

**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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Local News

SCIF Braces for Residual Court / <i>Sierra Express</i>	Page 3
The Revengers' Reasoning and Logic / <i>Punch</i>	Page 4
Fambul Tok Launches Peace and Reconciliation Book / <i>New Vision</i>	Page 5

International News

Liberian, Yemeni Women Win Nobel Peace Prize / <i>Reuters</i>	Page 6
Winning Peace After the War is Over / <i>Regina Leader-Post</i>	Pages 7-8
Liberia Readies for Key Presidential Vote / <i>SAPA</i>	Pages 9-10
Analysis: Should Child Soldiers be Prosecuted for Their Crimes? / <i>IRIN</i>	Pages 11-14

Sierra Express Media

Friday, 7 October 2011

SCIF braces for Residual Court

By: SEM

Special Court Interactive Forum (SCIF) has completed a one day training of trainers' workshop in readiness for the commencement of the Residual Special Court for Sierra Leone.

Over thirty participants were schooled on various topics ranging from contempt proceedings as witness and victims measures, the role of CSOs in promoting international justice, the Residual Special Court for Sierra Leone, and an update on the Special Court for Sierra Leone to the Peace Museum.



Speaking to one of the facilitators and members of SCIF, Thomas Babadie, he highlighted that the trainers will be engaged in awareness raising campaigns on the transition of the court into a Residual Court and what is its duties and responsibilities.

Babadie pointed out that the Bill for the Residual Court is currently in the House of Parliament and soon after its approval, it will surely be transformed.

He added that the Residual Court will be manned by Sierra Leonean judges.

The facilitator furthered that SCIF will also mentor people on how to use the Peace Museum as there is some information that will be considered as codified and could be accessed through stringent procedures.

SCIF is a coalition of Civil Society organizations that was formed in 2004 to engage the prosecution and defence to obtain regular update on the proceeding of the court in a bid to keep Sierra Leoneans abreast with the functions of the Special Court for Sierra Leone.

Punch

Friday, 7 October 2011

Editorial

The Revengers' Reasoning and Logic

Immediately after the Bo incident, President Ernest Bai Koroma set up an Investigation Committee to look into the circumstances surrounding the burning of three buildings-all property of the APC and their supporters. This was welcomed by most Sierra Leoneans and the international community. The reason for this is that nobody wants this nation to take the road that leads to war. In other words those who disturb the peace are no longer welcome in this society.

Now that the Committee has presented its report and recommendations, we know that forty people will be charged to court for that incident. We can no longer accept impunity for political violence.

That is exactly the opposite of what the members of the Sierra Leone Peoples Party are thinking. As regards the Committee's Report, members of the Sierra Leone Peoples Party say they welcome it, but are not happy about the vandalising of their party office in Freetown and Bo for which a similar investigation did not take place.

One can see in this the fact the SLPP members are still bitter about the burning of their offices, which was not treated with the same seriousness..

One can see the reasoning of a group bent on revenge what happened to them, for which they are blaming a rival group.

What is more important at this stage is the bringing to book all those responsible for the violence in Bo, regardless of Party affiliation or colour. If anyone thinks that this is wrong, or is questioning it because of what has happened in the past, then we would want to guess that the person knows that those who will be charged to court belong to one party, his own party, and so he should ask why a similar action was not taken when his own party office was set on fire.

This, simply, is the reasoning and logic of the revenger. The revenger says that what applied in the past in his own case should apply today. They burnt my own party office and no action was taken. And so if I burn their own office no action will be taken. He forgets that time, situation and circumstances largely determine what we do- the actions we take. The logic of the revenger is like the logic of the man who saw another steal public and got away with it, and so he decides that he too will steal public property and he will get away with it. When he is caught, he thinks what has happened to him is unfair

"I am not the only man who has stolen public property. Mr B stole public property the last time and you took no action; so why are you taking action in my own case?"

Imagine a criminal saying that in court in his defence! Will the Judge acquit and discharge him?

