

**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.  
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Exclusive

Thursday, 13 October 2011

# Issa Sesay, Others Cry

Convicted Special Court for Sierra Leone (SCSL) prisoners serving jail sentences in Rwanda have complained of ill-treatments at the Mpanga detention facility in Rwanda.

Issa Sesay, Morris Kallon, Moinina Fofana and five others cited over nine (9) violations of their rights allegedly committed by the SLSC and the Mpanga Prison administration. According to them, the SLSC and the prison authorities have never responded to their demands and concerns raised.

The war crimes prisoners cited language barrier, poor food and medical facilities, climate conditions, communication barriers and visitations as some of the problems they encountered while serving their jail sentences in a foreign detention centre.

Other claims they made are that they

were handcuffed for up to 14 hours on a flight to Rwanda without a rest; The Mpanga prison administration has reduced their medical service insurance to \$20 per year and also that there exists serious language barrier between them and the prison workers. The prisoners also cry for the limitations of their communications and also visitation of their families which is only restricted to their wives.

The Sierra Leonean war criminals are serving long jail sentences in Rwanda for several war crimes committed during Sierra Leone's eleven years civil conflicts. Issa Sesay and others noted that thousands of dollars are being spent by the Special Court for Sierra Leone to take care of the prisoners while in Rwanda. They blamed their unfortunate situation

on the Rwanda prison authorities who are in the habits of depriving them of their needs, especially their medical facilities and communication allowances.

Issa Sesay and others revealed that US\$49 USD is spent on each prisoner monthly for telephone airtime contrary to the US\$150 USD the SLSC claims to provide.

Their medical insurance, they said, should not be US\$20 but US\$9,441,27 for all eight prisoners. The letter of complaint

explained some of the ill treatments they face at the prison. The prisoners further mentioned names of several SLSC and Rwanda prison officers who are the main perpetrators of the act.

According to international laws, the conditions of enforcement of any sentence handed down by the Special Court for Sierra Leone following the conclusion of all proceedings should be in accordance with international law. It is the right of the SLSC to ensure that such conditions of enforcement apply to these prisoners.

Meanwhile, the SLSC is yet to respond to some of the allegations.

## Radio Netherlands

Tuesday, 11 October 2011

### **Khmer Rouge tribunal judge resigns citing political interference**

Siegfried Blunk, the controversial German co-investigating judge, resigned from the United Nations'-backed Khmer Rouge tribunal Monday saying public comments by Cambodian politicians had made his position untenable.

By Robert Carmichael, Phnom Penh

Blunk, who was in the role 10 months, cited a recent statement by Foreign Minister Hor Namhong. According to the Cambodia Daily newspaper, Hor Namhong said last week it was the government's job to decide whom the tribunal should arrest.

Blunk said that and other comments from politicians could be perceived as interference.

#### **Foreigners**

He also quoted Minister of Information Khieu Kanharith, who earlier this year said foreigners who wanted to investigate the tribunal's third and fourth cases (003 and 004) – which the government has long said it would not permit to proceed – should “pack their bags and leave.”

Blunk and his Cambodian counterpart You Bunleng jointly head the Office of the Co-Investigating Judges at the hybrid court. Under the tribunal's civil law system their function is to examine the evidence against suspects and recommend whether or not to proceed.

But the two men have been accused of doing the government's bidding with a seemingly slipshod investigation into Case 003, which they closed in April without interviewing the two suspects and most of the witnesses, and without examining the alleged crime scenes.

#### **UNHQ**

Their decision was widely condemned, and resulted in calls for UN headquarters to investigate what its nominated appointee to the court was doing.

Since then Blunk's office has issued further decisions that have been slammed for lacking any legal merit, and has raised yet more concerns about its ongoing investigation into Case 004.

Each of the five suspects in Cases 003 and 004 is alleged to be responsible for tens of thousands of deaths.

In August Blunk and You Bunleng caused uproar when they said of Case 004: “There are serious doubts whether the (three) suspects are ‘most responsible’.”

A few weeks later the two judges sparked more outrage when it emerged they had rejected a Cambodian civil party applicant in Case 003 on the grounds that the psychological harm stemming from her husband's forced labour and subsequent execution was “highly unlikely to be true”.

Last week Human Rights Watch called on Blunk and You Bunleng to resign from the tribunal, saying they had “egregiously violated their legal and judicial duties”.

