

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



PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office

as at:

Wednesday, 13 July 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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5 Faces Special Court

Local tabloids have alleged that five former fighters of AFRC/RUF have been arraigned before the Special Court for Sierra Leone, to plea to a charge of contempt. According to reports, Hassan Papa Bangura, Ibrahim Bazy Kamara, Santigie Borbor Kanu, Samuel Kargbo and Eric Senesie attempted to interfere with prosecution witnesses. Four of them will appear before Justice Teresa Joherty for a video link from Rwanda.

AllAfrica.Com
Wednesday, 13 July 2011

Initial Appearance of Five for Contempt Will Take Place July 15

Press Release-Special Court for Sierra Leone

Five persons accused of contempt have been ordered to appear before the Special Court in Freetown on July 15 to plead to charges they attempted to interfere with Prosecution witnesses.

Hassan Papa Bangura, aka “Bomblast” and Samuel Kargbo, aka “Sammy Ragga”, are ordered to appear before Justice Teresa Doherty at 9:00 a.m., while convicted former Armed Forces Revolutionary Front (AFRC) leaders Ibrahim Bassy Kamara and Santigie Borbor Kanu, aka “Five-Five”, are ordered to participate in the proceedings by video link from Rwanda.

All four are charged with two counts of attempting to bribe a witness to recant testimony given in the AFRC trial. Kamara faces an additional count of disclosing the name of a protected witness “in knowing violation of an order of a Chamber”.

Eric Senessie is ordered to appear in court at 12:00 p.m. to plead to a nine count order in lieu of an indictment. He is charged with nine counts of attempting to induce Prosecution witnesses in the Taylor trial to recant testimony given before the Court in The Hague.

The Special Court’s Defence Office has assisted the Accused in securing legal representation.

If convicted of contempt under Rule 77 of the Rules of Procedure and Evidence, the Accused could face a prison sentence of up to seven years, a fine of up to two million leones (approximately \$500), or both.

Voice of America

Tuesday, 12 July 2011

Botswana, African Union Disagree Over International Criminal Court Warrants

Peter Clotey



Photo: AP POOL

U.S. first lady Michelle Obama is greeted by children as she arrives in Gaborone, Botswana, Friday, June 24, 2011. file photo)

Botswana will continue to support trials by the International Criminal Court (ICC) of accused human rights abusers in Africa, despite opposition by the African Union (AU), says an administration official.

Government spokesman Jeff Ramsey says

Botswana will uphold its treaty obligations as a signatory to the Rome Statute, which established the court, based in The Hague.

“If an arrest warrant is issued by the ICC, we would honor that if the circumstance arises in our country,” said Ramsey.

At its recent summit in Equatorial Guinea, the African Union resolved not to cooperate with international arrest warrants issued by the ICC against Sudanese President Omar Hassan al-Bashir and Libyan leader Moammar Gadhafi.

The ICC accuses both leaders of committing war crimes and crimes against humanity. The AU maintains the ICC targets only African countries, a charge the ICC denies.

Botswana broke ranks with the AU, vowing to arrest the two African leaders if they enter Botswana’s territory.

Botswana disagrees with the AU’s position, said Ramsey.

“We don’t agree with the analysis that (the ICC) is just targeting Africa,” said Ramsey. “It’s also equally true that many of the situations at the ICC have been referred to the ICC by either African countries or others on the continent.”

Critics of the ICC accuse Botswana of undermining solidarity among the AU member states. Supporting the arrest warrants, they say, makes Botswana a party to decisions that they say fundamentally weakens African independence and re-establishes European dominance of African affairs.

Ramsey denied the accusation as unfounded.

“I don’t think we find it fashionable to go against the grain, but we do have certain principles, which the current government is prepared to uphold,” said Ramsey. “The [Botswanan] president has been quite clear in terms of his own stance that Africa must stand up for human rights and democracy on the continent. And these are principles that are part of the African Union.”