In the coming weeks and months we are going to hear a lot about this. The SLLP members are going to grumble aloud that when their own party office was vandalized in Freetown, no serious action was taken. Government did not issue a White Paper on the Shears-Moses Commission of Inquiry, to be followed by the necessary recommended action.

That is a legitimate grievance. That is acceptable. What is unacceptable is the burning down of three building in Bo belonging to the APC and its members and allow that to go with impunity at this time when we are very close to elections. It was just three houses in Bo on 9 September. Do we know how many houses it will be next time if no action is taken now?

New Vision
Friday, 7 October 2011

Fambul Tok Launches Peace and Reconciliation Book

Vincent Jabbie Momoh
Fambul Tok in collaboration with the British Council yesterday launched peace and reconciliation book and film at the British Council hall in Freetown.

In his statement the Executive Director Fambul Tok Mr. John

Caulker thanked the Sierra Leone commercial Bank, Sierra Rutile Limited and the British Council for their valuable contribution to ensure the success of the programme. He explained that the book and film shared story of peace and forgiveness, noting that it

will help the country to maintained sustainable peace for the future of the country.

Mr. Caulker said the Truth and Reconciliation Commission has limited time to move to the villages, noting that his organization works with different communities in five

districts in the country. He added that his institution's programs are designed to ensure the sustainability of peace in the country. He defined reconciliation as a process that has to take time for people to know the value and roles of Fambul Tok.

In her remarks the chairperson of the program who doubles as head of peace and conflict studies Fourah Bay College (USL) Mrs. Memunatu Pratt recalled what Sierra Leone went through during the eleven years rebel war. She said Sierra Leone should be a Mecca for peace and conflict studies and

recommended the use of the book for peace and conflict resolution studies.

She lauded Fambul Tok executive director for the role played after the signing of the peace accord. She described the TRC report as the most credible document, adding that it should be used as Bible in their lives.

Launching the book and film the British Council Director Madam Wadding Ham said she was amazed and impressed, adding that it is important for everybody. She described the book as a powerful instrument that will help peace and conflict students in their studies.

Reuters

Friday, 7 October 2011

Liberian, Yemeni women win Nobel Peace Prize



(Reuters) - Three women who have campaigned for rights and an end to violence in Liberia and Yemen, including Liberian President Ellen Johnson-Sirleaf, won the Nobel Peace Prize on Friday, the head of the Norwegian Nobel Committee said.

Another Liberian, Leymah Gbowee, who mobilized fellow women against the country's civil war including by organizing a "sex strike," and Tawakkul Karman, who has worked in Yemen, will share the prize worth \$1.5 million with Johnson-Sirleaf, who faces re-election for a second term as president on Tuesday.

"We cannot achieve democracy and lasting peace in the world unless women obtain the same opportunities as men to influence developments at all levels of society," Committee chairman Thorbjørn Jagland told reporters.

"The Nobel Peace Prize for 2011 is to be divided in three equal parts between Ellen Johnson-Sirleaf, Leymah Gbowee and Tawakkul Karman for their non-violent struggle for the safety of women and for women's rights to full participation in peace-building work."

Johnson-Sirleaf, 72, is Africa's first freely elected female president. Gbowee mobilized and organized women across ethnic and religious dividing lines to bring an end to the war in Liberia, and to ensure women's participation in elections.

The Committee added: "In the most trying circumstances, both before and during the Arab Spring, Tawakkul Karman has played a leading part in the struggle for women's rights and for democracy and peace in Yemen."

"It is the Norwegian Nobel Committee's hope that the prize to Ellen Johnson-Sirleaf, Leymah Gbowee and Tawakkul Karman will help to bring an end to the suppression of women that still occurs in many countries, and to realize the great potential for democracy and peace that women can represent."

Speaking by telephone from Monrovia, Johnson-Sirleaf's son James told Reuters: "I am over-excited. This is very big news and we have to celebrate."

Regina Leader-Post

Thursday, 6 October 2011

Winning peace after the war is over

Documentary series a look at how women around the world are calling war criminals to account

By Alex Strachan, Postmedia News

WOMEN, WAR & PEACE

Tuesday, Oct. 11 PBS

It's small actions of compassion and dignity that can restore faith in humanity, even in times of war, human conflict and terrible violence.

