosecutions for authorizing or carrying out torture; for illegal spying on U.S. citizens; or for illegal war-making. In fact the Obama administration has engineered the renewal of the U.S. Patriot Act and has made no attempt to eliminate the 2006 Military Commissions Act. It has aggressively pursued war protesters and extended executive privilege to the right to assassinate U.S. citizens at will. With the Libya war, the administration has carried out a straightforward violation of the War Powers Act requirement that congress must sanction a war not in self-defense, an action that Obama had specifically promised to avoid.

The war against Libya is also one more U.S.-NATO war of aggression in violation of the UN Charter. It is true that the global war lords did get the Security Council to vote them powers to protect civilians under Security Council Resolutions 1970 and 1973, but both before and after these resolutions were passed the NATO-mafia war lords had announced "regime change" as their goal. And they have been extending their

bombing raids throughout Libya , killing civilians on an ever-increasing scale, and certain to do to Libya what the United States has done to Iraq (mass killing, mass refugee generation, and devastation).

Mladic and Impunity

It is a bit mind-boggling to see Human Rights Watch, Richard Goldstone, Ban Ki-moon, and a stream of pundits and officials claim that the arrest of Ratko Mladic shows that the world has conquered “impunity.” This was also supposedly proved by the International Criminal Court's (ICC’s) issuance of indictments of, and then arrest warrants for, Gaddafi and one of his sons and brother-in-law. Kofi Annan had already announced years ago that with the creation of the ICC impunity was at an end, and here we can see its Kafka-esque truth as officers and leaders of tiny states on the U.S. hit-list are brought to book! The brazenness of these claims is breathtaking.

In March 2003 George Bush and Tony Blair invaded Iraq in violation of the UN Charter and were responsible for the million or more Iraqi deaths that followed. The leader of the ICC, Luis Moreno-Ocampo, was repeatedly asked to investigate and pursue this crime, but he found that the “threshold of gravity” was not reached in this case for proof of “willful killings.” This was all just collateral damage, and not deliberate! (Actually, even in Texas if you shoot and kill somebody while going after a different target, you are guilty of murder.) But the relatively tiny killings by Gaddafi in response to a rapidly growing and at least partly foreign-sponsored armed insurgency were willful and demanded a rush-to-action. No white person has ever been indicted by the ICC under this new anti-impunity regime—and of the 20 persons who had been indicted through mid-2011, all 20 were African, the three Libyans being the only non-black Africans. And by another amazing coincidence, two of the greatest black African killers, Paul Kagame (Rwanda) and Yoweri Museveni (Uganda), who happen to be U.S. clients, have also not been indicted. In short, the real impunity rule, of long standing, is that leaders of the Western great powers who have not been defeated in war (as Hitler was), and their clients, have impunity. Their targets do not.

When Milosevic was first indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in May 1999, he was accused of responsibility for some 340 victims, only 45 of them having died in the months prior to NATO's bombing war (from March 24 on) in the almost surely mythical “Racak massacre” of January 15, 1999 (see “Mythical Bloodbaths” in Herman and Peterson, *The Politics of Genocide* [Monthly Review Press, 2010]). But in considering a petition that NATO leaders be indicted for its killings of civilians in its 1999 bombing war, this was ruled out by Carla Del Ponte on the grounds that (1) these killings were not deliberate, and (2) with only 500 admittedly killed by NATO, this was too few to constitute crimes of war—that is, whereas for Milosevic, the “threshold of gravity” was 340 deaths, for NATO, 500 was too small (see the superb discussion in Michael Mandel, *How America Gets Away With Murder* [Pluto Press, 2004], Chap. 6). In short, these cases had nothing to do with justice but reflected the same dichotomy of impunity for the de facto aggressor violating the UN Charter, on the one hand, and sure guilt for the Great Power’s target by that Power’s corrupt agent, the ICTY, on the other hand (see John Laughland’s *Travesty: The Trial of Slobodan Milosevic and the Corruption of International Justice* [Pluto Press, 2007]).

When the arrest of Ratko Mladic in the Serbian village of Lazarevo was announced on May 26, this was generally greeted as a positive achievement for international justice, given the uniformity, passion and assurance of the media, and even a substantial contingent of supposedly liberal and left analysts, that he was a murderous villain. But this reflects a remarkable propaganda system, that can swallow and honor real mass killers like Clinton, Bush, Blair, Kagame, and Sharon, and yet in the former Yugoslavia pursue Milosevic, Karadzic, and Mladic, but not Croatia's wartime President Franjo Tudjman, nor the Bosnian Muslim's wartime President Alija Izetbegovic, nor the former Kosovo Liberation Army leader become the newly independent Kosovo's Prime Minister Hashim Thaci. In a civil war context there are always nasty episodes of ruthless killings, and the multi-sidedness of this in the Balkan wars was very briefly revealed in single Washington Post and Toronto Star profiles of the Muslim commander of Srebrenica, Naser Oric,

who openly bragged to John Pomfret and Bill Schiller of an episode in which he killed 114 Serbs, showing these reporters videos of beheaded victims. The Serb analyst Milivoje Ivanisevic listed the names of 3,262 Serbs killed in the Srebrenica vicinity prior to the July 1995 “massacre,” a large majority civilians (2,382). These have been “disappeared” in the discussions of Srebrenica, helping make the July killings inexplicable except for some ethnic cleansing or even genocidal plan.

There is nothing comparable to Oric’s admissions to Pomfret and Schiller in any evidence ever used to implicate Mladic. His initial Srebrenica-related indictment for “genocide” by the ICTY in November 1995 preceded their gathering of any evidence on Srebrenica (not even a single grave was investigated until 1996), and when the ICTY forensic analysts finished their collection and evaluation of grave evidence in 2002, the manner of death in the vast majority of the 1,919 sets of mortal remains exhumed up to that point was unclear, but the majority of the relative small number of remains whose manner of death could be determined (477 sets, or 24.8 percent) were likely combat victims rather than victims of executions. (See the two chapters that Ljubisa Simic contributed to the volume edited by Stefan Karganovic, *Deconstruction of a Virtual Genocide* [Belgrade: Srebrenica Historical Project, 2011], pp. 69-88, and pp. 89-104.)

There were evidently hundreds of executions, but Mladic’s role in ordering these executions was surely no clearer than Oric’s role in ordering the deaths of many more Serb civilians in the Srebrenica area prior to July 1995. The main “evidence” of any Mladic role in Srebrenica executions was given in the testimony of Drazen Erdemovic, a mercenary and truly “protected witness” of the ICTY, whose performance (and ICTY protection—against verification) is actually a high point in showing the thoroughgoing politicization of the ICTY and hence of the compromised case against Mladic. (About which, see the devastating account in Germinal Civikov’s *Srebrenica: The Star Witness*, Trans. John Laughland [Belgrade : NGO Srebrenica Historical Project, 2010], reviewed by me in *Z Magazine*, January, 2011.)

Edward S. Herman is a frequent contributor to Global Research.