#### **Exit**

Blunk's exit will be widely welcomed by victims' groups, legal experts and observers.

UN spokesman Martin Nesirky said by email that the global body was working to ensure that Blunk's replacement – Swiss national Laurent Kasper-Ansermet – was available “as soon as possible”.

The timing of Blunk's departure is certainly convenient for UN headquarters, which has seemed unable or unwilling to deal with what has become a string of embarrassments with his stamp attached to them.

The tribunal has already lurched from crisis to crisis, including corruption, funding problems, mismanagement, cronyism and political interference.

Ou Virak, who heads the Cambodian Center for Human Rights (CCHR), said Blunk's resignation proves beyond doubt that the government has interfered with Case 003 and Case 004 investigations.

“The charade must end,” said Ou Virak in a statement. “The time is nigh for the UN to re-examine its seemingly compliant relationship with the (government).”

Ou Virak said if the tribunal door closed “without a full and frank investigation into Cases 003 and 004, the UN will have failed the victims of the Khmer Rouge.”

CCHR is the latest organisation to call for an investigation. One of the first was tribunal monitor the Open Society Justice Initiative.

“(The co-investigating judges) have repeatedly rendered decisions that nobody understands, that are contrary to every legal rule in the book and consistently so – people have walked out of their office left, right and centre,” says the Open Society's Clair Duffy.

### **Timing**

Duffy hopes the timing of Blunk's resignation “isn't something that's too convenient now”.

“I still maintain that (his resignation) doesn't resolve the underlying question and the underlying problem, which is: To what extent has the government interfered in the judicial decision-making in this court? And what does it mean for the future of cases 003 and 004, and for the institution as a whole?” she said.

The irony behind Blunk's resignation is that Phnom Penh has long said it would not permit Cases 003 and 004 to go ahead. Cambodian Prime Minister Hun Sen bluntly gave that message to Blunk's boss – the UN secretary-general Ban Ki-moon – last year.

In his resignation statement on Monday, Blunk explained that away by saying he had expected Hun Sen's statement to Mr Ban “did not reflect general government policy”.

## Radio Netherlands

Tuesday, 5 October 2011

### **Utter contempt of court at the ICTY**

It was two years ago that judge Patrick Robinson, President of the International Criminal Tribunal for the former Yugoslavia (ICTY), warned in a speech to the UN Security Council that contempt proceedings had a “negative impact on the expeditious progress of trials”.

By Radosa Milutinovic in The Hague

Contempt proceedings, Judge Robinson said, were “sapping the strength of the Tribunal and diverting us from our main objective: the fair and expeditious completion of our trials and appeals”.

As an example, the Tribunal's president cited the peculiar case of Vojislav Seselj – a Serbian politician charged with grave crimes against Croats and Muslims during the wars in the former Yugoslavia. His trial has been adjourned for months in order to investigate possible contempt offences.

In June 2009, when president Robinson spoke to the Security Council, Seselj had already been charged with contempt of court for revealing the identities of protected witnesses in one of his numerous books in which he regularly offends and abuses the Tribunal's judges and prosecutors.

Fast forward to autumn 2011 - and Seselj's contempt of court score card reads: sentenced to 15 months imprisonment; awaiting a second sentencing judgement; facing yet another trial and probably, new charges.

And that was after the Tribunal amended its rules to “deal expeditiously with contempt cases without delaying war crimes trials”.

Moreover, Seselj himself recently pledged to initiate “at least ten more contempt of court proceedings” in order to make the whole exercise “absurd.” At the same time, he claimed that parallel prosecutions against the same suspect on war crimes and contempt charges are “impossible”. “How can the accused be punished?” Seselj asked, acting as his own lawyer.

In the meantime, Seselj's war crimes trial - which started in November 2007 and has progressed painfully slowly - has finally edged towards its conclusion, mainly due to his own decision not to present a defence case.

### **Contemptibly litigious**

Using its "inherent power to punish conduct which tended to obstruct, prejudice or abuse its administration of justice", the ICTY has, to this day, initiated 20 contempt of court proceedings against as many individuals. Among them, the former prosecutor's spokeswoman who published some of the Tribunal's confidential documents; witnesses unwilling to testify; journalists who revealed the identities of protected witnesses; a lawyer who bribed his own witness; a desperate man who signed a false statement for money; a variety of people involved in witness intimidation and, last but not least - Seselj.