That, more than anything, is the intended message behind the five-part documentary series *Women, War & Peace*, a harrowing and occasionally spiritually uplifting portrait of how some women around the world are fighting violence with non-violence, and calling the perpetrators to account.

The legal role of the International Criminal Court and the continuing debate over public confession-and-forgiveness panels, such as South Africa's Truth and Reconciliation Commission (lauded by some, dismissed by others) lie at the heart of *Women, War & Peace*, philanthropist filmmaker Abigail Disney told Postmedia News this past summer.

"This is one of the reasons it's so important to take a really broad, cross-cultural look at these issues," Disney said. "We take a look at places like Bosnia and Liberia, where there has been an enormous amount of international energy directed toward catching the perpetrators and bringing them to court, but not really spending the resources or time or moral energy on the rest of the picture. It's been a history of victories and failures. Liberia, Bosnia and other places like Colombia and Afghanistan have all experienced what it's like to be at the focus of international attention, and, at the same time, victims of neglect."

She says there's "no question" the international courts haven't done enough to bring justice to victims, nor remedy "the corrosive effect (that) impunity for perpetrators has on fledgling democracies going forward."

Women, War & Peace, narrated by Matt Damon, Geena Davis, Tilda Swinton and Alfre Woodard, premieres Oct. 11 on PBS. It will air over five consecutive weeks.

The first segment, *I Came to Testify*, is an account of how more than a dozen women, victims of imprisonment and rape by Serb-led forces in the Bosnian village of Foca, defied a centuries-old tradition of silence and confronted their attackers in an international court.

That simple act of defiance resulted in the enactment of new international laws to combat sexual violence in conflict zones.

The second segment, *Pray the Devil Back to Hell*, is the account of another group of women who confronted warlords and the dictatorial regime of Charles Taylor in Liberia. Leymah Gbowee, leader of the Liberian women's peace movement, is featured prominently in the program. This past month, Gbowee published a book of her experiences, *Mighty Be Our Powers: How Sisterhood, Prayer and Sex Changed a Nation at War*, published by Tina Brown's Beast Books imprint.

Other segments focus on a trio of women activists in Afghanistan who are determined that their voice be heard at the negotiating table, a pair of women in Colombia who are standing up for generations of families who have been terrorized and forcibly displaced as a strategy of war and, in the final segment, an overview of the way women activists, intellectuals and community leaders around the world are starting to challenge the conventional wisdom that matters of war and peace are solely men's domain. That final segment, which will air Nov. 8, features extensive interviews with U.S. Secretary of State Hillary Clinton and her predecessors Condoleezza Rice and Madeleine Albright.

Gbowee told Postmedia News that while she's proud of how far her country has come, many Liberians are still crying out for justice.

"As a community activist, the local person, not the grand international view, every time the words 'International Criminal Court' are mentioned, the first thing that comes to my mind is: Whose justice?" Gbowee said. "When I go back and forth in the sub-region, from Liberia to Sierra Leone to Ghana, I know that Charles Taylor is currently being prosecuted for his crimes. But he lives in a well-built prison. He eats three meals a day. Those who were hacked, arms and limbs hacked off, live in tents. They barely find food to eat. There's no outlet for their suffering. You spend millions, billions of dollars to prosecute one person, and yet you have a whole population of people still suffering because of that person. The question of justice - that's a big question mark for me."

It's critical that women's voices be heard, Disney told Postmedia News, if real justice is to be seen to be done in conflict zones that have experienced murder, genocide, torture, and the use of mass rape as a weapon of war.

"This is why it matters to bring women's voices into this conversation," Disney said. "The world has a long history of looking at war and talking about war in ways in which women are completely invisible. Women work mostly at the local level. The wars we look at, and in the years coming forward, are wars between people."

"The only way we can build reconciliation is at the local level, to enable people to work these things out among themselves. Governments cannot impose reconciliation and justice from above. And because women are the heart and souls of these communities, this are the only way, really, that people are going to be able to build reconciliation over the long term."

