

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



Registrar at award ceremony for prison officers in Rwanda

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

Sierra Leone, Rwanda Envoys Discuss Bilateral Ties

Ralph Ese'Donnu Sawyerr

During a courtesy call on the Sierra Leone Ambassador to Senegal, HE Khadijatu Bassir over the weekend at the Sierra Leone Embassy in Dakar, the Ambassador of Rwanda to Senegal, HE Gerard Ntwari has discussed bilateral issues particularly the Special Court for Sierra Leone with regards Sierra Leone war crime convicts imprisoned in Rwanda emphasizing that the issue and other related concerns of the prisoners are entirely the affairs of the Special Court and not that of the Government of Sierra Leone or that of the government of Rwanda.

The issue of the Special Court was raised as a result of the request made to the government of Sierra Leone by families of war crime convicts currently imprisoned in Rwanda for provision to be made for them to visit their incarcerated relatives.

The families complained that it is very expensive on their part to travel to Rwanda and asked the government to intervene by transferring the prisoners back to Sierra Leone. Ambassador Ntwari noted that though Rwanda is just a custodian of the prisoner, they

are well taken care of as the prison where they are housed meets international standards and prisoners' rights are maintained. He added that Sierra Leone is not the only country with prisoners in Rwanda but prisoners were also accepted from Arusha in Tanzania for genocide crimes.

When asked by Ambassador Bassir as to how Rwanda rose from a country at war to be one that has developed and gained international recognition even to the point of being invited to the Commonwealth, Ambassador Ntwari replied: "It has been a long, difficult and gradual process but we have tried and still coping. However, let me say this strongly, Rwandans have decided to sacrifice and put their country above self for the development of their nation." He added that both Rwandans at home and abroad joined in the developmental process and the nation's agenda for positive change.

"Our aim is to strengthen bilateral relationship especially with African countries, encourage trade, tourism and the exchange of culture and ideas on how to develop further. Ambassador Bassir requested that they work together as it would be in the



Ambassador Gerard Ntwari and Ambassador Khadijatu Bassir in her office.

interest of both post conflict countries to further strengthen their bilateral ties and exchange concrete and practical ideas on developmental issues, especially on trade, democracy and as to how Rwanda managed its justice system to allow perfect peace to reign.

Ambassador Bassir thanked Ambassador Ntwari for his

visit and his country for accepting our war crimes prisoners. She commended Rwanda for being one of the decent countries in Africa with a baseline infrastructural development. Also last week, Ambassador Bassir met the Ambassador of Cape Verde to Senegal, HE Francisco Pereira da Veiga at his Corniche West Embassy in Dakar where she

expressed similar concerns for the strengthening of bilateral ties between the two countries and exchange of developmental ideas, trade and tourism for which Cape Verde is supreme. Since Ambassador Bassir is yet to present her credentials to the Government of Cape Verde, she urged her counterpart to help fast track the presentation.

Salone & Rwanda Ambassadors

Discuss Bilateral Ties

SENEGAL: The Ambassador of Rwanda to Senegal H.E. Gerard Ntwari has during a courtesy call on H.E. The Sierra Leone Ambassador to Senegal Khadijatu Bassir. discussed bilateral issues on which delved on among others, the issue of "The Special Court of Sierra Leone with regards Sierra Leone war crimes convicts imprisoned in Rwanda, emphasizing that the issue and other related concerns of the prisoners are entirely the affairs of the Special Court and not that of the Government of Sierra Leone or that of the government of Rwanda.

The meeting took place over the weekend at The Sierra Leone Embassy in down town Dakar. The issue of the Special Court was raised, as a result of the request made to the government of Sierra Leone by families of Sierra Leone's War Crimes Convicts, imprisoned in Rwanda for provision to be made for them (family members) to visit their imprisoned relatives in Rwanda.

They complained that it is very expensive on their part to meet travelling cost and asked of the government to intervene and have them transferred to Sierra Leone.

Ambassador Gerard Ntwari, noted that even Rwanda is just and merely a custodian of the prisoners. He said that they are well taken care of as the prison has accepted international standards, where prisoner's rights are maintained. He informed that Rwanda has also accepted prisoners from Artush in Tanzania for genocide crimes.

When asked by Ambassador Khadijatu Bassir, as to how they have come so far from a country at war to one that have of late developed and gained international recognition, even to the point of

democracy and as to how Rwanda has managed their justice system to allow perfect peace to reign.