Most of these people were convicted. Of 17 completed cases – which lasted from 39 days to 39 months - only four accused were acquitted and one indictment was withdrawn.

Those convicted received a mixed bag of fines (from 7,000 to 20,000 euros) and prison terms (from 2 to 15 months). Judges were, in general, reluctant to impose harsher penalties, although the court's rules allow for fines of up to 100,000 euros and imprisonment of up to 7 years.

Was that enough to achieve the Tribunal's two primary goals – retributive justice and deterrence? Not many people seemed to be deterred by the contempt of court threat, either because they were not aware of it or because they deliberately chose to ignore it.

Take the example of Florence Hartmann. After six years (2000-2006) at the heart of the ICTY as spokeswoman for then prosecutor-in-chief Carla del Ponte, Hartmann not only disclosed sensitive decisions taken by the Tribunal in her book in 2007, but made “specific reference” to their “confidential nature”, according to the court's judgement.

### **Courting the absurd**

Another telling example of the effects of contempt proceedings is the recent case of the most unwilling of witnesses, a Kosovo Albanian named Shefqet Kabashi.

After refusing to testify in the Ramush Haradinaj trial in 2007, Kabashi faced contempt charges and fled to the US. Four years later, he re-appeared before the court only to refuse to testify once again in the Haradinaj re-trial ordered precisely to obtain his evidence. Kabashi then pleaded guilty to contempt and was sentenced to two months in prison, half of which he has already served. Another contempt case against Kabashi is pending.

The purpose of contempt cases seems particularly doubtful in the cases of Vojislav Seselj, the most defiant of all accused. Having spent the last eight years in the Tribunal's custody, Seselj has practically already served a 15-month sentence for contempt, pending the outcome of his war crimes trial. “What could the punishment be?” he asked recently.

Awaiting judgement in a separate contempt case on charges of revealing protected witnesses' identities and yet another trial for failing to remove the court's confidential documents from his web site, Seselj apparently decided to cause as much confusion as he could, using contempt proceedings as a vehicle.

"That is why I've decided to institute, to be the object of at least ten contempt of court proceedings, so that this court could get mired in a quagmire and that the total sum of my punishments for contempt of court would be much higher, much longer, than the one you planned to mete out to me...for all my grave crimes. That is my objective...Ten contempt of court proceedings and the sentences will all in all be over 20 years. The greater the absurdity of it, the greater my victory over this court", Seselj stated during his latest courtroom appearance in September.

It was certainly absurd that eight of ten protected witnesses, whose identities Seselj allegedly revealed, appeared before the Tribunal during his second contempt trial in June to testify in Seselj's defence.

## Radio Netherlands

Tuesday, 3 October 2011

### **Ocampo at ICC - 9 years, 0 convictions**

Time is nearly up for the world's first ever Chief Prosecutor of the International Criminal Court (ICC). Human Rights Watch has published a report about his period in office, entitled "Unfinished Business". International Justice Tribune talked with its author, Liz Evenson.

By Bram Posthumus, Brussels

A cursory glance at the internet reveals all manner of labels attached to the ICC and its most visible official, Chief Prosecutor Luis Moreno Ocampo. At one end it is an "arm of Western imperialism", at the other nothing more than a "paper tiger". Criticism has been particularly virulent against the perceived bias of the ICC: why have, so far at least, all the defendants come from Africa?

#### **ICC basics**

Liz Evenson from Human Rights Watch says there are three ways in which a case can come before the ICC. First: referral by a state that has ratified the document that created the ICC, the Statute of Rome. Second: an order to investigate by the United Nations Security Council. Third: the personal initiative of the ICC Chief Prosecutor. There are currently seven cases before the court; five of those are government referrals: three in the DR Congo, one in the Central African Republic and one in Uganda. Another one (Darfur) is a Security Council decision and one (Kenya) is the result of the Chief Prosecutor's own will.

These constitute the subject matter of Evenson's report.

The Chief Prosecutor and his office have very specific roles, says Evenson: 'To bring investigations and prosecutions and to decide which countries to investigate, who to investigate and for what - and see that through to completion. He must also protect victims and witnesses but he must seek the truth. That is: look for evidence that incriminates an individual - but also evidence that exonerates an individual, in the interest of a fair trial.'

There is one extra, intermediate step, known as the 'confirmation of charges hearing'. Here, the ICC judges will hear the evidence and then decide to let a case go ahead or throw it out.