SAPA

Friday, 7 October 2011

Liberia readies for key presidential vote

Monrovia - Liberia goes to the polls on Tuesday, in an election widely viewed as a test of the West African country's post-conflict capabilities.

Incumbent president Ellen Johnson-Sirleaf, Africa's first elected female head of state, faces competition from 15 political parties. They include the popular Congress for Democratic Change (CDC) party, headed by Winston Tubman - the Harvard-educated nephew of former president William Tubman. His running mate is the former football star and AC Milan striker George Weah, who lost out to Johnson-Sirleaf in a 2005 runoff vote.

Among the other contenders is lawyer Charles Brumskine and former rebel leader Prince Johnson, responsible for the brutal execution of President Samuel Doe in 1990. Among the 16 presidential candidates, three are female.

As the race enters its final week, the capital is teeming with billboards sponsored by Johnson-Sirleaf's Unity Party. "Don't change the pilot when the plane hasn't even landed yet," posters near the airport proclaim. Johnson-Sirleaf is pictured wearing a flight captain's hat.

On the edge of town, images of monkeys grace posters. "Baboon wait small," they read, referencing a popular phrase in Liberian English, "monkey still working."

Johnson-Sirleaf is seeking a second term in office on the basis that her work stabilising Liberia after its 14-year conflict, which ended in 2003, is not yet complete.

Liberia's long conflict brought the country to its knees and killed more than 300,000 people, devastating the economy and infrastructure. The war had two phases; latterly from 1997, when former President Charles Taylor was elected, until 2003. Taylor is now in The Hague, awaiting a verdict in a war crimes trial for atrocities allegedly committed in Sierra Leone.

Steady progress

Johnson Sirleaf has come under fire for providing financial support for Charles Taylor during the 1980s. But she has always defended her actions, saying Taylor had many supporters at the time. Later, she pushed for Taylor's extradition from Nigeria after he fled there, and succeeded him as President in 2005.

Although widely admired by the international community, her bid for re-election has been met with criticism from some Liberians, who remind her of her 2005 promise to stand for just one term. Others fault her administration for its lack of transparency.

But the Unity Party maintains that it has made steady progress in transforming Liberia from a post-conflict country to a developing one. Under her watch, the economy has grown by 6.5%.

Free and compulsory primary education has been introduced, medical clinics have been built and doctors' salaries have doubled to a high of \$450 per month. If re-elected, Johnson-Sirleaf, whose heritage is partly German, says she will double the government's budget to 1 million dollars within the next six years.

In Monrovia, loyalties are largely split between Johnson-Sirleaf and Tubman, with some voters struggling to choose between the two.

"Ma Ellen has done much for Liberia," taxi driver Samuel Koppeh told dpa, "but progress has been very slow. I think the CDC might be better for young people", he said. According to the United Nations, youth unemployment currently wavers between 85% and 95% in the formal sector.

Special elections

Next week's vote will be Liberia's first complete constitutional election in decades. Presidential polls in 2005 and 1997 were instead 'special elections' lacking some constitutional components.

An August referendum intended to make key changes to the constitution was unsuccessful at changing the Liberia residency requirement for candidates from 10 to five years. With just five days to go before polling day, a decision on the eligibility of the three frontrunners - all of whom have spent long periods of time in the United States - is still awaited from the Supreme Court.

The election run-up has also been blighted by rumours and inflammatory talk from some of the candidates. In late September, the managing director of Liberia's national broadcasting corporation was sacked after airing an interview with the CDC's Weah, who shocked radio listeners with his outspoken criticism of Johnson Sirleaf.

But the US-based Carter Centre, which has a team of more than 40 election observers in Liberia, says campaigning has been "vibrant" and "generally peaceful". "Political parties and independent candidates have been able to move freely and to convey their message to potential voters," the group said in a pre-election report.

IRIN

Thursday, 6 October 2011

Analysis: Should child soldiers be prosecuted for their crimes?



Justice systems are struggling to determine whether children should be treated as victims or perpetrators

JOHANNESBURG, 6 October 2011 (IRIN) - International human rights law meanders between the vague and the hazy when it comes to its stance on the age of criminal responsibility and what, if any, punishments should be imposed on child soldiers guilty of war crimes.

