

**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:

Monday, 25 July 2011

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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The Democrat (Liberia)

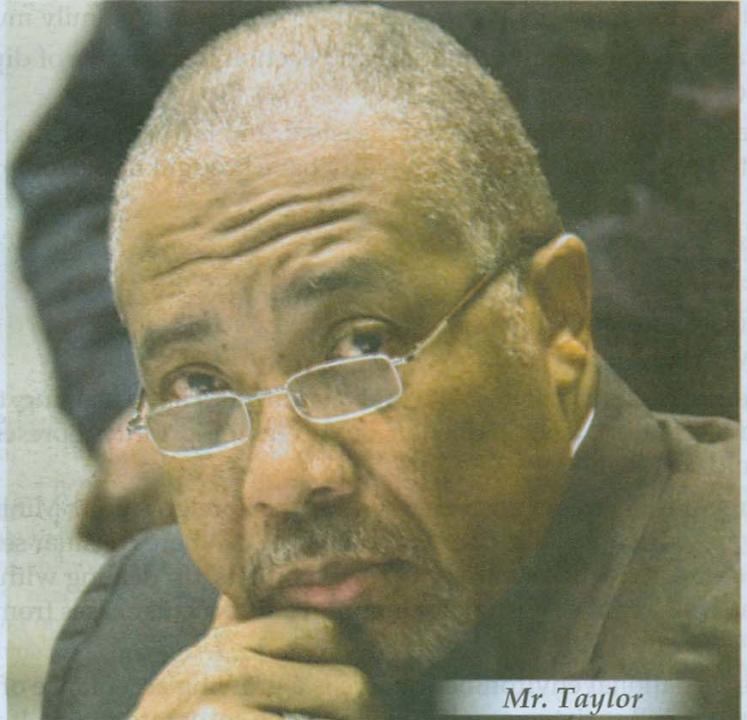
Thursday, 21 July 2011

One Convicted, 4 Plead Not Guilty

In Taylor's Witness Tampering

Five persons facing trial in two separate proceedings appeared in court on Friday to plead to charges they attempted to induce witnesses to recant testimonies they gave before the Special Court, and thus interfered with the administration of justice.

In the first case, two members of Sierra Leone's defunct Armed Forces Revolutionary



Mr. Taylor

C o u n c i l (AFRC), Hassan Papa Bangura (aka: "Bombblast") and Samuel Kargbo (aka: "Sammy Ragga") appeared in person before Justice Teresa Doherty at the Special Court in Freetown. Two other accused, convicted former AFRC leaders, Ibrahim Bazy Kamara and Santigie Borbor Kanu (aka: "Five-Five"), appeared in court via video link from Rwanda, where they are serving lengthy prison sentences.

All four persons were charged with two counts of offering a bribe to a witness, and of interfering with a witness, in violation of Rule 77 of the Rules of Procedure and Evidence. Kamara faces a third count alleging that he knowingly disclosed the name of a protected witness.

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Kamara, Kanu and Bangura all pleaded not guilty to the charges. Trial proceedings in the case will be scheduled at a later date.

But Samuel Kargbo pleaded guilty to both counts, and convictions on these charges were entered by Justice Doherty. In a written statement to the Court, Mr. Kargbo offered to testify as a prosecution witness in any future proceedings. Sentencing has been put off until after the trial of his co-accused.

In the second proceeding, former Revolutionary United Front (RUF) member Eric Koi Senessie pleaded not guilty to nine counts alleging he attempted to bribe or otherwise interfere with prosecution witnesses who testified in the trial of former Liberian President Charles Taylor.

Bangura, Kargbo and Senessie were granted bail and released on their own recognizance under conditions which include not contacting, directly or indirectly, either the witnesses or their co-accused, to maintain their current residences, to report once a week as directed, and to appear at

In Taylor's Witness Tampering



The Hague Chamber

hearings when directed by the Registrar.
Since none of the accused

is deemed to have sufficient means to hire lawyers, the Defence Office has assisted

them in securing experienced counsel to represent them in the proceedings.

A person convicted of contempt under Rule 77 faces a maximum term of seven

years imprisonment, a fine of up to two million leones (approximately \$500), or both.