#### **The Face of the ICC**

It is easy to see how and why the current Chief Prosecutor became the face of the ICC. His role is central to the whole process. Add to this Moreno Ocampo's drive, flamboyant personality and an interesting legal career in his native Argentina and you have the ingredients for a major road show. The report, however, deals less with the character and more with the judicial nuts and bolts.

Impartiality and independence are the two key principles that should guide the work of the Prosecutor's Office, while at the same time an entirely new international legal institution is created. Moreno Ocampo's job has been difficult. But how has he performed? For Liz Evenson the record is mixed.

'We can take the case of the DR Congo. The justice needs there are tremendous. The Chief Prosecutor has conducted three investigations, two in the Ituri region and one in the Kivus. In Ituri, the leaders of two rival militias have been investigated. But our research indicates that those militias were supported by

governments in the region. Rwanda, Uganda and officials in Kinshasa were involved. So we have urged the Chief Prosecutor to go up the chain of command to see if those who supported these militias also share criminal responsibility.’ The implication is clear: not doing so will mean that full justice is not delivered.

In the Ugandan case, the ICC’s impartiality was compromised when Moreno Ocampo and the Ugandan president Yoweri Museveni gave a joint press conference in 2004, announcing the opening of investigations into Joseph Kony, the leader of the notorious Lord’s Resistance Army. The government’s own forces also committed abuses in this conflict and so, Evenson concludes: ‘It did undermine the sense of independence and impartiality – at least at the outset of the investigation. There may be legal reasons why only one side of the conflict has been investigated but the Chief Prosecutor must then explain these clearly.’

### **Weakness**

The Uganda case exposes a crucial weakness of the ICC: its dependence on states parties to deliver alleged criminals. If the government does not want to do it, it simply does not happen. Conversely, governments may think that hauling citizens before the ICC can be a convenient way of getting rid of people they do not like.

The problem becomes even more glaring when we consider non-states parties like Sudan. Since July 14th 2008, Sudan has been ruled by an indicted war crimes suspect. And on March 9th 2009 the ICC issued a warrant for his arrest. This may restrict some of his travel plans but he is still the relatively untouchable President of Sudan. ‘It is a continuing battle to reinforce the importance of the arrest warrants,’ says Evenson. ‘Even if they cannot be executed tomorrow, justice has a very long memory.’ Ask Mssrs Mladic and Karadzic, now before the Yugoslavia Tribunal, a precursor to the ICC.

The Kenya case has brought more balance to the ICC prosecution’s handling of cases. Six alleged instigators of widespread post electoral violence are being investigated – the men coming from both main parties in the conflict and their hearings taking place simultaneously in The Hague. These are positive steps according to Human Rights Watch.

### **Powerful interests – an Africa bias?**

In the end, arrests will come about because of government compliance or international action. But the question must be asked whether the ICC actually does its work free from political interference from the world’s heavyweights. Uganda is a friend of the USA; Sudan is a friend of China – and so on. Liz Evenson puts it subtly: ‘It’s still an unfortunate reality that those who are allied with powerful interests are more likely to escape justice.’

There is a perception that the court is picking on African countries. This is a moot point since African governments were important actors in creating the ICC, especially following the Rwanda genocide. Liz Evenson thinks that the concentration of attention on Africa is problematic – ‘but then the answer cannot be less justice for those who do fall within the ICC’s reach. Yes, all the cases currently being investigated are in Africa but that does not take away from the seriousness of those crimes.’

Ocampo suffers from a degree of criticism but Evenson praises his passion and energy in what has been a challenging job. He has succeeded in putting the ICC on the map.

### **Next chapter**

What does Human Rights Watch look for in the next Chief Prosecutor? Less flamboyance? Fundraising skills perhaps? The Office of the Prosecutor has a huge caseload and limited means. Liz Evenson sums it up: ‘The next person must have demonstrated skills in investigation and prosecution. Good office

management is also necessary, given the amount of work. And the next person must also understand and be committed to communicating the work of the court. Names? Sorry, no suggestions. But these wishes have been communicated to the ICC.'

None of this implies that the current office holder did not do these things but they must be done better and for this reason, 'We've made a choice as an international community – for justice. We no longer want leaders who commit crimes against their own people or against people of other countries being entitled to retire in this golden life of exile. Eventually we want to build a system that can deter these crimes', says Evenson.