Ambassador Bassir thanked Ambassador Ntwari for his visit and his country for accepting our war crimes prisoners. She commended Rwanda for being one of the decent countries in Africa with a baseline infrastructural development.

Both The Embassies of Sierra Leone and that of Rwanda were opened in Senegal this year. Rwanda speaks both English and French as official languages. Also last week, Ambassador Bassir met the Ambassador of Cape Verde to Senegal, H.E. Ambassador Francisco Pereira da Veiga, at his Comiche West Embassy in Dakar, where she expressed similar concerns for the strengthening of bilateral ties between the two countries and exchange of developmental ideas, trade and tourism for which Cape Verde is supreme.

Ambassador Bassir is yet to present her credentials to the Government of Cape Verde. She has asked her counterpart to do all in his power to fast track the presentation. Accompanying Ambassador Bassir was the Head of Chancery Sahr Johnny, by - Ralph Ese' Donnu Sawyerr, Information Attaché, Embassy of The Republic of Sierra Leone, in Senegal, The Gambia, Mauritania, Cape Verde and Morocco.

being invited to the Commonwealth, Ambassador Ntwari replied "It has been a long, difficult and gradual process but we have tried and still coping. However, let me say this strongly Rwandans have decided to sacrifice and put their country above self for the development of their nation"

According to him, both the Diaspora that is part of their developmental process and the nation's agenda for positive change had contributed in taking them so far. "Our aim is to strengthen bilateral relationship especially with African countries, encourage trade, tourism and the exchange of culture and ideas on how to develop further.

Ambassador Khadijatu Bassir requested that they work together, as it would be in the interest of both post conflict countries, to further strengthen their bilateral ties and exchanged concrete and practical ideas on developmental issues, especially on trade,

Radio Netherlands

Thursday, 10 November 2011

Dutch to close the net on old genocide suspects

By Thijs Bouwknecht (RNW)

The Netherlands is striving to close the net on old genocide cases and alleged mass killers. The Dutch parliament on Thursday approved a bill that will extend the possibility of detecting and prosecuting genocide. The bill - which will now go to the Senate - allows the Netherlands to better address genocide and war crimes suspects retroactively and to work closer with international criminal courts. The proposed bill stipulates that cases dating back as far as 1966 could be dealt with.

At present, the Netherlands has sufficient jurisdiction to prosecute foreigners suspected of international crimes, including genocide. But that law applies only to crimes committed after 1 October 2003. For older cases, the Dutch Genocide Convention Implementation Act applies, whose jurisdiction is limited.

This has attracted hundreds of people accused of serious atrocities to settle in the Netherlands in the belief that they would be protected from legal action. It has given the Netherlands an image as a safe haven for such people.

Dutch citizens

Up to now, prosecution is only possible if the crime of genocide was committed by or against a Dutch citizen. This means in the case of the genocide in Rwanda (1994), Srebrenica (1995) and Cambodia (1975-79), Dutch prosecutors are not able to bring a charge genocide, the most serious crime under international law.

Instead, they are forced to submit alternative charges of war crimes or torture, as was the case in the trial against Rwandan asylum seeker Joseph Mpambara. The Dutch district court in The Hague sentenced him to life imprisonment in July for war crimes during the genocide. Therefore, the Dutch ministry of justice wants to expand the International Crimes Act. In this way genocide dating as far back as the entry into force of the Genocide Convention Implementation Act in the Netherlands - 18 September 1966 - would be covered:

"It is unacceptable that an alien who is otherwise guilty of genocide is immune from prosecution, because the Netherlands, before the time of the crime, had no jurisdiction. This sends an undesirable signal to victims and their families," said former Minister for Justice, Ernst Hirsch Ballin when he proposed the amendments. However, he stressed that he would be cautious in granting retroactive effect. Under the new law, an accused person who is on Dutch territory can be arrested, and that includes suspects who are in transit via Schiphol airport.

The new measure comes as Dutch prosecutors and the special investigation team on international crimes expect more old criminal cases in the coming years. The majority of these cases deal with refugees suspected of international crimes, so-called F-1 cases. Examples include the Rwandan massacres, the wars in Afghanistan in 1978-1992 and, in particular, the conflict in the former Yugoslavia.