New Era (Namibia)

Monday, 25 July 2011

<http://www.newera.com.na>

African stance on ICC ‘justified’

By Tunomukwathi Asino

WINDHOEK – There are diverse views among African countries when it comes to rulings being made by the International Criminal Court (ICC).

Dr Andrew Niikondo, the Head of the Public Management Department at the Polytechnic of Namibia, says that many countries in the world, especially in Africa, have “lost confidence in that institution called ICC, because its operations are biased”.

He says African countries’ grievances are justified, “because you have never heard any American president or British prime minister served with a warrant of arrest for committing crimes against humanity”, no matter how serious the crime.

He added that this indicates that the ICC is imposed on Africans and other developing countries including the former socialist countries.

“ICC also serves as an agent of NATO forces, because it is usually active in areas where NATO forces are invading or where the West is struggling to carve out economic interests,” he added.

Namibian Minister of Justice, Pendukeni Iivula-Ithana, recently said Namibia would not comply with the warrants of arrest for beleaguered Libyan president Muammar Gaddafi and Sudanese president Omar al-Bashir who stand accused of crimes against humanity by the ICC.

The African Union (AU) has informed its members not to comply with the warrants. But some African countries vary – notably Uganda and Botswana have declined the call by the AU.

The Botswana foreign minister Phandu Skelemani was quoted in the media as saying the AU resolution was forced upon its members.

Niikondo continued: “George Bush and Tony Blair, for example, invaded Iraq lying that the country had weapons of mass destruction. Inquiries made by the International Atomic Energy Agency (IAEA) proved their claim wrong, but they went on to attack Iraq and killed many people, probably more than what Saddam Hussein did, but the ICC has never issued any warrant to arrest Bush and Blair.”

He added: “Currently, the British, Italy and France are killing civilians in Libya, but the ICC only wants to arrest an African leader, Muammar Gaddafi, under the pretext that he has committed crimes against humanity such as killing civilians, while European invaders are regarded by the so-called ICC as being crystal clean.”

On what should the ICC do to ensure that it regains Africa’ confidence, Niikondo said: “I think their credibility is fatally damaged in Africa and it is not likely to revive it again.”

Daily Mirror
Saturday, 2 July 2011

The Untold Side on War Crimes

*"When one kills another he is sentenced to the gallows.
When another kills 20000 he is re-elected President of the
US' Rawalpindi Joke, circa 2004*

*After the carnage they are welcomed as honored guests
in Geneva, Berlin, Oslo, Sattaship and Hakone for peace
negotiations. That's like inviting your own killers for
dinner for a chit- chat.*

Colombo Joke, circa 2004



Is the choreography being reset for a second coming after a failed bid to enter by an armed intervention on a beach front near Nandikadal Lagoon? This time it is not an amphibious landing by US Marines in camouflaged fatigues but well-oiled inmates from judicial homes of elders in moth balled suits, entering a courthouse with a blinded scale of justice and a sharpened hatchet in either hand: impatient to tweet a judgment.

Attempt for a military intervention failed by a narrow squeak. Roberto Blake made a thrust on the Ministry of Defence - deflected with a neat glide of a possible blood bath with an unpredictable Prabhakaran and of geo-political complications surrounding the seas around India; undeterred Blake rushed to India House to meet High Commissioner Alok Prasad to place a proposition to insert the Marines.

New Delhis South Block were aghast of an American military flotilla berthed in their private swimming pool in this part of the Indian Ocean. Mildly put, Blake ended with egg in face. Embassy Street, twitters, Blake did not take the rebuff well and holds it against Sri Lanka for sending him down a blind alley to look a silly. That probably speaks for his attitude on Sri Lanka.

After a transition from an authoritarian to a democratic regime or from war to peace, to supposedly test accountability, provide justice and foster reconciliation, a mechanism branded 'post conflict justice a.k.a transitional justice' has been designed.

This is a 'on your marks-get set' position to await the sound of the starters gun to fire, to run for an international judicial intervention. In a nutshell to create an opening for foreign interference (post conflict) in the domestic sphere in the name of humanitarian laws now compressed and canonized as R2P.

This time there is an eerie silence on the part of the normally local-vocal NGO stalwarts to raise a clarion call, leaving it to their mentors and

sponsor's abroad to sound the bugle. Local names and faces calling for international intervention normally raises blood pressure levels of native residents just as raising a red rag would do to infuriate a resting bull.