The godfather of human rights laws, the Geneva Conventions, oblige all member states to act on grave breaches of human rights, but does not stipulate the age of criminal responsibility.

Robert Young, deputy permanent observer and legal adviser to the International Committee of the Red Cross (ICRC) based in New York, told IRIN international humanitarian law (IHL) remains “silent” on the age of responsibility for perpetrators of grave human rights abuses, such as wilful killing, torture and inhumane treatment.

International Criminal Court (ICC) Article 26 prevents the court from prosecuting anyone under the age of 18, but not because it believes children should be exempt from prosecution for international crimes, “but rather that the decision on whether to prosecute should be left to States,” says the Office of the Special Representative of the Secretary-General (SRSG) for children and armed conflict (Working Paper Number 3: Children and Justice During and in the Aftermath of Armed Conflict, September 2011). “[The] exclusion of children from the ICC jurisdiction avoided an argument between States on the minimum age for international crimes,” it noted.

The age of criminal responsibility varies from country to country, from 7-16, but the bar is most commonly set at 14.

Although IHL does not set a minimum age for criminal responsibility for international crimes, it is argued that a yardstick has been laid down for some form of indemnity through IHL’s recognition that recruitment of child soldiers under 15 was a war crime.

The Children and Justice During and in the Aftermath of Armed Conflict report says: “If a child under the age of 15 is considered too young to fight, then he or she must also be considered too young to be held criminally responsible for serious violations of IHL while associated with armed forces or armed groups.”

“Children are often desired as recruits because they can be easily intimidated and indoctrinated. They lack the mental maturity and judgment to express consent or to fully understand the implications of their actions... and are pushed by their adult commanders into perpetrating atrocities,” the report said.

That children should be held accountable for their crimes during conflicts was acknowledged by the report, but “more effective and appropriate methods, other than detention and prosecution are encouraged, enabling children to come to terms with their past and the acts they committed.”

The report said child soldiers should not be prosecuted “simply for association with an armed group or for having participated in hostilities... There are instances where children are accused of crimes under national or international law and are prosecuted before a criminal court. Prosecution of a child should always be regarded as a measure of last resort and the purpose of any sentence should be to rehabilitate and reintegrate the child into society.”

Victims and perpetrators

The International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) did not cite a minimum age for criminal responsibility, but no one under 18 appeared before the tribunals. The Statute of the Special Court for Sierra Leone (SCSL) provided the court with jurisdiction over any person above 15, but the court’s prosecutor decided against indicting children for war crimes because of their dual status as both victims and perpetrators.

"If minor children who have committed serious war crimes are not prosecuted, this could be an incentive for their commanders to delegate to them the dirtiest orders, aiming at impunity"

It may appear a grey area easily resolved by providing indemnity for crimes committed by child soldiers under the age of 15, but Radhika Coomaraswamy, SRSG for children and armed conflict, noted - in a 2010 article for the International Journal of Children’s Rights: The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict - Towards Universal Ratification - that such a provision could be perversely used.

“If minor children who have committed serious war crimes are not prosecuted, this could be an incentive for their commanders to delegate to them the dirtiest orders, aiming at impunity. For this reason the ICC and SCSL focus strongly on those persons most responsible for human rights and IHL violations and apply the concept of command responsibility to political and military leaders,” Coomaraswamy said.

Command responsibility does not necessarily remove individual culpability for serious human rights violations by lower ranks or subordinates, but “rather it traces liability back up the chain of command,” said legal adviser to the ICRC Young.

When child soldiers become adults

Dominic Ongwen was about 10 when he became a soldier with the Lord's Resistance Army in the 1980s.

The ICC issued an arrest warrant for him in October 2005 for crimes against humanity, including enslavement of children. However, jurisdiction by the court does not extend to crimes committed by people under 18, and before 2002 when the Rome Statute entered into force. The crimes cited are for when Ongwen was an adult.