Cooperation with international courts

The new bill also regulates the extradition of genocide and war crimes suspects to other countries and international courts. Because of the Netherlands' responsibility as the host of international courts, the government finds it desirable that all international extraditions are possible to countries and other international courts for crimes defined in the Dutch International Crimes Act and the Rome Statute that governs the ICC.

Furthermore, the bill contains a provision allowing Dutch courts to take over cases from international criminal tribunals. Under the existing law, it is not possible to try those accused before the UN tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), the International Criminal Court (ICC), the Special Court for Sierra Leone (SCSL) or the Special Tribunal for Lebanon (STL).

The ability of international courts to prosecute suspects of international crimes and justice, is not unlimited. Because of the limited mandate and temporary nature of international courts they focus primarily on the prosecution of their high level suspects. One major consequence of the new genocide law is that persons suspected of lesser crimes can now be left or transferred to the Dutch authorities.

International Justice Tribune

Thursday, 3 November 2011

STL: in absentia - the only way?

The first hearing on trials in absentia under international law will take place before the UN-backed Special Tribunal for Lebanon on November 11. The defence and the prosecution will present arguments on moving into absentia proceedings.

The STL is the anomaly in the family of international courts. Its Statute is the only one that permits trials in absentia. This marks a significant departure from current practice and procedure in relation to international law. But there is no convincing justification for this yet, say experts.

By Geraldine Coughlan in The Hague

Unprecedented

In absentia - the Latin term for 'in the absence' implies the violation of a suspect's right to be present at his own hearing. Conviction of a person in absentia is considered a violation of 'natural justice'. Now, this begs the philosophical question - what is natural about being put on trial when you're not there? Firstly, Article 22 of the STL Statute doesn't just allow trials in absentia. It makes them mandatory – providing certain threshold steps have been satisfied.

Article 22 is a "recently re-discovered international modality with its roots in the 1945 Nuremberg Charter, which also allowed for trials where the accused had not been detained," finds British lawyer Wayne Jordash.

Reasonable steps

The crucial issue for the Lebanon Tribunal [1] is whether 'all reasonable steps' required by Article 22, have been taken to fully inform the four suspects about the cases against them. Although wanted posters are on display and media messages urging them to surrender are circulating around Lebanon and Syria, it is unclear as to where the fugitives are and whether they are aware of what's going on in The Hague. Sceptics glean no reassurance from lessons learned by the ICTY and the ICC. Neither court allows trials in absentia.

Widespread support

There was widespread support for trials in absentia when the ICTY was created in 1993. There was concerted doubt that all those indicted would face international justice in The Hague. Particularly the highest-profile suspects such as Milosevic, Karadzic and Mladic. There were real concerns that the lack of defendants would 'emasculate' the fledgling court as a bona fide institution.

But the clamour for in absentia trials was resisted by former UN Secretary-General Boutros Boutros Ghali in his report to the UN Security Council. Until the accused is physically present, a trial should not begin, he asserted. "There is widespread perception that trials in absentia should not be provided for in the statute as this would not be consistent with Article 14 of the International Covenant on Civil and Political Rights, which provides that the accused shall be entitled to be tried in his presence," he said.

ICC permits

Although it does not allow trials in absentia, the ICC - the world's first permanent criminal court - does provide for confirmation of charges in absentia. Article 61 of the Rome Statute states that "the Pre-Trial Chamber may ... hold a hearing in the absence of the person charged to confirm the charges when the person has waived his or her right to be present or fled or cannot be found and all reasonable steps have been taken to secure his or her appearance before the Court".

Is it because all reasonable steps have not been taken to secure the appearance in The Hague of Sudanese president Omar al-Bashir, that ICC chief prosecutor Luis Moreno Ocampo is not pursuing this option? Sudan does not recognise the court and so far Bashir, wanted for genocide in Darfur, has not been arrested by neighbouring countries which are ICC member states with obligation to arrest him.

The real motivation

Article 22 allows a suspect to be tried in absence if he ‘has not been handed over to the Tribunal by the State authorities concerned’.

Critics claim that the STL’s real motivation behind allowing trials in absentia is to address the possible refusal by Syria to hand over suspects - based on the experience from the other tribunals. But things have changed somewhat since it is Hezbollah in the spotlight today, not Syria.