In military terms its 'tactical withdrawal for strategic reasons' that reads in humanitarian mumbo-jumbo as 'making a hasty retreat to a safe house.' Can local NGO chapters walk the streets carrying a board called traitor? It's safer to be a rabbit resting in a warren hiding in a corner nibbling an imported acorn.

There are two forms of tribunals to deal with such situations-international and domestic. It's a toss up between restorative and retributive justice. The school that favours retributive justice places the chopper at the feet of individuals or a gun at head of governments and security services. The purpose is accountability to deter future conflict but the eventual striving is to reach peace and reconciliation.

The conflict in Sri Lanka is unique where one side to the conflict was wiped out without a trace. Mind you, it was a universally recognized terrorists outfit that refused any peace overtures. Therefore elimination was a pre-requisite to commence a meaningful reconciliation process. Negotiation was word the LTTE never understood especially after the death of Balasingham.

In the reconciliation process the accountability factor will attract only Sri Lanka as a party, the minimal offender by the harshest yardstick of the two contenders, alleged of evils. The same party has made- a once war thorn nation, secure in peace and the most stable in region with total control in the acts of reconciliation.

How realistic will a reconciliation process be where the reconciler stands alone in the dock to face charges for ushering peace and democracy and ending terrorism? Will an arm be extended if the head is to be chopped?

Sri Lanka has experienced foreign interferences to prevent the elimination of terrorism. The accusers insistence, to seek a peaceful resolution instead of being engaged in an armed conflict, established as a proved failure, after exhausting it to the maximum while suffering the consequences of its ill-fated attempts, reveal where the heart and mind lies. Those that can give such ill-advice are the same that cry for foreign judicial intervention. Where is their credibility? Where is the confidence in them?

Any foreign judicial intervention will be resisted by the people who would look upon it as a punishment for ignoring the commands of West that were in their view, made mala fide as subsequent events proved. In Sri Lanka, even those that opposed war (except for a few hardline leftists and elamist) are now celebrating the war victory overwhelmingly. Even the political parties opposing government will raise both hands to keep foreign elements out of war crimes for their own political survival, except for the TULF/TNA, living it up on the Diaspora diet.

A call for a referendum (with foreign observers present to determine it is a free and fair) to determine the need for inquiry on war crimes, will display a mammoth negative reaction- the trump the President holds in his hand. For an affirmation on the need for reconciliation both hands will be raised. The need for genuine reconciliation precedes all other considerations –the prime norm of international humanitarian laws in dealing with post war conflicts.

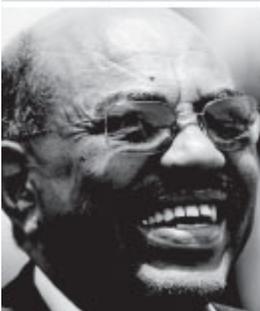
Sugarcoated capsules or arm-twisting threats coming from foreign sources may send saccharine levels high or shivers down spines but the predominant factor is to maintain sustainable peace and drive hard towards reconciliation.

This does not absolve the obligation of the government to create the environment for reconciliation, where much has to be done. They have failed to assuage the Tamils of their grievances sufficiently, most of which remain untouched. Look and Learn Commission from whom much is expected has failed to issue an interim report outlining the required avenues of reconciliation. Why are they failing to Look at the prime issue and give the benefits of their Learning after hearing the sayings of the People for so long? Are we twiddling thumbs as foreigners are trying to scorch us on tires after we put out the fire?

Come September we will be in more trouble if unattended.

International Criminal Court's most wanted

The International Criminal Court in The Hague is seeking the arrest of 10 war crimes suspects – all of them Africans – but with no police force of its own, the court is reliant on member states to enforce arrests