Radio Netherlands Worldwide

Wednesday, July 13, 2011

Buying Justice: The Supply, Demand and Cost of ICC Justice



Imagine the following scenario:

Assume that the people of Libya and Syria are all represented by one individual each who is charged with requesting that the human rights violations and atrocities in their respective nations are investigated by the

ICC. Since neither Syria nor Libya are members of the ICC, both of these representatives need to make their requests to the UN Security Council. Both representatives are sitting in the waiting room, preparing to make their case. It is decided that Libya will make its presentation to the Security Council first because their crisis occurred first and, well, everyone is itching to get rid of that embarrassing Gaddafi fellow. The representative makes his case and comes back into the waiting room with a big smile and says: "Success! Just got a resolution passed. The ICC's going to investigate Libya!" At hearing these inspired words, the Syrian representative's hopes rise. He thinks to himself: "if they refer crimes against humanity and war crimes in Libya to the ICC then they must refer the crimes in Syria too! After all, a crime against humanity is a crime against humanity is a crime against humanity." The Syrian representative gets up and approaches the glass door to the Council. Right before he reaches it, however, a sign is flipped from "Open" to "Sorry, closed for business". Furiously, the Syrian representative requests to know why he cannot give his presentation to the Council. Finally, someone takes him aside and informs him: "Look, they won't tell you this to your face, but there's no money to investigate crimes in Syria. All the money's been spent."

By Mark Kersten, posten on 9 July 2011

Of course, this story could never happen as I've described it. However, it conveys a key truth that is too rarely discussed: there is only so much money for justice at the ICC and it is running out.

The Council of Foreign Relations describes how the ICC is funded as follows:

"The ICC, as an independent body, is funded primarily by its member states. The contributions of each state are determined by the same method used by the UN, which roughly corresponds with a country's income. Additional funding is provided by voluntary government contributions, international organizations, individuals, corporations, and other entities. The United Nations may provide funding if it is approved by the General Assembly and is related to a "situation" referred to the court by the Security Council."

In neither of the two cases referred to ICC by the UN Security Council (Sudan in 2005 and Libya in 2011) did the Council provide funding, leaving it instead up to individual member states to cover the costs.

Further, key members of the governing body of the Court, the Assembly of States Parties (ASP), consisting of the member-states of the ICC, have been reluctant, to say the least, to expand the Court's budget. With the exception of the Netherlands' rate of inflation, the ICC's budget is intended to have zero growth from year to year.



Despite calls, little action has been taken to investigate alleged crimes in Syria.

Photo: Mark Kersten

The problem, then, is rather simple: the number of investigations and cases in front of the Court has grown but the Court's resources to investigate and prosecute those cases remain stagnant. The danger looms: the Court may only be able to respond to some cases on the basis that it only has money for some and not other crises. But is it not morally reprehensible that money is a limiting factor in who gets justice?

Budget issues aren't particularly 'sexy' but if the Court cannot meet the demand for international criminal justice, it is hard to see how it can remain a legitimate international institution. As its critics often point out, the Court is not cheap. In order to function effectively, the Court must pay for witness protection and travel, defense and prosecution counsel, field-based investigations, not to mention the arduously long hearings and architecturally opulent new headquarters. None of these things come cheap and for the Court to achieve some degree of justice, as Jonathan O'Donohue points out:

"It is unrealistic to expect the ICC to grow in response to the demands of the international community and at the same time demand that the associated spending be absorbed without degrading the quality of the Court's work."

O'Donohue is Legal Adviser for Amnesty International's International Justice Project and leader of the Coalition for the International Criminal Court's team of NGOs on budget and finance.



The ICC is heading towards a funding crisis.

Photo: Mark Kersten

The ICC is already hampered by selectivity issues: it can only investigate those "most responsible" for international crimes; it focuses exclusively on individual guilt, neglecting critical collective and social factors of conflict and crime; it is only able to

investigate crimes after July 1, 2002; and it can only investigate those situations under its jurisdiction or which are referred to it by the Security Council. If its funding does not expand, budgetary capacity will be added to this list. Worrying for the ICC's advocates is that the fault for this new, financially driven selectivity will be attributed to the ICC rather than the international community which refuses to fund the Court adequately.

A particularly cynical view of this problem might suggest that some members of the international community are actively seeking to undermine the ICC by putting it in an untenable financial position. Perhaps the Security Council is throwing the Court to the wolves by referring cases to it without much in the ways of political or financial support for it. Similarly, perhaps disgruntled and financially constrained ASP member-states are doing the same. Whether intentional or not, both the Security Council and the ASP member states

who refuse to expand the Court's budget are effectively undermining the ICC's legitimacy and effectiveness.

The Convenor of the CICC, William Pace, has picked up on this issue in a recent press release:

"We are seriously concerned that governments, including members of the UN Security Council, have on one hand increasingly engaged the Court as a major actor in peace and security management, for example in referring a situation like Libya, and on the other hand are ready to make decisions that could undermine the Court's ability to deliver meaningful justice."