This is interesting, as it makes it much more likely that the suspects have been informed of the indictments. Which would mean that trials in absentia would be fully compliant with international law. Hezbollah has indicated it will not give up its members and has been informed of the suspects. “It would seem almost inevitable therefore, that the accused have been informed. Frankly, I don’t have a problem with these trials in these circumstances,” says Jordash.

Gradual erosion

Despite fears that the motivation to hold trials in absentia could lead to a gradual erosion of the 'natural' rights of the accused, Jordash predicts that the STL's signs are promising.

But he warns that “trials in absentia and the motivations behind them must always be scrutinised to make sure that the trials remain fair. There must be a careful balancing of the rights of the accused, the victims and the administration of justice as a whole.”

Encouragingly the STL is showing signs that it is adept at balancing these considerations, adds Jordash. “In circumstances where it has become increasingly plain that the suspects are unlikely to be apprehended or surrender, it is perhaps time to fall back on the old adage – justice delayed is justice denied.” Trials in absentia may be the only way.

International Justice Tribune

Monday, 7 November 2011

ICC elections – political savvy required?

Observers are urging ICC members to avoid the pitfall of politics when choosing a replacement for Luis Moreno Ocampo, with the December election date for a new International Criminal Court prosecutor drawing near.

By Lisa Clifford, London

[The race for the court's top job began in earnest on October 25 when the search committee charged with producing a short list of potential prosecutors announced its results. Included were ICC deputy prosecutor Fatou Bensouda; Andrew Cayley, the co-prosecutor at the Extraordinary Chambers in the Courts of Cambodia; Mohamed Chande Othman, the chief justice of Tanzania; and Robert Petit, counsel in the Crimes Against Humanity and War Crimes Section of the Canadian department of justice.

Interest in the post was high with 52 people on the original list of candidates, including some women, though the gender diversity wasn't as great as had been hoped, according to a report from the committee which met in New York in mid-October to interview eight candidates.

Secret ballot

Moreno Ocampo's successor is to be chosen in December at the annual meeting of the members of the ICC, the Assembly of States Parties. The ASP will attempt to elect the prosecutor either by consensus or, if that proves unsuccessful, by secret ballot requiring an absolute majority.

Though he welcomes the fact that that the short list has been made public, Amnesty International's legal advisor on international justice has "concerns" about the process that has been established to find a consensus candidate.

"The informal process risks taking the focus away from identifying the highest qualified candidate to agreeing on the most popular candidate," said Jonathan O'Donohue.

"Unless consensus can easily be found on one candidate who stands out to states parties as the most highly qualified, then a contested election should proceed to elect a prosecutor by an absolute majority of the members of the Assembly of States Parties (as provided in the Rome Statute) rather than forcing consensus."

William Pace, convenor of the Coalition for the International Criminal Court (CICC), wants more information on how the short list was developed.

"Now that the names of contenders for next prosecutor have been published, we call upon the search committee to elucidate how these candidates were identified in order to ensure full confidence in the process as well as the final selection," said Pace.

The new prosecutor will take up the job in June 2012, along with six new judges and other top court officials.

High moral character

Guiding the search process was Article 42 of the Rome Statute stating that the prosecutor must be a person of "high moral character, be highly competent in and have extensive practical experience in the

prosecution or trial of criminal cases ... [and] have an excellent knowledge of and be fluent in at least one of the working languages of the court.”

However, there is a fear among court observers that politics may come into play when ASP members are making the final decision.

African

There has been strong pressure in some quarters for the replacement to Moreno Ocampo to be an African as the Hague-based court’s entire current docket involves defendants from the continent. The newest case is from north Africa, Libya, and in early October judges granted permission for the prosecutor to look into the situation in Côte d’Ivoire.

“A chief prosecutor from Africa would help to fight some perception issues before the court such as ‘the court is targeting Africa only’,” said Joyce Freda Apio, coordinator of the Uganda Coalition for the International Criminal Court.

Others, however, hope that both the selection process – and the reign of the new prosecutor – will be independent and free of such political considerations.

“We need a prosecutor who is seen in the eyes of the court and the eyes of affected communities as impartial,” said Chris Ongom, the coordinator of the Uganda Victims Foundation, urging the new prosecutor to avoid the pitfalls of politics.

“I see these views across Africa. They think the prosecutor should really be seen to be independent, so the prosecutor who is coming should look at the issue of impartiality, independence and non-political approach during investigations.”