	<p>Joseph Kony Head of <i>Lord's Resistance Army</i> (LRA) – rebel group engaged in conflict with Ugandan government</p>	<p>Bosco Ntaganda Commander of armed militia group in eastern D.R. Congo. Now acting as Congolese army general</p>	
<p>Kony and senior LRA members <i>Okot Odhiambo</i> and <i>Dominic Ongwen</i> wanted since 2005 for war crimes, including murder and rape of civilians</p>		<p>Arrest warrant issued 2006 for alleged use of child soldiers from 2002-03. Co-accused <i>Thomas Lubanga</i> currently on trial at ICC</p>	
	<p>Omar al-Bashir President of Sudan has maintained autocratic rule since seizing power in Islamic-backed coup in 1989</p>	<p>Muammar Gaddafi Libyan leader for 42 years, has vowed to "die a martyr" in his fight against rebel and NATO forces</p>	
<p>Accused in 2009 of war crimes and genocide in Darfur. Sudanese official <i>Ahmed Haroun</i> and militia leader <i>Ali Kushayb</i> also accused</p>		<p>Issued with arrest warrant June 27 for ordering attacks on civilians. Son <i>Saif al-Islam</i> and intelligence chief <i>Abdullah al-Sanoussi</i> also indicted</p>	

Aljazeera

Monday, 25 July 2011

"Blood diamond" regulation system broken

The recent regulatory approval of Zimbabwean diamonds for sale reveals deep flaws in the system.



China, now the world's fastest-growing diamond market, has allowed the sale of diamonds from the Marange fields in Zimbabwe [EPA]

The recent approval of Zimbabwean diamonds mined from the \$800bn Marange fields by the Kimberley Process (KP) chair, the DRC's Mathieu Yamba Lapfa Lambang, has prompted a global "human rights" outcry with KP members such as Canada, the EU, and the US claiming there was "no consensus".

Meanwhile, other countries like China (the world's fastest growing diamond consumer market), and India (which cuts and polishes 11 of 12 stones) have all given the green light to Zimbabwe, removing any potential problems of surplus minerals from Marange, which has been described by Zimbabwean Finance Minister Tendai Biti as "the biggest find of alluvial diamonds in the history of mankind".

With potential revenues pegged at \$1-1.7bn annually, the support of neighbouring governments like South Africa, another major diamond producer, and "host" country to 3 million Zimbabwean political and economic "refugees", is not surprising. Nor is the potential KP rupture being shaped as a battle between politically "interfering" Western nations and cash-starved developing nations.

That Zimbabwe's diamonds are mined under the direct surveillance of the country's vicious military and controlled by brutal lifetime dictator Robert Mugabe is not in question. Since the discovery of Marange's diamonds in 2006, the military has largely supervised mining; mass looting by political, corporate and military elites has occurred, accompanied by violent displacement and human rights violations; companies

based in secret jurisdictions such as Mauritius and Hong Kong have been granted "due diligence" approval; and there exists complete opacity over volumes extracted, exported and sold.

But to what extent does the vehement opposition stem from political objections to a nation controlled by the blatantly anti-Western Mugabe? More broadly, was the KP system - propagating that less than one per cent of global diamonds constitute "blood" minerals - built for the purposes of eliminating corporate and state-sanctioned exploitation, or normalising and sanitising it?

Governments given a free pass

Arguably the best thing about the much-lauded and oft-applauded KP system, an international initiative created and backed by governments, multinationals, and civil society organisations to diminish the trade in conflict or "blood" diamonds, is that the KP's very definition of blood diamonds, by default, excludes the world's primary agents of "conflict": governments. It also excludes the private mining corporations that partner with the governments in developing countries to extract the diamonds.

By default, the KP's definition excludes Zimbabwe as a "conflict" agent.

According to the KP, "Conflict diamonds means rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments".

This definition, spurred by the investigative research of two NGOs, Global Witness and Partnership Africa Canada, was largely structured around two cases: Angola's brutal opposition movement UNITA under Jonas Savimbi, which used resources as "portable wealth" to fuel the 27-year conflict with the MPLA government; and Sierra Leone's civil war-for-resources, facilitated and backed by neighbouring Liberian warlord Charles Taylor. Both cases, which saw violent exploitation of alluvial diamond fields, were identified as rebel movements striving to undermine the governments of Angola and Sierra Leone through the control of key mines.

Marginalised were the key roles that governments played in initiating and sustaining both conflicts: as much as 70 per cent of Taylor's official war-chest, which financed the rebel movement in Sierra Leone, was supplied by major Western multinationals, with the assistance and blessing of the US government.