“Ongwen is the first known person to be charged with the same war crimes of which he is also a victim,” the Justice and Reconciliation Project, a Ugandan NGO concerned with transitional justice, said in a 2008 field note entitled Complicating Victims and Perpetrators in Uganda: On Dominic Ongwen.

“[Ongwen and other child soldiers] represent precisely the kind of complex political victims who, if excluded from justice pursuits, could give birth to the next generation of perpetrators in Uganda; generations marginalized by the judicial sector and who have nothing to gain from citizenship and nothing to lose from war,” the field note observed.

The Lubanga case

Tomaso Falchetta, Child Soldiers International (CSI) legal and policy adviser, told IRIN child soldiers should be viewed as victims and the NGO opposed their prosecution, as emphasis should be on the criminal responsibility of the adult recruiters. CSI “does not advocate for a cut-off point [for the prosecution of child soldiers], as it is a difficult issue.”

The first person to stand trial at the ICC for enlisting children under 15 was former Democratic Republic of Congo (DRC) warlord Thomas Lubanga. His trial at The Hague is nearing completion after he allegedly recruited underage children into the Patriotic Forces for the Liberation of the Congo (FPLC) during the conflict in Ituri, a district in the eastern DRC, between 2002 and 2003.

An international humanitarian law expert, who declined to be identified, told IRIN Lubanga’s case was “tremendously important” as “it will make others pause and think... Every rebel leader must be aware of this case.”

Falchetta said it was “difficult to provide an empirical judgement on that [Lubanga’s ICC prosecution being a deterrent]”, and rather that accountability needed to be enforced at the national state level to discourage the continued use of child soldiers.

The former DRC president, Laurent Kabila, said in 2000 the armed forces would demobilize all child soldiers but a year after he made the commitment, four DRC child soldiers aged 14-16 were granted clemency, after death sentences imposed by a military tribunal led to international condemnation from human rights organizations. A 14-year-old child soldier was reportedly executed the previous year.

Capital punishment for persons under 18 violates the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. The DRC is party to both international human rights treaties.

“The DRC laws may be there [the use of child soldiers is illegal], but when it comes to implementation, investigation and prosecution [of adult recruiters], we’ve seen little of that,” Falchetta said.

The CSI said in an April 2011 report (entitled Report to the Committee on the Rights of the Child in Advance of the DRC initial report on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict) that “hundreds of children remain in the ranks of the national armed forces (Forces Armées de la République Démocratique du Congo) despite legal and policy obligations to release them and government pledges to do so.”

"Prosecution of a child should always be regarded as a measure of last resort and the purpose of any sentence should be to rehabilitate and reintegrate the child into society"

Laws of war

Matthew Happold of Hull University in the UK said in 2005 paper entitled The Age of Criminal Responsibility in International Criminal Law there were “good reasons” for regulating criminal responsibility of international crimes through international law as they were “often distinguished from crimes under national law because they transcend national boundaries and are of concern to the international community.”

He said, in the paper presented at the Hague Academic Coalition’s conference on international criminal responsibility, that from the perspective of a defendant, “it would seem wrong for an individual’s liability under international law to depend upon the place of prosecution.... States are obliged to prosecute and

punish offenders. Permitting States to decide their own age of criminal responsibility would allow them to determine the scope of their international obligations.”

Child soldiers, like any other combatants are subjected to the Nuremberg principle that holds: “The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.”

ICC’s Article 33 determines that acting on orders from superiors was not a defence of criminal responsibility but there are mitigating circumstances, and among them, is that a person may be relieved from prosecution if they did not know the order was unlawful.

However, the commission of “manifestly unlawful” crimes, such as genocide or crimes against humanity cannot be mitigated.

Young said the “so-called ‘defence of superior orders’... the [Nuremberg] principle that ‘I was just following orders’ can no longer relieve any of us of criminal (and moral) responsibility for unconscionable acts we commit at the behest of others.”

However, Rule 155 of Customary IHL, provided leeway, where “coercion and duress may provide exceptions... and one can quickly imagine how this principle might mitigate the responsibility of a child soldier who was forcibly recruited and forced, under threat of harm, to commit war crimes,” ICRC adviser Young said.