Too close

In Uganda, in particular, accusations that he was manipulated by President Yoweri Museveni have dogged Moreno Ocampo. Speculation that the court and the Ugandan president were too close began early on at the joint press conference he held with Museveni announcing the investigation in Uganda. Victims have also complained that the ICC has focused entirely on the Lord’s Resistance Army and ignored crimes committed by the Ugandan army.

Bensouda – deputy ICC prosecutor since 2004 and Gambia’s former attorney general and minister of justice – is a leading candidate. She would prove less open to political manipulations than her predecessor, according to Phil Clark, a lecturer in international politics at the School of Oriental and African Studies at the University of London.

“Many African elites have found that you can do business with Ocampo,” said Clark. “Sometimes he has been politically naive, and they’ve been able to negotiate their own terms with him. With Bensouda it is less clear that she would be open to manipulation by African leaders, because she is politically savvy in the African environment.”

Crucial

This changing of the guard comes at a crucial time for the ICC which has faced criticism about its slow pace, heavy focus on African war crimes and lack of completed trials.

The court’s first ever case, against Thomas Lubanga from the Democratic Republic of Congo, recently concluded though no verdict has yet been delivered. The trial, which once came close to collapse and then heard allegations that prosecution witnesses had lied, lasted more than two years. Lubanga has been in custody for five.

The Daily Star (Lebanon)

Wednesday, 9 November 2011

Bellemare says in absentia tribunal trials premature

By Patrick Galey



Daniel Bellemare, general prosecutor of the Special Tribunal for Lebanon. (Archive Photo/The Daily Star)

BEIRUT: The prosecutor of the Special Tribunal for Lebanon said Tuesday that it was premature to begin the in absentia trial of four Hezbollah members he accused of the 2005 assassination of statesman Rafik Hariri.

In a submission to the court ahead of a Trial Chamber hearing Friday, STL Prosecutor Daniel Bellemare said that more time was needed for Lebanese authorities to apprehend suspects.

“It is premature to initiate trial in absentia,” Bellemare wrote in the document, published on the court’s website Tuesday. “Not enough time has been allowed for the Lebanese authorities to affect the arrests of the four accused and not enough has been done to affect the arrests because the Lebanese authorities have either been unable or unwilling to do so.”

Last month, STL Registrar Herman von Hebel asked the Trial Chamber to determine whether or not in absentia proceedings were appropriate against the accused. Friday will see prosecuting and defense counsels present their cases to decide upon the point of law and four lawyers have been appointed by the court to represent the accused for the hearing.

Bellemare argued that in absentia trials were not currently appropriate because the reasons behind the suspects’ absence were unknown.

“The Trial Chamber does not have sufficient information to determine whether the accused have absconded or otherwise cannot be found ... or whether the Lebanese authorities’ inability to arrest and transfer them results from the failure or refusal of Lebanon to hand them over,” the Canadian judge said.

“Moreover, the requirements for trial in absentia have not yet been met because all reasonable or necessary steps, respectively, have not been exhausted.”

Bellemare suggested that Lebanese security officials could be called to give evidence in front of the Chamber.

The STL is unique among international tribunals in that its statute contains provisions for in absentia trials of the accused, as well the assignment of legal representation for suspects. Authorities in Beirut have failed to arrest suspects and Hezbollah members Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Onessi or Assad Hassan Sabra, in spite of what security commanders have described as “daily” searches.

In what would turn out to be one of his last reports for the court, former STL President Antonio Cassese slammed Lebanon’s attempts at detaining the suspects in August as “not sufficient,” ordering State Prosecutor Saeed Mirza to file monthly progress reports detailing the ongoing manhunt.

Bellemare hinted that Lebanese authorities were not conducting a fully comprehensive search operation.

“If the Trial Chamber deems that the Lebanese authorities have taken reasonable steps to inform the accused of the charges brought against them, then the steps that have to be taken to secure the appearance of the accused – that is to say, to arrest and transfer them – should be subject to a more rigorous standard,” he said.

“The Tribunal has no police force and exclusively relies upon the Lebanese authorities in effecting the arrest and transfer of the accused, if in Lebanon,” Bellemare added.

The intention of the defense counsel has not yet been made public, but it is likely it will support Bellemare’s suggestion that in absentia trials would be untimely at this stage.

Although the court has set no official timeframe, it is thought that trials are set to commence in mid-2012.