This was done via Liberia's maritime "tax haven" registry, which operates from the US state of Virginia, just outside of Washington. The registry, known as the LISCR, peddles Liberia's flag (i.e. corporate registration) for a small fee (\$713), in exchange for zero tax and a host of other secrecy services. Liberia, through its US base, hosts over 11 per cent of global maritime trade and represents one of the world's top two "flags of convenience" (FOC).

During a lawsuit brought before the US Supreme Court, it was stated,

"Taylor's oversight of LISCR is so tight he acts in effect as one of LISCR's senior partners, and is intimately involved in all aspects of management, personal assignments [and] distribution of funds, salaries and foreign offices....Taylor received a substantial piece of LISCR's revenue—up to one-third."

No matter. "LISCR has always cooperated with, and received support from, the US State Department," stated key LISCR figure Yoram Cohen.

Meanwhile, the US' political, financial and military support for Angola's Savimbi - described by US President Ronald Reagan as a "freedom fighter" (though a US diplomat countered that he was "pure evil") - was not only in partnership with South Africa's apartheid regime, which also financed Savimbi as well

as military strikes on the MPLA government, but continued long after the MPLA was globally recognised as Angola's legitimate ruling party. The three decade-long conflict, which resulted in the deaths of 330,000 children from 1980 to 1988 and cost \$30bn during the same period, was directly fueled by Angola's vast diamond wealth. The landmark Fowler Report (2000) claimed that UNITA could easily wash diamonds through official channels.

De Beers funds African conflicts

While the KP definition of "conflict" diamonds makes no mention of state-sanctioned human rights violations and conflict waged by "legitimate" governments - in both cases, the US government played a key role undermining legitimate governments - so too does it elide the role of corporations, chiefly De Beers, which controls 70 per cent of the rough diamond market, in facilitating and sustaining the conflict as buyers.

Between 1992 and 1993 alone, De Beers was known to have purchased between \$300-500m in diamonds from UNITA. The Fowler Report claimed that in 1999, around the time Global Witness began drawing attention to the subject, De Beers ceased purchasing diamonds directly from Savimbi (labeled by the AU as an "agent of apartheid South Africa") or via potential third parties. The combination of a democratic South Africa and the loss of De Beers' direct support destroyed UNITA's political and financial foundation.

Savimbi himself would be killed soon after, in the same year that the Kimberley Process certification system was formally adopted.

For their part, African governments, including many tinpot regimes, are all too happy with the KP system primarily requiring self-regulation on the part of governments. The deliberate simplification of "conflict" resources as non-state, apolitical, and marginal to the global architecture intentionally locates it against a specific backdrop delinked from the forces of supply- and demand-side corruption.

Life in Angola under the helm of lifetime dictator Dos Santos, for instance, is militaristic, brutal and grossly corrupt. As soon as the billions from diamonds and oil, which constitute 99 per cent of exports, are generated, a significant portion is looted.

Yet the KP's narrow definition of conflict diamonds, and the system of compliance, enables the regime to "self-regulate" what constitutes the taking and spilling of "blood", be it an economic, political, or physical conflict. It also enables corporate buyers, such as De Beers, and the company's main Africa rival, the Lev Leviev Group, also connected to the CIF, to purchase diamonds produced under Angola's dictatorship, with a clean and clear KPCS certificate.

Resource-rich Namibia, overflowing with diamonds and ruled by a single party, SWAPO, since liberation, is corrupt, underdeveloped and anti-democratic. Botswana, too, billed as a shining democracy, has been controlled by one political party for more than four decades, and shares the same characteristics with Namibia.

For the KPCS system, coming into effect in 2003, a forced peace is no different from a democracy.

But while the KP system compliments the undermining of democracy and widespread looting in African nations by allocating the right of identification to regimes, the marginalisation of Zimbabwe is perceived as motivated by decisions unrelated to human rights violations. Moreover, the KP system does not even explicitly articulate a human rights provision, preferring to focus on, and protect, the rights of governments.

But not all governments are equal.

Though the US, for instance, switched sides from Savimbi to Dos Santos with apparent ease, the MPLA government - one of China's largest oil suppliers, also partnered with a private Chinese entity - the China International Fund (CIF), mining diamonds in Zimbabwe, does not seem to have forgotten the "Western" tendency to undermine "legitimate" governments for "political" reasons. Nor, perhaps, has the ANC ruling party in South Africa, described by the US, the apartheid government's primary backer, as "terrorists".