Money for justice? Bad idea.

Photo: Mark Kersten

There is also another political danger of a financially strapped Court: that states voluntarily provide the Court with large sums of money and gain a degree of influence or control of elements of the ICC's work. This might mean getting first consideration of particular jobs at the Court. But, more worryingly, it might also be favourable investigations of only one side of a specific conflict, something the ICC has already been hampered by. It is worth considering a domestic analogy in this context. In democratic, rule of law abiding states, Supreme Court judges are often the highest paid civil servants in order to guarantee that they have no incentive to be swayed by financial benefits. Similarly, the ICC must have sufficient funds to guarantee that influencing its work through large donations is not even a theoretical possibility.

While the increase in demand for justice across the world, particularly in 'Arab Spring' states, has been hailed as historic by many, the supply may yet come to disappoint even the most fervent supporters of the ICC.

The reality is that the effects of funding – or lack thereof – of the ICC is a largely unexplored area. While it is sure to become an issue in the near future, international NGOs, groups, academics and, yes, bloggers, have failed to raise awareness about the potential for selectivity on the basis of funding. Instead of building understanding and preventing this potential financial crisis, we are instead reacting to it. Regardless, drumming up awareness is better done late than never.

The lofty and aspirational rhetoric of the men and women responsible for making the ICC a reality vehemently declared that the peoples of the world are demanding justice and that now is the time to serve this demand with a permanent court. It would be not just a shame and a blemish on the Court's record but a fundamental injustice if the supply of international criminal justice could not meet its demand because of money.

ICTJ

Friday, 8 July 2011

Conclusion: A Call to Action

Latin America Conference on Transitional Justice, Brazil.

Eduardo Gonzalez, director of ICTJ's Truth and Memory Program, closed today's discussions, thanking panelists, organizers, donors and partners, and all who came to participate in the conference. He opened by acknowledging that every state's experience with transitional justice is unique; there is no one method that can be universally applied. It is nevertheless crucial to engage in a comparative analysis of the lessons learned and experiences of other countries in transition.



While this conference has focused on sharing the comparative experiences throughout Latin America, this has not been an academic exercise but a call to action, Gonzalez said. The experts who spoke in the past two days are activists who have lived through and experienced the fight against dictatorship, abuses and impunity. He urged Brazilian authorities to learn from the experiences of other countries and called on Brazilian activists to continue the fight for truth, accountability, reparations, and justice.

He concluded by summarizing the discussions of the conference.

The first session was on reparations and the importance of consistency, completeness and sustainability of reparations policies. Panelists shared lessons learned in reparations programs in Peru and Chile. In the keynote speech Cristian Correa, ICTJ senior associate, highlighted the importance of holistic reparations measures and listening to the experiences and needs of the victims when implementing reparations.

The second session was on institutional reform: transforming the security forces in times of transition, with experiences of Argentina and El Salvador discussed. Speaker Juan Faroppa, consultant of the Inter-American Court of Human Rights, spoke about the role of security forces in guaranteeing the rights of the population and suggested measures to ensure this is achieved.

The final session of the first day focused on truth-seeking: the right to truth and the role of truth commissions in achieving it. Priscilla Hayner, senior advisor to the Centre for Humanitarian Dialogue, reflected on the power gained from investigating and establishing the truth and the role Latin America has played in setting the standards we now come to expect from truth commissions.

The second day began with a session on criminal justice, focusing on amnesty laws, the Inter-American Court of Human Rights, and the impact of international jurisprudence in the domestic prosecution of human rights violations. The central presentation was given by Victor

Prado Saldarriaga, judge of the Supreme Court of Peru, who discussed different types of amnesty laws that have been used in Latin America and what these laws meant for perpetuating impunity.

Session five focused on safeguarding archives and access to information. Panelists debated states' obligation to preserve archives of human rights violations and make information available to the public. Catalina Botero, Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights led the panel with an analysis of access to information as a right, and the limitations and obligations to this right.

The final session of the conference focused on the role of civil society in transitional justice. Javier Ciurlizza, director of the Latin American and Caribbean Program at the International Crisis Group argued that civil society must carry the fight for the principles behind transitional justice, using examples from Chile, Spain, Colombia, Argentina and Guatemala to illustrate the relationship between social movements and human rights in the success of political transitions.