Both remember all too well that human rights have nothing to do with foreign policy, especially when it comes to resources.

Proponents vigorously state that, since the 1990s, "blood" diamonds have decreased from 15 per cent to just 1 per cent, informed by the KP's claim that 99.8 per cent of production is mined in member countries, establishing - in theory at least - compliance on the part of diamond-producing and -trading nations. This includes countries like Angola, Namibia, Botswana, the DRC and South Africa, contributing the bulk of Africa's global exports, estimated at 65 per cent of global rough diamonds.

The diamond industry, via the World Diamond Council - of which diamond giant De Beers was a founding member - collaborated with the NGOs driving the issue (as well as the UN and governments globally) to develop and introduce the certification procedure of rough diamonds, governing the trade, known as the Kimberley Process Certification System (KPCS). In 2002, 52 governments adopted and ratified the KPCS which quickly entered into force.

How the system works

So long as a regime - whether producing diamonds, or trading in it - holds "sovereign" state power (and is not classified as a pariah by systemically important governments such as the US - think Iran), that regime qualifies as a participating member.

Participating governments agree to oversight of the diamond trade within their borders through "internal controls" such as tamper-resistant containers, collecting and maintaining official production, import and export data, and running importing and exporting authorities.

Participants must ensure that diamond containers are accompanied by KP certificates stating, "The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds".

In addition to the narrow definition, the KP has no independent mandatory scrutiny and is therefore governed by the very corporate and political forces that stand to benefit most from looted resources.

De Beers, the company that opaquely controls about 70 per cent of the world's rough diamond supply, is largely based in Africa and has partnered with many African governments such as South Africa, Botswana, Namibia and Angola. De Beers seized the initiative as a means of distancing the company's diamonds, which adorn engagement rings, from association with the images of drugged-up child-soldiers trained to use pangas or bush knives to hack off the arms and legs of terrorised people.

Manufacturing demand

For starters, while people may want diamonds, nobody actually needs diamonds. This much was admitted by the advertising firm NW Ayers, retained by De Beers, who created perhaps the world's most potent luxury goods slogan: "Diamonds Are Forever". According to Ayers, "We are dealing with a problem in

mass psychology. We seek to ... strengthen the tradition of the diamond engagement ring - to make it a psychological necessity".

But the biggest secret of all is that diamonds are quite plentiful, and to manufacture value, "price stability" is crucial for maintaining market value through artificial scarcity.

Russia's 90 per cent state-owned entity, Alrosa, supplies 25 per cent of the world's rough diamond market. Said Andrei Polyakov of Alrosa, "If you don't support the price, a diamond becomes a mere piece of carbon." To this end, Russia's state-owned stockpiling agency, Gokhran, is allocated an annual budget to vault millions of gem quality carats each month. In 2009, over 3m carats were stockpiled monthly. In 2010, the agency was allocated a budget of \$1bn.

But you'd be mistaken in thinking that the diamond industry giants are rivals to one another. Rather, they are collaborators coordinating on crucial issues. Alrosa, created in 1992, is the collective product of the Soviet Union state-owned diamond industry, and has a long history with De Beers.

Fast forward to 2002, when new contracts were negotiated providing De Beers with \$3.8bn in diamonds over a period of five years. But EU anti-trust laws - fearing the cumulative global power - 95 per cent, struck the companies, citing monopolistic behaviour. Similarly, the US has cracked down on De Beers for monopolistic behaviour.

Zimbabwe's \$800bn Marange diamond fields may collapse the market if not soon brought within official channels. Supa Mandiwanzira, a representative of Zimbabwe's Diamond Consortium, stated that "we have the potential to destroy the whole industry" by flooding the markets. This was echoed by Zimbabwean Mines Minister Obert Mpofu, who catalysed a "walkout" by NGOs like PAC from the KP in June when he stated that diamonds would be sold with or without KP certification.

So, while for Western governments Zimbabwe presents a political problem, for the diamond industry (and diamond-producing nations) Zimbabwe presents a dangerous economic crisis in the making.

Zimbabwe may yet receive KP approval. Or it ultimately may not. But whatever the case, Zimbabwe is not the crisis facing the KP, but the product of its own innate fault lines.

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The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial policy.